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Subcommittee on Elections
“The 2008 Election: What Went Right and Wrong”

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To the Attention of: The Honorable Zoe Lofgren
Chairwoman, Subcommittee on Elections

Thank you madam Chair, and members of the Subcommittee on Elections, my name is Melanie L. Campbell. I am the CEO & executive director of the National Coalition on Black Civic Participation and Convener of the Black Women’s Roundtable.

On behalf of the National Coalition on Black Civic Participation, our Board of Directors, 12 State Affiliates, and 80 member organizations, I would like to express our appreciation for this opportunity to reflect upon the 2008 Presidential Elections and to provide our assessment of what went right, and perhaps more importantly, opportunities for improvement.

Over three decades, the National Coalition has brought together national, state and local organizations to address the disenfranchisement of Black voters and other marginalized communities. Through our signature programs—Unity Civic Engagement Campaign, Black Youth Vote, Black Women’s Roundtable, Operation Big Vote Training Academy and Voices of the Electorate—the National Coalition trains and engages African American, leaders, youth organizers and activists on the best practices to increase in civic engagement, voter participation and in recent years voter protection.

The 2008 Election cycle was indeed the most historic election in our lifetime. Not only did we see record voter turnout in the African American community, we witnessed record turnout among young people and other marginalized communities. And yes, we also witnessed the first African American to be elected President of the United States of America.

I commend the Committee on House Administration's Subcommittee on Elections for making sure that our government continues to work to improve our electoral systems in federal and state elections.

As historic and record breaking as the 2008 Election cycle was, it is vital that we also remember there were thousands of Americans who went to the polls on Election Day to cast their historic vote and were turned away mainly because of election administration errors or they were victims of voter deception or voter intimidation.

We must remember that Election Reform is not an end unto itself---it is a process that requires unending review, upgrading, challenge and improvement. *We the people* have the power to hold our elected officials and administrators accountable, for if our democracy is to be stronger for future generations, then it is the responsibility of current generations to continue to press for full participation.

The National Coalition on Black Civic Participation (NCBCP) is a 501C 3, non-profit, non-partisan organization dedicated to increasing Black civic engagement and voter participation. For thirty-three (33) years we have worked at the national, state and local levels to address the disenfranchisement of African Americans and other marginalized communities.

In light of the continuous voter disenfranchisement debacles of the past several national elections, *NCBCP* and our *Unity '08 Campaign* partners activated grassroots integrated voter engagement and voter assistance coalitions in eleven (11) states to protect the voting rights of all Americans and further increase black civic engagement in 2008.

For Election Day, NCBCP *Unity '08* recruited both volunteer poll workers to assist voters inside polling locations and poll monitors who helped voters outside of the polls. Poll monitors provided citizens with their Voter's Bill of Rights and conducted a scientific exit poll on voters' experiences as they left the polling place. NCBCP conducted exit polls on voters' experiences in 2006 and 2004, and the results have guided the identification of voter disenfranchisement issues and informed the organization of effective voter engagement methods. The results of the 2008 exit polls will be provided to the Subcommittee on Elections in the coming weeks.

***NCBCP Unity '08* media partners promoted the national Voter Assistance Hotline (1-866-MYVOTE1) to provide voters with their poll location**, which NCBCP research shows is one of the most pervasive problems voters have on Election Day. NCBCP also continued to support and promote the Election Protection legal assistance hotline (1-866-OUR-VOTE) as it did in the 2001 Election in Virginia, 2002 Mid-Term Election, 2004 Presidential Election and the 2006 Mid-Term Election.

Enhanced Electronic Election Day Monitoring: NCBCP established a national command center with the capability to capture data and reports from the field throughout Election Day. **Unity '08** hosted national calls every two hours with reports from the field and up-to-the-minute analysis from national black leaders and political experts. NCBCP partnered with Black Planet to blog throughout the day voters' experiences at the polls.

In 2008, our state-based Unity '08 coalitions witnessed a continued need for election reform that mostly reiterated the need to improve our election administration system. Specifically, a need to seriously consider universal registration as a viable solution to alleviate one of most consistent problems voters continue to face on Election Day---and that is being denied the right to vote because someone did not process their voter registration card properly or there voter registration was mistakenly or illegally removed from the voter rolls in their community.

