



**Testimony of Elizabeth S. Westfall,
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Hearing on “Engaging the Electorate—Strategies for
Expanding Access to Democracy”
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Chairman Brady and Members of the Committee on House Administration, my name is Elizabeth Westfall. I submit this testimony today in my capacity as the Director of the Voter Protection Program at Advancement Project. Advancement Project is a policy, communication, and legal action civil rights organization that supports organized communities in their struggles to achieve universal opportunity and a just democracy. Voter protection is a central component of Advancement Project’s Power and Democracy Program, which supports community-based efforts to increase civic participation, improve election administration, and remove structural barriers to electoral participation in low-income communities of color. Thank you for your invitation to testify on the urgent need to engage the electorate and expand access to democracy before the 2010 federal election.

Since the 2000 presidential election, Advancement Project and its local community partners have been monitoring the administration of registration and voting in several states, investigating inefficient and inequitable election practices, and advocating with state and local election officials where there have been legal lapses. In 2008, Advancement Project worked in ten priority states: Colorado, Florida, Georgia, Michigan, Missouri, Nevada, North Carolina, Ohio, Pennsylvania, and Virginia. As part of the Watch the Vote 2008 Project – a project co-sponsored by Voter Action and the NAACP National Voter Fund – Advancement Project helped to monitor calls from Indiana, North Carolina, and Pennsylvania voters to the MYVOTE1 voter hotline during those states’ primary elections and, on November 4, 2008, it helped monitor calls to the CNN voter hotline. In response to the calls, Advancement Project and its partners provided voters with information to resolve their concerns and, in some instances, contacted election officials and requested their intervention.

Following the 2008 election, Advancement Project, NAACP National Voter Fund, and Voter Action prepared a report released today entitled *Uncovering Flaws in*

Election Administration: A Joint Report on the 2008 Election Based on CNN and MYVOTE1 Voter Hotline Data (“Joint Report”) (attached hereto as Ex. 1) that highlights and discusses illustrative calls received by two national voter hotlines from voters in Florida, Georgia, Missouri, Ohio, Pennsylvania, and Virginia. Based on the calls, the Joint Report urges Congress to adopt immediate measures to help protect voters in the 2010 election.

My testimony today will focus on the need to establish effective Election Day safeguards to protect the voting rights of eligible voters whose registration status is uncertain and to establish uniform standards governing the administration of provisional ballots; clarify the National Voter Registration Act (“NVRA”) and the Help America Vote Act (“HAVA”) to prohibit needless barriers to voter registration and prevent unwarranted removal of voters from the rolls; and require states in which voters have been forced to endure long voter lines in recent elections to offer backup paper ballots. I will first discuss flaws or ambiguities in the NVRA and HAVA that should be corrected to prevent states from blocking or removing eligible voters from the voter rolls. Second, I will recommend clarifications of HAVA related to the issuance of provisional ballots to eligible, registered voters who have moved and the partial counting of provisional ballots cast in the wrong precinct. Third, I will discuss the need for uniform standards in the administration of backup paper ballots where voting machines fail and long lines develop. Finally, I will set forth other recommendations from the Joint Report pertaining to issues needing deeper congressional review.

I. THE NVRA AND HAVA SHOULD BE AMENDED TO PROVIDE A MEANINGFUL ELECTION DAY SAFEGUARD FOR VOTERS AND ENSURE THAT ELIGIBLE VOTERS HAVE ACCESS TO, AND ARE NOT NEEDLESSLY REMOVED FROM, THE VOTER ROLLS

Congress enacted the NVRA to expand voter registration opportunities for eligible individuals in traditionally disadvantaged or underrepresented communities by mandating voter registration in motor vehicle departments and social and disabilities service agencies, as well as registration by mail and through non-governmental parties. In 2002, Congress enacted HAVA in response to various failures of election administration brought to light by the 2000 presidential election. In pertinent part, HAVA mandated the use of provisional ballots to guarantee that voters would not be turned away at the polls, required states to establish statewide voter registration databases, and provided funding to states to upgrade their voting systems. But as thousands of 2008 voter hotline calls attest, the NVRA and HAVA have not gone far enough to ensure that all eligible voters who want to vote in federal elections can do so and cast a ballot that will be counted. Ironically, many of the reforms mandated by HAVA have had unintended consequences that have restricted the franchise.

