



News from the Office of  
**Senator Alex Padilla**

**For Immediate Release**  
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## **Senator Alex Padilla to Hold Hearing on Innovations that Could Improve Voter Participation**

*Members of President Obama's Commission on Elections  
and the Secretaries of State of both California and Oregon to Testify*

**SACRAMENTO** – Senator Alex Padilla, Chair of the Select Committee on Science, Innovation and Public Policy will hold a hearing in Sacramento to explore innovative ways we can improve elections and increase voter participation in California. Scheduled to testify are members of President Obama's Commission on Election Administration, the California Secretary of State, the Oregon Secretary of State, local election officials and experts in the field.

**The hearing will take place on Tuesday, March 11 at 9 a.m. in Room 2040 of the State Capitol.**

According to a 2013 [report](#) by the Pew Center on the States, California ranks 48th of 50 states when it comes to availability of online voting information tools, the number of rejected voter registrations, the percentage of voters with registration or absentee ballot problems, the rejection rate of military and overseas ballots and voter turnout.

**What:** Hearing of the Senate Select Committee on Science, Innovation and Public Policy. "New and Necessary Innovations to Improve Voter Participation and Registration"

**When:** Tuesday, March 11, 2014 at 9 a.m.

**Where:** California State Capitol, Room 2040

**Who:** Senator Alex Padilla (Chair) & members of the Committee on Science, Innovation & Public Policy  
Dr. Nathaniel Persily, Sr. Research Director, Presidential Commission on Election Administration  
Tammy Patrick, Commissioner, Presidential Commission on Election Administration  
California Secretary of State Debra Bowen  
Oregon Secretary of State Kate Brown  
Los Angeles County Registrar-Recorder/County Clerk Dean Logan  
Others (Comprehensive Agenda below)

**To watch the hearing via live streaming click on link:** <http://www.calchannel.com/live-webcast/>

*Senator Alex Padilla, 40, graduated from MIT with a degree in Mechanical Engineering. He currently serves on the Board of MIT and is President of the National Association of Latino Elected and Appointed Officials. He is Chair of the Senate Energy, Utilities and Communications Committee and represents the more than 1,100,000 residents of the 20<sup>th</sup> State Senate District in Los Angeles. For more information about Senator Padilla visit his [website](#) or follow him on [Facebook](#).*

## SELECT COMMITTEE ON SCIENCE, INNOVATION & PUBLIC POLICY



ALEX PADILLA  
CHAIRMAN

### INFORMATIONAL HEARING

“New and Necessary Innovations to Improve Voter Participation and Registration”

Tuesday, March 11, 2014  
9:00 a.m. to 11:30 a.m.  
State Capitol, Room 2040

#### Welcome

- Senator Alex Padilla, Chair of the Select Committee on Science, Innovation and Public Policy
- Members of the Committee

#### I. Recommendations from the President’s Commission

- Professor Nathaniel Persily, *Senior Research Director for the Presidential Commission on Election Administration*
- Tammy Patrick, *Commissioner with the President’s Commission on Election Administration and Federal Compliance Officer, Maricopa County, Arizona Elections Department*

#### II. Security and Technology: Lessons Learned since HAVA

- Professor David Wagner, *Computer Science Division at University of California, Berkley*
- Michael Boyd, *Elections Practice Leader, State and Local government, U.S. Public Sector for HP Enterprise Services*
- James Soper, *Voting Rights Task Force*

#### III. Interstate Exchanges of Voter Registration Information

- Judd Choate, *Chair of the Election Registration Information Center and Elections Director for Colorado*
- David Becker, *Director of Election Initiatives, The Pew Charitable Trusts*
- Debra Bowen, *California Secretary of State*

#### IV. Technology to Improve Access and Participation

- Kate Brown, *Oregon Secretary of State*
- Dean Logan, *Los Angeles County Registrar-Recorder/County Clerk*
- Cathy Darling-Allen, *Shasta County Clerk/Registrar of Voters CC/RR, President of the California Association of Clerks and Elections Officials*

#### V. Modernizing Voter Registration

- Debra Bowen, *California Secretary of State*
- Raul Macias, *American Civil Liberties Union*