Further, while the National Voter Registration Act of 1993 (Motor Voter) has contributed to expanding voter registration and substantial resources have been allocated to the mobilization of intensive partisan and non-partisan grassroots registration efforts especially in the last five national elections from 2000 – 2008, there still remain significant barriers that disenfranchise too many eligible Americans from registering and exercising their right to vote.

Despite the fact that voter registration operations are widely securitized, we still continue to see in every election cycle issues surrounding integrity and so-called voter registration fraud. In my experience, which includes leading grassroots non-partisan voter participation and protection campaigns in numerous states for the last 20 years, voter registration problems at the polls have been a persistent problem and voter fraud accusations have been persistently misdiagnosed by some elected officials on a national and state level for decades. In my experiences so-called "voter fraud" can almost always be traced to some financial incentive for a worker or volunteer (which is not voter fraud but most often is a personnel issue for those running a voter registration campaign) and outright voter fraud at the polls is actually extremely rare.

Yet, in 2008, elected officials responsible for setting election policy created photo ID laws that disenfranchised voters including:

- **Retired Nuns.** Ten retired nuns walk into a polling place in South Bend, Indiana for the 2008 presidential primary and were turned away because they had no photo ID.
- **Youth Voters.** Rock the Vote reported that 19 percent of 18-29 year olds do not have a government-issued photo ID with their current address, indicating that as many as one in five young voters could be disenfranchised by a law such as the one in place in Indiana.

- **U. S. Military Soldiers.** Election Protection reported they received a call on Election Day from a military soldier in Indiana. The caller reported “that poll workers refused to accept his current U. S. Military ID, claiming that it was insufficient identification. Fortunately, the caller was able to speak with a precinct judge who corrected the poll workers.”
- **Senior Citizens.** The AARP in Georgia estimated that about 153, 000 Georgians older than 60 who voted in 2004 do not have government-issued photo ID. Further, AARP estimates that 36 percent of Georgians over 75 do not have a driver’s license.

Further, several studies and scientific surveys reveal that photo IDs adversely impact young voters, minority voters, elderly and low income voters.

But yet in still, on April 28, 2008, the U. S. Supreme Court ruled that Indiana’s draconian photo identification requirement for voters was not unconstitutional.

Today, in spite of Motor Voter and massive voter registration drives, there are still millions of eligible unregistered voters. Policies intended to increase security and enhance voter confidence in election results, such as state voter ID laws, can also have the effect of discouraging eligible citizens from becoming active participants in our representative democracy.

The Help America Vote Act of 2002 (HAVA) along with strong enforcement of the Voting Rights Act of 1965 are the most effective tools we have for eliminating voter disenfranchisement on a federal, state and local level. *Election Reform* is a continuum that requires constant review as reform policies are implemented. We oppose public policies and election administration systems that suppress voter participation, voter confidence and deny the American people their right to vote without fear or intimidation. In the words of global voting rights advocate, Dr. Keith Jennings, ***“Every practice that discourages people from voting is a blow to democracy.”***

On behalf of many in the civic engagement NGO community I want to state emphatically that we would like nothing more than to be out of the voter registration business and recommend that universal registration or at a minimum, same-day-registration would eliminate voter disenfranchisement and possibly voter fraud concerns nationwide.

In 2008, the National Coalition on Black Civic Participation, along with the NAACP National Voter Fund, and the International Brotherhood of Teamsters sponsored the 1-866.MY VOTE1 voter assistance hotline through the Info Voter Technologies hotline platform. The national hotline included a voter registration feature, automated poll locator, transfer to local help lines, recorded complaints, stored data, and included a web interface.

The 2008 Info Voter Technologies, the **866.MYVOTE1: Preliminary National Report 2008 Election Day** has been submitted with my written report. The hotline was promoted nationally by NCBCP media partners including: American Urban Radio Network, Tom Joyner Morning Show and black newspapers across the country.

Between January and December 2008, 318,142 calls were received to the hotline. Ten (10) top-tier problem areas were created under which traffic calls were classified. The break out was as follows:

Poll Locator Problems	44%
Registration	50%
Poll Access	11%
Absentee	10%
Mechanical	9%
Election Integrity	6%
Paper Ballots	3%
Coercion/Intimidation	3%
Election Staff	2%
Provisional Ballots	1%

Info Voter Technologies was able to identify problems across the country, record callers in their own voices, serve as a real-time information resource and referral service, and complete a comprehensive report analyzing problem types and frequencies. Most strikingly, fully half or 50% of all hotline calls and problems were coded as voter registration problems. Poll Location 44% was the second highest category.