A. Voter Registration and List Maintenance Issues Raised by Hotline Calls

The hotline calls discussed in the Joint Report reveal varied scenarios in which voters who believed they had registered to vote learned on Election Day, when they presented themselves to vote, that their names did not appear in the poll book. These errors ranged from apparent failure of government agencies to process voter registration applications, to problems in the transmittal of registration applications to election officials, to failure to process absentee ballot applications. The calls also documented inaccuracies in registration records, such as misspelling of voters' names or incorrect addresses of voters, and incomplete registration records.

Hotline calls also suggest that some voters may have been erroneously removed from the voter rolls through list maintenance procedures. Some hotline callers who believed that they were registered and reported having voted in recent elections learned on Election Day that their names did not appear on their poll books. Other callers reported that they were registered voters, had voted in prior elections, and had not moved yet nevertheless found their names missing from the poll books on Election Day. Still other voters, who were reportedly infrequent but nevertheless registered voters, reported that their names did not appear in the poll book. While these voters may have been offered a provisional ballot, their ballots in most states would have been rejected because they were not registered.

B. Recommended Reforms Necessary to Safeguard Eligible Voters' Access to the Voter Rolls

Advancement Project urges Congress to improve voter registration by enacting legislation that would require automatic registration of all eligible voters and permit eligible voters who do not become registered automatically to register to vote on Election Day. Legislation to automate and modernize voter registration should be crafted with particular emphasis upon ensuring the registration of eligible voters from historically disenfranchised communities, particularly low-income communities of color. It should also ensure that non-citizens who are inadvertently registered to vote due to automatic registration are not placed at risk of deportation proceedings or other adverse legal consequences.

In the short term, as referenced in our Joint Report, Advancement Project urges Congress to take immediate steps to address the registration barriers and list maintenance issues suggested by the hotline calls to prevent a reoccurrence of those problems in the 2010 federal elections. *First*, eligible voters who believe that they are registered yet whose names nevertheless do not appear on the voter rolls on Election Day should be afforded a meaningful and effective Election Day safeguard to enable them to cast a ballot that is counted. Accordingly, HAVA should be amended to allow voters who can establish their identity and current residence in the jurisdiction, either through showing a current and valid photo identification and/or a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and

address of the voter, to complete a ‘voter affirmation affidavit.’ If the voter affirms by affidavit his or her identity and current residence and that he or she submitted a registration application prior to the registration deadline, or moved within the state from a previous registration address, the voter should be issued a ballot that will be counted on Election Day like a regular ballot. Officials should then use the information contained within the voter affirmation affidavit to update their voter database after Election Day. This procedure of a ‘voter affirmation affidavit’ is currently used in Michigan and Vermont.¹

Second, the NVRA and HAVA should be clarified to increase access to the voter rolls by prohibiting the imposition of unnecessary and burdensome restrictions on voter registration that are unrelated to eligibility or duplicative of other evidence supplied by a voter applicant to establish his or her eligibility. Under HAVA, states must attempt to match a voter applicant’s driver’s license number or Social Security number, and other personal information, against the state motor vehicle or the Social Security Administration database. 42 U.S.C. § 15483(a)(5). Although most states do not deny a voter registration application based on a matching failure, some states, including Florida, deny a voter registration application for this reason. In Florida, where state law requires matching as a condition of voter registration,² matching errors disproportionately block Latino and African-American voter applicants from the rolls.³ Although HAVA does not explicitly prescribe the consequences of a matching failure, Advancement Project believes that the clear intent and purpose of HAVA was not to make successful database matching a prerequisite to voter registration. This view is bolstered by evidence indicating that data mismatch errors are likely the result of administrative error, such as data-entry and database field errors, and not related to voter eligibility.⁴

Third, the NVRA should be clarified to prohibit requiring documentary proof of citizenship as a precondition to voter registration in any federal election. The NVRA mandates that a completed voter registration form, which includes a federally mandated affirmation of U.S. citizenship under penalty of perjury, must be accepted and processed for purposes of registering a voter. *See* 42 U.S.C. §§ 1973gg-6(a) & 1973gg-7(b)(2). Some states, however, such as Arizona and most recently Georgia, have enacted legislation to require voter applicants to supply documentary proof of citizenship.⁵ In Arizona, over a two-year period, over 31,000 voter registration applications were initially

¹ The Vermont procedure allows voters to file such affidavits either if they affirm that they moved within the state from a previous registration address or if they affirm that they attempted to register but do not appear on the voter rolls.