#### VI. Public Comment

#### VII. Closing Remarks

# California State Senate

## SELECT COMMITTEE ON SCIENCE, INNOVATION & PUBLIC POLICY



ALEX PADILLA  
CHAIRMAN

### INFORMATIONAL HEARING

Tuesday, March 11, 2014

#### BACKGROUND PAPER

“New and Necessary Innovations to Improve Voter Participation and Registration”

#### Introduction

California has long been a leader in both technology innovation and protecting the right to vote. However, California has fallen behind other states in terms of adopting election technology and innovations that can improve voter registration and expand voter participation in elections. Millions of Californians do not vote and many who do vote experience problems.

In March of 2013, President Obama established the Presidential Commission on Election Administration with the goal to ‘identify best practices in election administration and to make recommendations to improve the voting experience.’ The Commission had a 6 month charter to receive testimony and issue a report with policy recommendations. The Commission took testimony from state & local election officials, technology experts, advocacy groups, and the public. In January of this year, the Commission released their findings and recommendations, which included various innovations and technologies that states can adopt to improve voter registration and participation.

#### California’s Election Performance

##### **Voter Registration in California**

Since 1996, voter registration rates fluctuated from a high of 80% in 1996 to a low of 69% in 2006. As of December 2013, the voter registration rate is 73%. The US Census Bureau ranks California 45<sup>th</sup> in voter registration rates.

##### **National Voter Registration Act in California.**

Congress enacted the National Voter Registration Act of 1993 ("NVRA" or the "Motor Voter Act"), to enhance voting opportunities for every American. The Act has made it easier for all Americans to register to vote and to maintain their registration by requiring that individuals be given the opportunity to register to vote or to change their voter registration data when applying

for or renewing their driver's license as well as state benefits. These are known as "Motor Voter agencies."

In 2012, the US Election Assistance Commission found that California receives 20% of its total voter registrations from Motor Voter agencies. Twenty-five other states receive at least one-third of their voter registrations from Motor Voter agencies, seven states receive over 50%.

### **Election Participation in California**

Since 1996, election participation rates in Presidential elections have fluctuated from a high of 79% in 2012 to a low of 65% in 1996. Election participation in Congressional mid-term elections is consistently lower than Presidential and fluctuated from a high of 59% in 2010 to a low of 50.5% in 2002. The US Census Bureau ranks California 48<sup>th</sup> in voter participation.

### **Overall Election Performance**

Since the 2008 Presidential election, the Pew Center on the States has issued an Election Performance Index. The index measures the performance of all fifty states and the District of Columbia on seventeen varied indicators which include polling location wait times, availability of online voter tools, the percentage of voters with registration problems, voter turnout, and the accuracy of voting technology. California ranked 48<sup>th</sup> in 2008, and 49<sup>th</sup> in 2010.

Specifically, the report noted that in 2010 California

- Is one of only two states with no voting information look-up tools
- Had highest rate of provisional ballots cast
- Had rate of provisional and absentee ballots rejected
- Had rate of nonvoting due to registration or absentee ballot problems

### **Provisional Ballot Use**

In 2012 over one million California voters used provisional ballots to vote, representing nearly 38% of the 2.7 million provisional ballots cast nationwide. California voters must use a provisional ballot if they are;

- a first time voter in a federal election and cannot provide proof of identification
- signed up to vote-by-mail, but appear in person to vote
- moved within their county without re-registering their new address
- do not appear on the polling place roster

177,000 voters had their provisional ballot rejected in 2012. Sixty-three percent of the provisional ballots were rejected because the voter believed they were registered to vote in California, but were not. Since 2002 the US Census has been asking citizens why they did not vote. In 2010, the US Census Bureau found that California had one of largest amounts of voters saying they did not vote because of registration or absentee ballot problems.

## **Recommendations of the Presidential Commission on Election Administration**

In January of 2014 the Commission released its report, which includes recommendations on technologies and innovation to improve voter registration and participation.

