Testimony of the Committee of Seventy
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Committee on House Administration

Hearing on Impediments to Voter Enfranchisement
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My name is Zachary Stalberg and I am the President and CEO of the Committee of Seventy. Seventy is a non-profit and non-partisan organization conducting a permanent campaign to improve the Philadelphia region by demanding ethical conduct of elected officials, promoting government efficiency, educating citizens and safeguarding elections. Since 1904, Seventy has conducted an election oversight and voter protection program – the oldest and largest such program in the country.

I would first like to thank Chairman Brady and this Committee for the opportunity to speak today on a significant issue for both Philadelphia and our nation. I am joined by Christopher Sheridan, Seventy's Director of Voting Rights and Election Reform.

The U.S. Constitution was drafted just a few blocks from here. While this document addressed the most significant aspects of American government, it reserved the power to set voting qualifications to the individual states. In 1787, voting was generally limited to white men who could meet property ownership or tax paying requirements. Although this wouldn't be considered fair today, at the time it was thought to be a significant step forward in the fight for representative government.

During the next two centuries, the right to vote expanded as economic, racial and gender barriers were removed by court cases, Constitutional amendments and international conflicts. In recent years, Congress contributed to increased enfranchisement by passing the National Voter Registration Act in 1993 and by nationalizing the remedy of provisional ballots in the Help America Vote Act of 2002.

While many view the expansion of voting rights as part of a natural and inevitable progression towards universal suffrage, there are others who continue to seek restrictions, or even complete rollbacks, on an individual's right to vote. In most cases, their targets are low income and uneducated citizens and recent immigrants whom they view as more likely to sell their vote or lack the sophistication to make informed election decisions.

While these arguments are typically advanced in the name of "combating election fraud and ensuring honest elections," efforts to restrict voter participation are often the product of partisan politics or a desire to maintain the racial or economic status quo.

Legitimate fears about election misconduct are not misplaced. Those well versed in political history are familiar with many cases of election fraud stretching back to our nation's founding. Election-related violations, sometimes involving criminal conduct, have been committed by party bosses, election officials and political campaigns from both major parties -- from our most rural counties to our largest cities.

However, Seventy believes strongly that these incidents do not justify making it harder for individuals to vote by insisting upon more stringent identification requirements. Such requirements may be an inconvenience to *all* voters, yet they disproportionably impact minorities, seniors, and people with disabilities.

As the Committee knows, federal and state law already require two forms of identification: (1) a comparison of each voter's Election Day signature with a scanned version of their signature from their registration form, and (2) specific additional proofs of identity for voters voting for the first time or voting for the first time in a division.

Even if free photo identification were provided, the potential costs of the requisite supporting documents (such as a birth certificate or passport) and the time and travel to obtain the photo, would be difficult for many U.S. citizens. These are very real barriers to voter participation, especially among disadvantaged Americans.

A mandatory photo identification requirement would also place a burden on polling officials who tend to be overworked and underpaid in most jurisdictions. The likelihood of disputes at the polls would slow the voting process, not just for the individual seeking to vote but for all voters in the precinct. Couple that with a large ballot and the result is that many voters will simply decide not to vote.

In Seventy's view, additional voter identification requirements should not be considered unless the Help American Vote Act requirements are proven to be inadequate in order to prevent fraud by individual voters. The benefits of additional requirements should also be proven to outweigh the potentially significant costs. To date, Seventy has seen no such proof.

In addition to these views, Seventy would like to offer some additional recommendations for increasing national voter participation and removing existing barriers. While these recommendations arguably concern matters of state administration, our very mobile society make them relevant to all jurisdictions.

Reduce voter registration deadlines: Pennsylvania has a voter registration deadline of thirty days prior to an election. In Seventy's experience, many voters seek to register or to update their voting address after this deadline. With advances in technology, we believe this deadline could be significantly shortened. This would result in greater participation and a reduced need for provisional ballots.

National no-fault absentee balloting: In Pennsylvania, a voter must provide a justification for voting absentee. The most common reasons are plans to be out of town on Election Day or having a medical condition that prevents the voter from getting to the polls. While voting in person is optimal, a significant benefit of mail-in voting both to individuals and the community is reducing lines at the polls. In addition, millions of Americans are now holding down two jobs, working longer hours, and facing longer commutes to work than was common when the 12-13 hour window for in-person voting was established many years ago. Parents have family responsibilities, and many adult

children are being called upon to provide extensive care for elderly parents. Given the increasing demands of modern life, all working Americans should have the opportunity, but not the requirement, of voting in person. No-fault absentee ballots can dramatically reduce the time commitment required of voters, especially during high interest and long ballot elections.

Uniformity of provisional ballot rules: In Pennsylvania, a provisional ballot cast in an incorrect precinct is counted for all races which correspond to the voter's correct precinct. Under this system, a voter may lose one or two legislative votes, but their top of the ticket and at-large choices cast by a provisional ballot are counted. In some other states, provisional ballots must be cast in the correct precinct in order to be counted. If you attempt to vote in the wrong place, you're out of luck. This more restrictive rule not only disenfranchises individuals, it could lead to litigation in a presidential election where the number of voided provisional ballots in a state exceeds the margin of victory. Applying the more expansive provisional ballot rule across the states would avoid this problem.

Felon disenfranchisement: In Pennsylvania, convicted felons are disenfranchised during their incarceration. While Seventy does not dispute this practice, a less restrictive approach should be considered given the proven disproportional impact on non-white voters. Often, barring imprisoned felons from voting becomes a lifetime disenfranchisement when former felons fear re-incarceration if they vote illegally. A fair national standard, such as re-enfranchising voters upon release, would eliminate any confusion, increase voter participation and help former felons take a step towards full and responsible citizenship.

Federal funding of elections: The Help America Vote Act provided significant funding for voting equipment, thereby removing at least some of the disparity in voting access between affluent and less affluent counties. While we believe local administration of elections best serves the interests of voters, local funding for elections only perpetuates this disparity, particularly as voting equipment ages and more state and federal election mandates are passed. As long as election operations must compete with important

services such as police protection and schools for a piece of the local budget, there is a real risk of neglect and significant breakdowns on Election Day.

Federal officeholders are on the ballot in half of our elections, not including special elections held during municipal cycles. While we appreciate that there are many demands on the federal budget, ensuring fair access for voters in every American county deserves Congressional attention to avoid another Florida.

Thank you again for the opportunity to present this testimony. I appreciate your time and would be pleased to answer any questions.