² Fla Stat. § 97.053(6).

³ Registration data from Florida reveals that matching errors are more common among voters of color. During 2006 and 2007, the majority (65 percent) of would-be voters disenfranchised by matching problems were African American (26 percent) and Latino (39 percent), although they made up only 28 percent of the applicant pool. *See Florida State Conference of the NAACP v. Browning*, 522 F.3d 1153, 1176 n.4 (11th Cir. 2008) (Barkett, J., dissenting).

⁴ *Id.* at 1176 n. 5 (Barkett, J., dissenting).

⁵ A.R.S. § 16-166(F); O.C.G.A. § 21-2-216(g)(1)(2009). Georgia’s proof-of-citizenship law has not yet been precleared by the U.S. Department of Justice or the U.S. District Court for the District of Columbia, pursuant to Section 5 of the Voting Rights Act of 1965.

rejected for failure to include documentary proof of citizenship.⁶ Only 11,000, or 30%, were subsequently registered to vote.⁷ Because of the excessive burden that documentary proof of citizenship requirements place on voter applicants, Congress should clarify the NVRA to prohibit states from requiring such duplicative documentation as a condition of registration.

Finally, the NVRA should be amended to prohibit sweeping list maintenance procedures based on purported ineligibility of the voter due to a change of residence that may result in the purging of eligible voters from the rolls. The NVRA limits the circumstances under which states may remove voters from the rolls. 42 U.S.C. § 1973gg-6. In some cases, however, states continue to purge voter rolls in ways that violate those limits.⁸ In many states, such as Colorado and Michigan, voters whose original voter registration acknowledgement cards are returned in the mail are immediately removed from the rolls. The only federal appellate court that has considered the issue concluded that this practice violates the NVRA;⁹ however, Congress should clarify the NVRA to that effect to avoid inconsistent court rulings and to provide a uniform standard.

II. HAVA'S PROVISIONAL BALLOT PROVISIONS SHOULD BE AMENDED TO REDUCE THE USE AND REJECTION OF PROVISIONAL BALLOTS

Section 302(a) of the HAVA was enacted in part to provide that all voters in federal elections have access to provisional voting in cases where they do not appear on the precinct list or an election official raises some other challenge to their eligibility. 42 U.S.C. § 15482(a). But states' implementation of provisional voting has made this federal protection a mixed blessing at best. Indeed, poor interpretation or implementation of Section 302(a)'s requirements at the state level sometimes causes the very type of disqualification and disenfranchisement that the statute was created to fix.

Some states' laws result in the needless over-distribution of provisional ballots. For example, Ohio law requires voters who move prior to Election Day and have not

⁶ *Gonzalez v. Arizona*, No. CV 06-1268 (D. Ariz, filed Aug. 20, 2008) at 13-14.

⁷ *Id.*

⁸ Advancement Project serves as counsel in lawsuits against Colorado and Michigan election officials challenging unlawful voter purging statutes and practices. Just a month before the 2008 general election, the courts in those cases issued temporary federal injunctions against election officials in Michigan and Colorado to stop illegal purging practices. *See United States Student Ass'n Found. v. Land*, 546 F.3d 373 (6th Cir. 2008) (denying stay of injunction prohibiting rejection of voter registration when voter identification card was returned as undeliverable and reinstating all registrations canceled for that reason); *Common Cause of Colorado v. Coffman*, Civ. Act. No. 08-cv-2321-WYD, U.S. Dist. Colorado, trans. telephone conf. Oct. 31, 2008 (finding violation of federal law and ordering secretary of state to cease removing any voters from the state voter registration database prior to upcoming election).

⁹ *See USSAF*, 546 F.3d at 381-84 (denying stay of injunction prohibiting rejection of voter registration when voter identification card was returned as undeliverable and reinstating all registrations canceled for that reason).

changed their address to cast a provisional ballot¹⁰—even if the voter provides the required identification, submits a change-of-address on Election Day or during early voting, and votes in the correct precinct. This rule disproportionately impacts low-income voters and voters of color, who move more frequently than high-income, white voters. By contrast, under Florida law, voters who move are permitted to cast a regular ballot in the precinct where they reside, provided they sign an affidavit and a poll worker confirms the voters’ registration and eligibility.¹¹