### **Interstate Exchanges of Voter Registration**

The Commission recommends that states should update voter registration lists with each other to ensure that voters are correctly registered at one location, that registration lists are more accurate to reduce polling place congestion, and to assist in identifying individuals who are eligible to vote, but are not registered.

The Election Registration Information Center (ERIC) is one example of an interstate exchange. ERIC is a non-profit organization with the mission of assisting states to improve the accuracy of voter rolls and increase access to voter registration for all eligible citizens. ERIC is governed and managed by states who choose to join, and was formed in 2012 with assistance from The Pew Charitable Trusts.

As of January 2014, Colorado, Delaware, Maryland, Nevada, Utah, Virginia, Washington, Oregon, and Washington D.C. are members of ERIC.

### **Motor Voter Modernization**

The Commission recommends that states should seamlessly integrate voter data acquired through Departments of Motor Vehicles with their statewide voter registration lists. In most states, including California, voter registrations at the DMV are completed and transmitted via paper to the statewide voter database. Paper based voter registration is costly, labor intensive, and prone to human error.

Meanwhile, some states are getting rid of paper voter registration, with much of that change starting at Departments of Motor Vehicles. At least seventeen states, including Oregon, Arizona, and Delaware, Washington and Michigan have created systems to electronically transfer voter registration data from Departments of Motor Vehicles (DMV) to election authorities. During the 2011-12 election cycles, Delaware processed nearly 75% of its new voter registrations via its Departments of Motor Vehicles; Michigan processed approximately 90%. This is in contrast to the nationwide rate of 30%. California does not allow for the seamless transfer of voter registration information from DMV offices to the Secretary of State.

### **Improving Voting Technology**

The Commission recommends that funding for new voting technology should be made available and that the system for certifying voting technology should be reformed. The Commission found that by the end of the decade, a large share of the nation's voting machines, bought 10 years ago with Help Americans Vote Act (HAVA) funds, will reach the end of their natural life and require replacement.

To address this impending challenge and to usher in the next generation of voting machines, the standards and certification process for new voting technology must be reformed so as to encourage innovation and to facilitate the adoption of widely available, off-the-shelf technologies and “software-only” solutions.

In 2013, California Senate Bill 360, authored by California State Senator Alex Padilla, reformed the certification process for new voting technology in California. Under SB 360, the Secretary of State must adopt voting system standards that meet or exceed federal voting system guidelines set forth by the US Election Assistance Commission. The bill also requires additional standards that best meet the accuracy, security, and accessibility expectations of California. SB 360 will allow the state to revise and update standards more rapidly in response to innovation and any emerging security concerns, ensuring our voting process is relevant and responsive to the voters.

### **Vote Centers**

The Commission recommends that states should consider establishing vote centers to achieve economies of scale in polling place management while also facilitating voting at convenient locations. A vote center is a polling place where any eligible voter in the county may go to vote. Vote centers, also known as a super precinct or voting convenience centers, are in used in several states; Colorado, Indiana, and New Mexico. The vote center model gives voters more flexibility on Election Day because they are not constrained to a specific polling location. Vote centers are connected through secure internet connections and as ballots are cast, an electronic poll book is instantaneously updated in real time.

Larimer County, Colorado was the first election jurisdiction to use voting centers in the US after passage of a 2004 Colorado state legislation. The bill required that all vote centers be connected via a secure, real-time network in order to process voters and prevent persons from voting twice. Larimer County took the lead and established a secure, real-time network that provided live connectivity between all vote centers through an encrypted, dedicated server. If a voter cast a ballot at one vote center, his/her voting record would immediately be updated on the electronic poll book at each vote center, preventing him/her from casting another ballot at another vote center. Larimer County found that not only could this innovation provide secure elections, but it also allowed vote centers to process voters more efficiently than using a traditional paper poll book.

An analysis of the Larimer vote centers concluded that the centers do have a positive impact on voter turnout, increasing participation between 2.5% - 7%. The study also found that voters gave higher marks to vote center experiences, than traditional polling places.

