

Testimony

**Testimony
of
Carolyn Jefferson-Jenkins, Ph.D., President
League of Women Voters of the United States
before the
Senate Governmental Affairs Committee
on
Voter Registration and the Need for Election
Administration Reform
May 3, 2001**

Mr. Chairman, Senator Lieberman and members of the committee. I am Carolyn Jefferson-Jenkins, President of the League of Women Voters of the United States.

The League of Women Voters is a nonpartisan citizen organization with more than 125,000 members and supporters in all 50 states, the District of Columbia and the Virgin Islands. For more than 80 years, Leagues across the country have worked to educate the electorate, register voters and make government at all levels more accessible and responsive to citizens.

I am pleased to be here today to express the League's support for election administration reform and to address the critical importance of voter registration and the preservation of voting rights in this process.

Last year's presidential election called the nation's attention to the urgent need for improvements in the methods, practices and technology through which our elections are administered. Voter registration is a particularly important part of this process.

Voter registration is the gateway to participation in our electoral system and the procedural means for preserving a citizen's right to vote. For all citizens, the voter registration process must be accessible and nondiscriminatory. It has not always been so. And problems remain.

By 1920, in-person voter registration requirements had been adopted in most of the states. While there were legitimate concerns about vote fraud in the adoption of voter registration in many areas, voter registration provided an irresistible opportunity for those in power at the state and local level to control the electorate through bureaucratic means.

State and local laws and practices severely restricted times and places for registration and required lengthy residency requirements and registration deadlines. Cumbersome and selectively applied identification requirements and other restrictive procedures were used to disenfranchise citizens who were feared by the prevailing political elite. African Americans, immigrants, low-income citizens of all races, people with disabilities and college students attending school away from home all have been excluded from the ballot through voter registration practices.

Until the enactment of the Voting Rights Act in 1965 and the National Voter Registration Act in 1993, bureaucratic obstacles to voter registration were commonplace. Literacy tests, poll taxes, selectively applied identification requirements, threats, intimidation and violence successfully disenfranchised African Americans and others through most of the twentieth century .

The Voting Rights Act prohibits race-based discrimination in elections. The Act also provides language assistance for citizens who otherwise would not be able to participate. Yet we still hear of local jurisdictions that lack the knowledge or resources to fully comply with the language assistance requirements of the law and of others that lack the administrative models and training to maintain the voter rolls in a nondiscriminatory manner .

From the 1970s through the 1980s, it was apparent to the League, as it was to others, that different voter registration practices and standards within

states and from state to state had the effect of discouraging participation overall. During this period, there was a confusing array of state and local standards and practices. Voter registration and participation rates were dropping.

While a few states adopted mail-in and active motor voter programs, many continued to employ very restrictive voter registration practices. These practices ranged from requiring notarization of voter registration applications and significantly limiting the times and places for registration to selectively purging voters' names from the rolls and dropping voters from the rolls solely for failing to vote in one election. The need for voter registration reform was debated for five years in Congress.

In 1993, the National Voter Registration Act, or motor voter law, was enacted, establishing uniform, nondiscriminatory standards for voter registration. Motor voter took effect, in most states, in 1995. The law provides for convenient and routine access to registration through driver's license agencies, public assistance agencies, agencies that serve people with disabilities and through mail-in registration. It requires states to keep their lists up to date, but it prohibits dropping voters' names from the rolls simply for not voting.

The Act establishes uniform, nondiscriminatory standards for voter confirmation programs. With safeguards against discrimination, voters may be dropped from the rolls by reason of death, change of residence and a failure to meet voting qualifications under state law. To ensure that registered voters retain the right to vote in federal elections, the motor voter law provides a "failsafe" provision. Registered voters who have moved within their registrar's jurisdiction and congressional district, but who have not updated their registration, may do so and vote at their new or old polling place on election day by affirmation or confirmation.

The National Voter Registration Act has been very successful. In 1999, the Federal Election Commission's report to Congress on the impact of the law indicated that over 70 , percent of the voting age population was

registered to vote, the highest level since 1970. Nearly 43 percent of all voter registration transactions for 1997 and 1998 were through driver's license agencies. Forty-four percent of these were changes of name or address. Mail-in registration programs accounted for nearly one quarter of all voter registration transactions during that period.