A whole set of problems flows from state laws that require the disqualification of provisional ballots cast in the ‘wrong precinct’ —i.e., at a voting location other than the one assigned to the voter’s precinct of residence.¹² Advancement Project contends that such ‘wrong precinct’ rules misconstrue and violate HAVA’s provisional ballot guarantee. Even assuming that such rules are facially legal, as some courts have held,¹³ they are being applied in ways that violate voters’ rights under HAVA and the due process clause of the Fourteenth Amendment. The problems center on the process encountered by voters on Election Day, which is frequently fraught with errors and lapses on the part of poll workers. Too often, if a voter’s name is not on a precinct roster, poll workers issue the voter a provisional ballot without determining whether the voter is in the correct location. This problem is compounded in multi-precinct polling places. Advancement Project found that in many instances, voters whose provisional ballots were rejected as cast in the wrong precinct were actually at the right polling place, but at the wrong precinct table. If poll workers had instructed these voters to walk across the room, their votes would have counted.

Urban communities, where younger voters, voters of color, and lower-income voters tend to be concentrated, are more vulnerable to disenfranchisement by the ‘wrong precinct’ rule. Residents of those communities are more likely to rent and to change residences frequently, resulting in more frequent changes in precinct assignments. In addition, urban areas tend to have more multi-precinct polling places and numerous polls located within a neighborhood. When poll workers issue provisional ballots that can never be counted, they transform a tool intended to protect voters from disenfranchising administrative errors into a tool of disenfranchisement.

Advancement Project investigated provisional ballot use and misuse in the 2006 general election in Florida and Ohio and issued a report that documents a constellation of problems. For example, poll workers directed voters to the wrong voting location, or failed to direct them to the voting location assigned to their precincts, causing their

¹⁰ O.R.C. Ann. § 3503.16.

¹¹ Fla. Stat. § 101.045.

¹² By contrast, some states, including Georgia and Pennsylvania, require the partial counting of provisional ballots cast in the wrong precinct; votes for contests in which the voter is eligible to vote must be counted regardless of the precinct in which the provisional ballot is cast. 25 P.S. § 3050 (a.4)(7)(i); O.C.G.A. § 21-2-419(c)(2).

¹³ See, e.g., *Sandusky County Dem. Party v. Blackwell*, 387 F.3d 565 (6th Cir. 2004) (reversing the district court’s holding that HAVA requires provisional ballots cast out of precinct to be counted).

provisional ballots to be rejected under state law. In addition, provisional ballots were rejected under state law because of administrative errors, such as incomplete envelopes and missing signatures. See Advancement Project, *Provisional Voting: Fail-Safe Voting or Trap Door to Disenfranchisement?* (Sept. 2008), available at <http://www.advancementproject.org/pdfs/Provisional-Ballot-Report-Final-9-16-08.pdf>. (attached hereto as Ex. 2).

Although data on states' administration of provisional ballots in the 2008 presidential election cycle is not yet fully available, it appears that problems with administering provisional ballots persist. In Ohio, for example, voters cast 206,155 provisional ballots in 2008—a record number—of which 39,845 (or, over 19%) were rejected; of those 39,845 rejected provisional ballots, 14,335 were cast by registered voters whose ballots were rejected because they were cast in the wrong precinct or county. In Florida, nearly 1,300 registered voters cast provisional ballots that were rejected for the same reason. Advancement Project's recent review of provisional ballot envelopes from ballots cast in Duval County, Florida in the 2008 general election indicates that misdirection from poll workers caused some voters to cast a provisional ballot in the wrong precinct.

A. Provisional Ballot Issues Raised by Hotline Calls

Election Day hotline callers raised many different provisional balloting concerns. Some callers said they had been turned away from the polls and denied the right to vote outright, including not having been offered a provisional ballot. In other cases, voters described poll worker confusion about when the ballots should be offered. Once offered a provisional ballot, many voters were concerned that the ballot would not be counted and felt slighted, as if given a 'second-class' voting option. Still other hotline callers reported that their names did not appear on polling place lists but that after pressuring poll workers for an explanation, they learned that their name was included on central or countywide voter lists. Finally, some hotline calls suggested that voters were unaware of provisional balloting altogether.

B. Recommendations for Reforms Related to Provisional Ballots

Advancement Project recommends that Congress amend HAVA to curtail the unnecessary distribution of provisional ballots and the improper rejection of provisional ballots cast outside of the voter's home precinct.