## Witness Biographies

### **Debra Bowen, California Secretary of State**

A pioneer in open government reform, election integrity, and personal privacy rights, Debra Bowen is the sixth woman in California history to have been elected to a statewide constitutional office. As the state's chief elections officer, Secretary Bowen is responsible for overseeing state and federal elections, a role that requires her to test and certify all voting equipment. Her goal is to ensure that voting systems certified for use in California elections are secure, accurate, reliable, and accessible, and every voter's ballot is counted exactly as it was cast. As Secretary of State, Bowen is also charged with managing many business and nonprofit organization filings, campaign finance and lobbying activity filings, the state archives, and other key government services.

An attorney, Bowen served for 14 years in the State Legislature prior to being elected Secretary of State in November 2006. In addition to being a leader on election-reform and energy issues, she authored landmark consumer protection laws to protect people from becoming identity theft victims and closed the digital divide by authoring the first-in-the-nation law that put all of California's legislative information online.

Early in her legislative career, Secretary Bowen championed the use of the Internet to open government to computer users worldwide and worked with community-based groups to close the digital divide. In 1993, Secretary Bowen authored the first-in-the-world law that put legislative information online, giving the public access to information about California bills, committee analyses, state legislators' voting records and much more. The law has served as a model for other U.S. states and countries. Secretary Bowen was also the first California lawmaker to voluntarily put her campaign finance reports online in 1995, several years before all candidates for state office were required to do so.

As a longtime advocate of personal privacy, Secretary Bowen authored landmark consumer protection laws to equip people with the tools they need to safeguard their important information. Today, the impact of Secretary Bowen's far-reaching work makes it more difficult for criminals to commit identity theft by banning businesses and government agencies from using social security numbers as public identifiers, requiring credit card numbers to be removed from receipts kept by merchants, giving people the right to freeze access to their credit reports, and giving people the tools to fight back against unsolicited email and fax advertising.

### **Kate Brown, Oregon Secretary of State**

Elected in 2008 and re-elected in 2012, Secretary Kate Brown's objective is to make state government effective, efficient and accountable to taxpayers. That's why during her two terms in office, Kate has:

- Pushed to restore integrity to Oregon's initiative and referendum system.
- Removed barriers to voter registration and voting.

- Expanded online services for businesses.
- Focused audits on government efficiency and giving state agencies roadmaps to peak performance.

She was appointed to the state House of Representatives in 1991 and, after winning the two more House terms, was elected to the Oregon Senate. In 1998 Kate was chosen Senate Democratic leader. Significantly, in 2004 she became the first woman to serve as Senate Majority Leader.

In her legislative career, Kate led efforts to create a searchable online database for campaign contributions and expenditures, and reformed Oregon's initiative process to reduce fraud and protect the citizen's right to petition their government. She was also instrumental in passing comprehensive civil rights and domestic partnership laws.

Kate practiced family and juvenile law and taught at Portland State University before beginning her career in public service. She earned her law degree at Lewis and Clark Law School after receiving a Bachelor of Arts in environmental conservation with a certificate in women's studies from the University of Colorado at Boulder. Kate grew up in Minnesota. Secretary Brown resides in Portland with her spouse, Dan.

**Tammy Patrick**, *Commissioner with the President's Commission on Election Administration and Federal Compliance Officer, Maricopa County, Arizona Elections Department*

Tammy Patrick is currently a Federal Compliance Officer for the Maricopa County Elections Department in Arizona. In 2013, she became a voting member of the Institute of Electrical and Electronics Engineers' working group on developing standards for a universal format for election results reporting. She is also a representative on the Mailer's Technical Advisory Committee to the U.S. Post Office and serves as the co-chair of the Postal Task Force for the Election Center. She has previously served as a member of the Election Assistance Commission's working group on Language Assistance for Unwritten Language, as an organizer of the 2007 Native American Voter Outreach Summit, and as a member of the Election Center's National Task Force on Education and Training. Ms. Patrick received her B.A. from Purdue University.