VOTER REGISTRATION

The NCBCP Unity 2008 Campaign focused resources in 7 tier-one states- Alabama, Florida, Georgia, North Carolina, Ohio, Pennsylvania, Virginia, and 4 tier-two states- Louisiana, Michigan, Mississippi, and Texas. Beginning with the 2008 Primary season there was a substantial increase in voter registration. Reports from the field indicated significant delays in processing of voter registration cards.

In response the National Coalition emphasized registration verification and early voting in our voter education messaging, encouraging new registrants and all voters to check their voter registration status with their local boards of elections to make certain that their names were on the voter rolls through our **Unity '08 Register, Verify, Vote and Vote First** celebrity radio PSA campaign. We believe this helped to eliminate Election Day problems and long lines in the states the NCBCP and our Unity partners worked including: National Urban League, A.

Philip Randolph, Coalition of Black Trade Unionists, Black Youth Vote and others.

The current voter registration process during major elections like we experienced in 2008, creates surges in registration as deadlines approach and this volume contributes to backlogs and processing delays. When individuals do not receive voter registration cards within a reasonable timeframe they often re-register further clogging the system. In some instances new voters never appear on the rolls and are thus denied the opportunity to cast a ballot. Our aggressive registration verification and voter preparation public awareness campaign made voters aware of the need to verify their registration and polling place prior to Election Day to avoid problems or delays in their ability to vote.

For example, Cynthia Downs Taylor, state coordinator of the National Coalition on Black Civic Participation's Virginia Unity '08 Campaign, was particularly concerned about the issues surrounding registering out-of-state college students. Some localities were registering them while others were not. Cynthia expressed here concern "that there is something wrong with the system" and recommended that "we need to do something to promote uniformity in voter registration laws." In the Hampton Roads areas, students were being intimidated with threats they would lose their financial aid if they registered to vote. They were being told they would be declaring themselves as independent students if they registered to vote.

In fact, the Montgomery County (VA) Registrar's office issued the following ruling regarding out-of-state students (*The original story and user comments can be viewed online at <http://insidehighered.com/news/2008/09/03/voting>*):

"Virginia's Montgomery County, home to Virginia Tech, issued a press release regarding proper protocol for college students registering to vote. In interviews with Inside Higher Ed Tuesday, it was described by turns as "unsubstantiated," "chilling," and (more generously) as not "incredibly encouraging or friendly."

It reads, in part: "The Code of Virginia states that a student must declare a legal residence in order to register. A legal residence can be either a student's permanent address from home or their current college residence. By making Montgomery County your permanent residence, you have declared your independence from your parents and can no longer be claimed as a dependent on their income tax filings — check with your tax professional. If you have a scholarship attached to your former residence, you could lose this funding. And, if you change your registration to Montgomery County, Virginia Code requires you to change your driver's license and car registration to your present address within 30 days. The county registrar of elections said Tuesday that the memo was intended to counteract the absence of cautionary information given to students signed up through the ubiquitous get-out-the-vote registration drives. Generally speaking, however, those interviewed for this article said the warnings

are, at worst, farfetched and misleading, or, at best, overstated and not typically supported in reality.”

In Alabama, the Unity '08/Black Youth Vote! Coalition was focused on registering ex-felons and students to vote. However, they ran into a problem because many ex-felons thought they could not vote because of confusion and difficulty with identifying which ex-felons were allowed to register to vote and which ones were not. The Alabama law stated those ex-felons who were not convicted of crimes of “moral turpitude” were allowed to vote. However, elected officials and administrators failed to identify which crimes were excluded from this definition. The Secretary of State’s office purged over 9,000 ex-felons from the registration rolls.

VOTER REGISTRATION RECOMMENDATIONS

The NCBCP urges the modernization of the voter registration process utilizing available technology to ensure that all citizens are automatically registered to vote when they turn 18 years old. As long as the individual’s right to vote has not been taken away for any reason, such as incarceration, they would remain in a national voter registration database. **Universal** registration would eliminate the need for voter registration drives and resources previously dedicated to registration could be deployed for civic education. A national universal registration system should allow for adjustments or corrections, such as change of address and change of name, which could also be automated from postal address changes. It should be possible to implement changes up to and including Election Day. The system should remove individuals incarcerated for a felony where required. The registration would be **permanent**, remaining in place as long as the citizen’s right to vote has not been revoked.