- **Require partial counting of provisional ballots cast in the 'wrong precinct.'** HAVA should be amended to clarify that provisional ballots cast by voters who appear to vote in the wrong precinct must be counted for all federal election contests in which the voters are eligible to vote.
- **Prohibit the use of provisional ballots for voters who have moved intrastate.** HAVA should be amended to prohibit states from requiring registered voters who have moved intrastate to vote by provisional ballot. Instead, voters who update

their address up to or on Election Day, present themselves to vote in the correct precinct for their current address, and present current and valid identification in accordance with state law should be permitted to cast regular ballots.

- **Establish transparency of the provisional balloting process.** Some states, including Ohio, prohibit the release of most information pertaining to provisional voters, based on an erroneous interpretation of HAVA.¹⁴ To promote transparency of provisional balloting and foster robust public oversight of the administration of provisional ballots, HAVA should be amended to permit the public inspection and copying of all provisional ballot envelopes with the signature of the voter, month and day of birth, and (if applicable) full Social Security number or driver's license redacted.

III. FEDERAL STANDARDS GOVERNING THE ADMINISTRATION OF BACKUP PAPER BALLOTS SHOULD BE ENACTED TO ALLEVIATE LONG VOTER LINES

There are no federal minimum standards for the allocation of polling place resources such as voting machines, paper ballots, and poll workers, which leads to disparate Election Day experiences and the disenfranchisement of voters whose polling locations are inadequately supplied. Where resources are inadequate, voters may be forced to endure long voter lines—a 'time tax' on voting—which disproportionately burdens African-American voters. According to a report published by the CalTech/MIT Voting Technology Project on the 2008 election general, African-American voters waited, on average, twice as long to vote as white voters.¹⁵

On Election Day, voters at some precincts were forced to endure extremely long lines. For example, St. Louis County had at least twenty-seven polling sites where voters experienced multi-hour delays in casting their ballots,¹⁶ including one, Velda City Hall, where the wait reached seven hours by mid-afternoon. In Pittsburgh, near the University of Pittsburgh, and in State College, near Penn State, there were reports of two to three-hour waits. At Lincoln University, a historically black college in Chester County, Pennsylvania, the waits were reported to reach six hours.

Under state law, requirements related to the voting machine to voter ratio vary widely. Whereas Virginia law only requires that each precinct have at least one voting

¹⁴ Ohio Sec. of State, Advisory 2008-22 (Sept. 4, 2008) ("Privacy of Provisional Voter and Provisional Ballot Information") (public disclosure of provisional ballot information, except for the voter's name and precinct, is prohibited by HAVA and state law).

¹⁵ Charles Stewart III, *Election Technology and Voting Experiences in 2008* (Mar. 2009) at 7-8, available at http://vote.caltech.edu/drupal/files/working_paper/Election%20Technology%20and%20Voting%20Experiences%20in%202008.pdf.

¹⁶ See CNN, *Wait times reach 4 to 6 hours in St. Louis area*, Nov. 4, 2008, <http://politicalticker.blogs.cnn.com/category/voter-problems/>.

machine for each 750 registered voters in precincts using DRE machines,¹⁷ Ohio law requires that each county using DRE voting systems have at least one machine for each 175 voters and in 2008, the Secretary of State of Ohio directed each county to allocate a minimum of one DRE machine for each 175 voters in each precinct.¹⁸

State standards pertaining to the administration of backup paper ballots likewise vary significantly. Last year, in Pennsylvania, Voter Action and co-counsel brought a federal lawsuit on behalf of the NAACP State Conference of Pennsylvania and others which resulted in a preliminary injunction ordering the distribution of backup paper ballots when 50% of a precinct's voting machines were inoperable.¹⁹ By contrast, many other states authorize but do not require the use of backup paper ballots. *See, e.g.*, Georgia (O.C.G.A. §§ 21-2-334, 21-2-379), South Carolina (Section 7-13-1470), Indiana (IC 3-11-3-3), Delaware (Del. Code Ann. tit. 15, § 5010), and Virginia (Va. Code Ann. § 24.2-642). During the 2008 general election, while Pennsylvania was ordered to provide backup paper ballots in the event of machine failures, other jurisdictions offered backup paper ballots to voters to reduce long voter lines that were unrelated to machine failures. For example, Georgia and Ohio reportedly employed backup paper ballots in to reduce long voter lines under varying circumstances, and in Kansas, backup paper ballots were distributed when voter lines exceeded 45 minutes.