**Professor Nathaniel Persily**, *Senior Research Director for the Presidential Commission on Election Administration*

Nathaniel Persily is the James B. McClatchy Professor of Law at Stanford Law School with courtesy appointments in the Departments of Political Science and Communication. Professor Persily's scholarship, public service, and congressional testimony have focused on American election law and the regulation of politics. He has written several dozen articles on topics such as voting rights, redistricting, campaign finance and the regulation of political parties. He has also been appointed by courts as a Special Master or a nonpartisan expert to draw redistricting plans for states, such as Connecticut, New York, Georgia, and Maryland. In addition, he has written extensively on American public opinion regarding constitutional questions, as detailed, for example, in his two recent coedited books from Oxford Press: *Public Opinion and Constitutional Controversy* (2008) and *The Health Care*

Case: The Supreme Court's Decision and its Implications (2013). Professor Persily received a joint B.A. and M.A. in political science from Yale in 1992. He earned his J.D. from Stanford in 1998, where he was President of the Stanford Law Review, and received his Ph.D. in political science from U.C. Berkeley in 2002.

**Dean Logan, *Los Angeles County Registrar-Recorder/County Clerk***

Dean Logan was appointed Registrar-Recorder/County Clerk for Los Angeles County, California on July 9, 2008, previously serving as the Acting Registrar-Recorder/County Clerk and as Chief Deputy. Mr. Logan has over 20 years of experience in elections administration, records management and public service. Prior to moving to Southern California, Mr. Logan served as the Director of Records, Elections and Licensing Services for King County, Washington; as State Elections Director for the Washington Secretary of State; and as the elected County Clerk and Chief Deputy County Auditor in Kitsap County, Washington.

Currently, Mr. Logan serves on the Executive Board for the California Association of Clerks and Election Officials (CACEO). He also serves on the California Secretary of State's Statewide Voter Registration System Advisory Committee; the National Election Center's Task Forces on Education & Training and Election Reform; the James T. Irvine Foundation task force on the Future of California Elections; and the Pew Center on the States' Voter Registration Modernization and Performance Index for Elections working groups.

In 2012, Mr. Logan was recognized nationally by the Election Verification Network (EVN) for his efforts to ensure secure, transparent and open elections. He is also the recipient of a Distinguished Leadership Award from Sprint USA and the National Association of Community Leadership (1999). In 2007, Mr. Logan served as an International Election Observer in Morocco with the National Democratic Institute. He also traveled to China in 2000 on a political leadership exchange and to the former Soviet Union in 1986 as part of a citizen diplomacy delegation. Mr. Logan holds a Bachelor of Science (magna cum laude) in Organizational Leadership from Azusa Pacific University and an Executive Master of Public Administration from the Evans School of Public Affairs at the University of Washington. Additionally, he is certified as an Elections and Registration Administrator and as a Professional County Official.

**Professor David Wagner, *Computer Science Division at University of California, Berkeley***

Professor Wagner is an Assistant Professor in the Computer Science Division at the University of California, Berkeley with extensive experience in computer security and cryptography. Dr. Wagner is an Alfred P. Sloan Research Fellow and a CRA Digital Government Fellow. Dr. Wagner was a co-designer of one of the Advanced Encryption Standard finalists, and he remains active in the areas of computer security, cryptography, and e-voting. In the past, Dr. Wagner has served as a member of the Security Peer Review Group for the SERVE Internet voting project and as a technical advisor to the ACLU Ad-Hoc Committee on Touchscreen Voting. Currently, Dr. Wagner is a member of the California Secretary of State's Voting Systems Technical Assessment Advisory Board and was a lead researcher for the California Secretary of State's Top-to-Bottom Review of voting systems.

**Michael Boyd**, *Elections Practice Leader, State and Local government, U.S. Public Sector for HP Enterprise Services*

Michael Boyd is the Elections Practice Leader, State and Local government, U.S. Public Sector for HP Enterprise Services. As the practice leader, he is responsible for charting elections innovations, leading our elections expertise, delivery of our elections solutions and focusing on service excellence to our clients. Boyd is a seasoned project manager with more than 10 years of experience in information technology (IT) project management and leading large complex information technology teams. He is a certified Project Management Professional (PMP) from the Project Management Institute. He received his master of Public Policy and Administration and a bachelor of arts in political science, both from Mississippi State University. His graduate thesis focused elections issues and the impacts of the National Voter Registration Act on state governments in the Southeastern U.S. Boyd and his wife, Ginny, have one son

**Judd Choate**, *Chair of the Election Registration Information Center and Elections Director for Colorado*

Dr. Judd Choate is the state elections director for Colorado and chair of the Election Registration Information Center. Prior to joining the Colorado Department of State, Judd practiced election law at the Denver firm of Kelly Garnsey Hubbell & Lass. He also served as a law clerk for Colorado Supreme Court Justice Alex J. Martinez and as a summer clerk for Judge Timothy Tymkovich of the 10th Circuit Court of Appeals.