Congress should mandate that states upgrade to a universal system and provide the resources needed to underwrite the transition. The NCBCP joins with the Brennan Center for Justice, the Lawyers Committee for Civil Rights Under Law, Advancement Project, NAACP Legal Defense Fund and countless others in calling for reform of the voter registration process. It is time to move beyond disintegrated systems open to human error and limitations to a comprehensive universal voter registration system.

We live in the greatest democracy in the world. Surely, we can provide the same type of instant background check afforded to someone presenting themselves to purchase a firearm to a citizen attempting to participate in the democratic process by presenting themselves to vote. A national voter database can provide the same instant clearance to a valid voter on Election Day.

ADDITIONAL RECOMMENDATIONS

Polling Places--Showing up at the wrong polling place is one of the most frequent problems encountered on Election Day. Forty-four (44) % of callers to the 866-MY VOTE1 hotline requested their poll location. Identifying the proper poll location can be difficult because many localities list polling places by precinct number rather than zip code and precinct numbers are not commonly known.

This is especially problematic for lower income voters who more often rely upon public transportation. A universal database could remove the limitation of one polling place and could help to reduce the demand at polling locations with heavy turnout.

Youth--According to the Pew Research Center, among voters aged 18-29, 18 percent were Black and 55 percent were female. Many young voters reported incorrect and misleading information about mailing absentee ballots. Confusion regarding financial aid, taxes, parent's taxes based upon where a student registers and votes. Since financial aid rules vary by state, it is important to educate youth about their specific situations. This is particularly important for college youth living on campus. In 2008, the NCBCP Black Youth Vote Texas helped student leaders at Prairie View University push for a polling place on campus. The closest polling place to Prairie View was seven miles away. Over 3,000 students organized and marched those 7 miles to the polls to vote in the Texas primaries. Further, students took their voting rights case to the U.S. Department of Justice and ultimately a new polling location was established in time for the students to vote on campus in the November 2008 Election.

Provisional Ballots (Access and Counting)—Many poll workers were poorly trained and confused about the use of provisional ballots. In some instances voters were in the wrong polling place and given a provisional ballot which would not be counted due to the mistake. In other cases voters were refused provisional ballots potentially disenfranchising eligible voters. In addition, a uniform policy is needed for the resolution of the problems that required the voter to use a provisional ballot, so their vote is counted. Voters at the wrong polling place, without picture identification, with proper identification and voter registration card but whose name does not appear on the role are a few of the reasons many voters are given provisional ballots. However, to vote on a provisional ballot and then not have that ballot counted is, in effect, denying a voter their right to have their right to vote and to have their vote counted.

Early Vote & Election Day Holiday— *NCBCP supports The Advancement Project recommendation that "Congress should enact legislation to require states in which voter lines were longer than 45 minutes in the 2004 or 2008 general election to submit a remedial plan to eliminate or minimize wait times. Additionally, to reduce lines on Election Day, legislation should be enacted that requires states to offer their voters early voting by regular ballot."*ⁱ

The early vote was by far the best improvement during the 2008 election cycle. Almost 1/3 of all votes cast were “early votes”. Some states did an outstanding job in providing their citizens access to multiple early vote sites. For instance, in Florida Governor Christ added additional sites and additional voting machines when the response to early vote in his state became overwhelming. In Nevada, voters were given access to voting machines in shopping malls. This kind of innovative, out of the box thinking provided an extended period for voting early reduced the lines at the polls on Election Day.

We witnessed a marked reduction in long lines on Election Day in 2008 in Ohio, Georgia and North Carolina and we believe that was due to either early voting or easier access to absentee ballots. We also know that many voters, especially seniors, prefer to vote in person on Election Day and believe that every voter should have this option as well. The pros and cons of establishing Election Day as a national holiday and/or changing to a Saturday should be explored. It is more difficult for lower income and hourly workers to get time off to vote and traffic is a growing concern in urban areas.