A. Polling Place Resources Issues Raised by Hotline Calls

Hotline callers reported that voting machine breakdowns and ensuing long lines were widespread. Additionally, voters across the country experienced unduly long lines for many other reasons, including insufficient supplies of voting machines, poor polling place setup, and inadequate numbers of poll workers. Thousands of hotline calls reported failures of electronic voting systems and an uneven use of backup paper ballots to compensate for these breakdowns and accompanying delays. Some callers reported complete system failures as polls opened on Election Day. Hotline callers said some locations were particularly hard-hit, like Chesapeake, Virginia, where the resultant voter lines lasted for many hours. In Florida, some of the longest voter lines developed during that state's early voting period. Callers reported there were not enough early voting locations, a shortage of poll workers and voting booths, and not enough machinery to speed the process.

Hotline callers also reported problems with the supply and administration of backup paper ballots. Voters in several states observed that poll workers appeared to be confused about the circumstances in which to distribute backup paper ballots. For example, callers reported that poll workers in Georgia and Ohio appeared to lack sufficient training and familiarity with the use of backup paper ballots. Voters from Virginia reported that officials had not distributed adequate supplies of backup paper ballots to certain precincts.

¹⁷ Va. Code Ann. § 24.2-627. The statute requires at least one voting booth for each 425 voters in precincts using optical scan.

¹⁸ *See* Ohio Secretary of State Directive 2008-64 and R.C. § 3506.02.

¹⁹ *See NAACP of Pennsylvania v. Cortes*, No. 08-5048 (E.D. Pa. Oct. 29, 2008).

B. Recommendations for Reforms Related to Long Voter Lines

Advancement Project recommends that Congress enact legislation to reduce the burden that long voter lines place on voters, particularly those who reside in communities of color:

- **Require states to stock backup paper ballots in jurisdictions where officials have installed DRE or electronic voting systems.** Backup paper ballots mitigate breakdowns in electronic machinery so that voters are not disenfranchised due to technical malfunctions or poll worker error. Backup ballots also provide a means for poll workers to reduce lines or waiting times during peaks in voter traffic.
- **Establish uniform procedures related to the administration of backup paper ballots.** Backup paper ballots should be offered to voters as soon as at least half of the voting machines in a precinct are not functioning, or the wait time to vote in a precinct exceeds forty-five minutes; they should be clearly distinguished from provisional ballots, and once voted, should be deposited in a secure receptacle; and they should be treated and counted as regular (not provisional) ballots. Further, each polling place should have on site, at a minimum, backup ballots in the amount of 20 percent of its registered voters.
- **Require states in which voter lines have been long to develop remedial plans to reduce wait times.** HAVA should be amended to require states in which voter lines were longer than 45 minutes in the 2008 general election to submit a remedial plan to reduce wait times.

IV. THE JOINT REPORT'S OTHER RECOMMENDATIONS FOR DEEPER CONGRESSIONAL REVIEW

In addition to the reforms outlined above, the Joint Report also urges Congress to engage in a deeper review of the increased and costly privatization of the election process. In many states, public officials rely on private firms and contractors to build and maintain voter databases and election systems instead of public employees. The nation's democracy infrastructure is a public trust that should be a responsibility of public agencies, officials and government information technology professionals, where institutional memory, continuity, flexibility, and responsiveness are cornerstones of the work and public service mission.

Electronic voting systems have proven to be unreliable and insecure for the counting and recording of votes. Further, where these systems are used, elections cannot be verified nor audited. Voter-marked paper ballot systems are necessary to ensure that votes will be properly counted and that the public will have confidence in the accuracy of

electoral outcomes. Mandatory election audits are also critical for protecting the integrity of our elections.

Federal funding for election improvements is not secure. Continued HAVA funding or funding for any new federal program to improve our voting process should be reliable, and should include assistance for states to develop information technology capacities to manage, update, and run election systems as an ongoing public state government function. The reliance on private vendors and its impact on election integrity should be evaluated as a new generation of improvements is adopted. Further, states using unreliable and insecure electronic voting systems need funding assistance to shift to voter-marked paper ballot systems which ensure the verifiability and accessibility of elections.

* * *

Thank you for your kind consideration of my testimony and for ensuring that all voters have the opportunity to vote, have their vote counted, and receive equal protection under the law. Advancement Project is pleased at any time to provide technical advice, assistance, and testimony to this Committee as it develops legislative reforms that will safeguard the ability of eligible voters to participate in elections.