The problems with the National Voter Registration Act that we have heard about are not problems with the law, but problems with implementation and enforcement of the law. Statewide computerized voter registration programs in every state would significantly improve the management of voter registration lists and help identify and eliminate duplicate registrations and other problem areas.

A member of this committee, Senator Cleland, then Secretary of State of Georgia, in a statement for a 1995 House Oversight Committee hearing, wrote that "Under our NVRA implementation plan, we have produced an improved fraud prevention and detection program for Georgia. With the advent of a statewide voter registration program, Georgia has been able to put in place mechanisms to monitor many areas where fraud could be possible."

Unfortunately, according to a 1999 survey, only 22 states reported having a centralized state registration list. Even fewer have the type of active program described by then-Secretary of State Cleland. The Federal Election Commission's 1999 report lists the failure of states to voluntarily develop and implement a statewide computerized voter registration program as one of the most significant problems reported by state election officials.

Contrary to the unsubstantiated claims of the law's opponents, motor voter is not the cause of vote fraud in this country; nor is it to blame for the ills and difficulties of election administration. Indeed, statewide computerized list maintenance systems can assist in preventing vote fraud, if implemented properly. Once again, from the Federal Election Commission's report, "States reported several successes and fewer problems in maintaining accurate voter registration lists during 1997-1998,

compared to 1995-1996. (For example, States with statewide voter registration databases reported how helpful they were in maintaining accurate voter registries) ..."

Other motor voter implementation issues include reports of motor voter registrants and "fail-safe" voters turned away on election day because they are not on the lists provided at the polls. Voters have been turned away after being told that there is nothing the polling place official can do. Voters have left when polling place officials could not reach the registrar's office because the phone lines were busy over a long period.

The inability of polling place officials in many locations to check the status of the voters on the official list must be addressed. Solutions, such as the low-tech use of provisional ballots or the high-tech use of laptop computers that provide access to the official list at polling places, need to be encouraged. Legally registered voters, including fail-safe voters, should never be turned away at the polls. Those who have properly applied to register should not be denied the opportunity to vote through administrative error or a failure to implement the law.

With regard to enforcement, the repeated failure of some driver's license agencies to transmit voter registration applications in a timely manner must be investigated and corrected.

The federal government can no longer afford to leave the financial burden of administering federal elections to state and local jurisdictions. In most states, local jurisdictions alone bear this burden. The disparities in wealth and public revenues from county to county are bound to be reflected in a disparity of resources available for election administration procedures and voting technologies from one county to the next. This is not only a question of equity among levels of government, but of the necessity for ensuring that all of our citizens are able to register, vote and have their votes counted in federal elections with a minimum of administrative error .

Today, this country has the technology and the financial means to ensure that our diverse and growing population

enjoys the most accurate, accessible and nondiscriminatory voting system in the world -one that every American could have confidence in and be proud of. This Congress has the means and the opportunity to pass legislation that would provide the financial assistance and guidance necessary to achieve that goal.

The League of Women Voters supports S. 379, a balanced, bipartisan bill introduced by Senators Schumer and Brownback. This measure explicitly protects the Voting Rights Act and the National Voter Registration Act. It establishes a limited, one-year bipartisan commission to study and make recommendations on election administration issues in federal elections.

The Schumer-Brownback bill also establishes a separate \$500 million per year, five-year grants program to state and local jurisdictions. The grants program would be administered by the Department of Justice and guided by "best practices" performance standards established by the study commission. In addition, the legislation provides for long neglected polling place access for the blind and visually impaired and others with disabilities.

In conclusion, the League of Women Voters believes that Congress and the President must act now. The problems facing the administration of federal elections are immediate and serious. Federal financial assistance to state and local governments is a necessary part of any meaningful election administration reform proposal. The Voting Rights Act, the National Voter Registration Act and laws protecting access for people with disabilities must not be undermined. Provisions supporting effective implementation of voting rights and voter registration laws should be included in any reform measure. And finally, the interests of the voter and the health of our democracy should be the central concern of election administration reform.

On behalf of the League, I want to thank you for your attention. We look forward to working with you on this vital issue.

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