Felon Rights Restoration—The National Coalition on Black Civic Participation supports the restoration of voting rights for ex-felons who have completed their sentences. This is another area where national uniformity is needed. In Virginia, Kemba Smith, a young mother who received a presidential pardon in 2000 and completed all her parole requirements several years ago, still must wait eight years before she can apply to have her voting rights reinstated. Since being pardoned, Kemba has gone on to complete college and now counsels youth about the importance of making good choices. In spite of the fact that she has lost the right to vote, Kemba worked with our Black Youth Vote Virginia efforts and worked among her peers to encourage young people to vote and participate in the 2008 Election by registering and voting and volunteering and participating in the civic process. The National Coalition believes that restoring the rights of individuals like Kemba will go a long way toward improving our democracy.

Identification problems— A small percentage of the problem phone calls were due to issues with voter identification requirements. Voters were asking questions such as what type of identification was required; what was the procedure for changing their address on the registration rolls when the address on their identification did not match the voter registration address, what happens with expired licenses, and other questions about proper identification.

Purging of Voter Rolls – Voters encountered numerous problems in the 2008 election cycle related to names being erroneously purged on registration roles. The earlier recommendation to end this practice is critical to the democratic process. A voter’s name should not be purged from any list unless they become ineligible to vote, i.e., being convicted of a crime that would make them ineligible.

NCBCP also supports the following recommendations by The Advancement Project's recommendation for legislative reform to establish federal standards for poll workers. "Congress should set national standards for poll worker training and support that would make training mandatory for all poll workers; require that training include hands-on training and role playing; require that poll workers receive compensation for their attendance of training; and require assessment of poll workers at the completion of their training."ⁱⁱ

As I mentioned earlier in my testimony, ex-felons were purged from Alabama rolls. *An October 3, 2008 article in the Atlanta Journal Constitution stated the following:*

"A study released by the Brennan Center for Justice at New York University School of Law this week criticized voter roll purges in several states, including Georgia. In Columbus, an official purged 700 people from the voter lists, according to the study, because they were ineligible to vote due to criminal convictions. The list included people who had never even received a parking ticket, the Brennan Center said. In Mississippi, a local election worker mistakenly purged 10,000 voters from her home computer just a week before the presidential primary, according to the center's report. And in Wisconsin, some voters discovered they had been purged after they tried to cast ballots in September's primary election. The secret and inconsistent manner in which purges are conducted make it difficult, if not impossible, to know exactly how many voters are stricken from voting lists erroneously. And when purges are made public, they often reveal serious problems," according to the report."

ADDITIONAL RECOMMENDATIONS

The National Coalition on Black Civic Participation fundamentally believes that protecting the right to vote serves the interests of all citizens by furthering rational discourse about democracy.

NCBCP acknowledges that there remain serious systemic problems related to election administration. These problems reduce voter confidence in both the state's ability to fairly protect the ballot and in the ability of the voting system to properly count ballots.

Further, the NCBCP believes that the continued popularity of traditional paper ballots reminds us that voters are still skeptical of the validity of electronic systems. Only reliable verification methods can ameliorate such skepticism.

The NCBCP notes that the myriad of complaints it received-----on the 866-MYVOTE1 Hotline and the field reports it received in its Unity '08 Election Day War Room-----signals a need for continued diligence in monitoring and changing the system. It is apparent that nearly a decade after the 2000 Florida election debacle and billions of dollars spent to upgrade the basic machinery of the country's democracy, election reform is still a work in progress.

In closing, we must all remember that democracy is about people, voice, and opportunity. Elections are about shaping the future. As we continue to analyze and dissect the 2008 Election Cycle, it is important to challenge our federal, state and local governments to commit to strengthening voting rights enforcement and election administration including: 1) the U. S. Justice Department now returning to its responsibility to monitor and enforce the Voting Rights Act protection provisions and ending illegal purges mandated by the National Voter Registration Act; 2) fully fund the Election Assistance Commission to be successful in achieving its mission to *Help America Vote*; 3) stop unjust state purges and photo ID requirements of voters; and 4) adopt universal registration for federal elections.

Our nation continues to face the challenge of correcting the problems in our electoral system in order to restore citizens' confidence that their votes count and will be counted. Educating voters and protecting their rights at the polls must be ongoing.

Thank you for this opportunity to share my recommendations to the Subcommittee on Elections today. I will be glad to answer any questions that you may have.

ⁱ Heard, Bradley, March 17, 2009, The Advancement Project, Letter to U. S. Senate Committee on Rules & Administration, [Voting Registration: Assessing Current Problems](#).

ⁱⁱ Ibid., Heard, Bradley.