For several years prior to law school, Judd was a professor of political science at the University of Nebraska, where he taught courses on campaigns and elections. Judd is the author of a book and several peer-reviewed articles on political behavior. He is in line to be the 2017 president of the National Association of State Election Directors.

He has a J.D. from the University of Colorado Law School and both a Ph.D. and M.A. in political science from Purdue University. In a previous life, Judd was a scout for the Kansas City Royals

**David Becker**, *Director of Election Initiatives, The Pew Charitable Trusts*

David Becker is the director of election initiatives for Pew. He supervises work in election administration, including research and reform efforts to improve military and overseas voting; assess election performance through better data; use technology to provide voters with information they need to cast a ballot; and upgrade voter registration systems.

As the lead for Pew's analysis and advocacy on elections issues, Becker oversees research and works with states to modernize registration systems. He also testifies before state legislatures and other government entities, presents at relevant conferences across the country, serves as a media resource, and identifies and implements partnerships.

Before joining Pew, Becker served as a senior trial attorney in the Voting Section of the Department of Justice's Civil Rights Division, where he led numerous investigations into violations of federal voting laws regarding redistrictings, minority-language voter rights, voter intimidation, and vote dilution. He also served as lead counsel for the United States on litigation over statewide redistricting in Georgia in 2001, which was ultimately decided by the Supreme Court in *Georgia v. Ashcroft*. In addition, he supervised federal monitoring of elections and helped direct Department of Justice policy on enforcing the Help America Vote Act.

**Kammi Foote, *Inyo County Clerk/Recorder***

Kammi Foote is the elected Inyo County Clerk/Recorder & Registrar of Voters. During her tenure in public service, she has had the privilege of serving in leadership positions for both the County Recorders Association of California (CRAC) and the California Association of Clerks and Elections Officials (CACEO). She is currently the Co-Chair of the Legislative Committee for the County Recorders Association of California, the Southern California Area Chair for CACEO and has recently been appointed as Co-Chair for the County Clerk's Legislative Committee for CACEO.

Kammi is also the President of the California Association of Voting Officials (CAVO), a non-profit 501 (c)(6). As an active member of these associations, she has testified before the California legislature and participates in statewide panel discussions and educational workshops on the effect of policy and regulation decisions to local government and the public. Prior to her career in public service, she worked in the real estate industry as a title and escrow professional.

She is actively involved in her community and has served as a Planning Commissioner for the City of Bishop, been an active member of the Rotary Club of Bishop Sunrise and has volunteered as an elections precinct worker. She lives with her family in the foothills of the Eastern Sierras in Central California.

**James Soper, *Voting Rights Task Force***

James Soper is Co-chair of the Voting Rights Task Force (VRTF) which has been working since 2004 to achieve secure, open, and verifiable elections. Mr. Soper is also the author of [CountedAsCast.org](http://CountedAsCast.org), an online resource for fair and open elections and is a member of the San Francisco Voting Systems taskforce. Mr. Soper works as a consultant for mobile app development. He is a former senior software consultant for Digital Equipment.

**Raul Macias, *American Civil Liberties Union***

Raúl Macías is a voting rights attorney with the ACLU of California Voting Rights Project. Prior to joining the ACLU, he worked as a research associate with the California Budget Project, and as an advocate at California Advocates for Nursing Home Reform in San Francisco and Legal Services of Northern California in Sacramento. He graduated from UCLA with a degree in political science and went to graduate school for public policy and administration at California State University, Sacramento, and law school at the University of San Diego.