

Statement of Donald Palmer  
Former Secretary, Virginia State Board of Elections  
Before the Presidential Advisory Commission on Election Integrity  
New Hampshire Institute of Politics, Saint Anselm College  
September 12, 2017

### **Election Integrity Issues Affecting Public Confidence**

Co-Chair and Commissioners of this Presidential Advisory Commission on Election Integrity (PACEI). My name is Donald Palmer and I am the former chief election official in the Commonwealth of Virginia. I also served as a senior state election official in Florida and attorney enforcing the voting rights of Americans at the U.S. Department of Justice.

#### **Confidence of Voters and Candidates**

I served in the Navy as the Cold War winded down, the conflict with Iraq simmered, and the War on Terror was exploding after 9-11. On 9-11, I was deployed overseas in Naples, Italy, when hijacked commercial planes struck the World Trade Towers, the Pentagon, and aimed to destroy the U.S. Capital before finally forced down in a Pennsylvania field. In the wake of that event, there was a sense of unity to protect and defend what we have, to protect the institutions of this country.

More recently with the destruction in Texas, we again see the struggle to protect our friends, family and fellow citizens; tragedy brings us together and makes one reflect on how we as brothers and sisters, our tribe, can unite together to protect and defend those things that matter most to us. So what is it that matters most to this Commission, my colleagues in the election community, Americans citizens? What do we hold most dear, what really unites us?

The strengthening and protection of the voting and electoral process should unite you in your mission. One of the values that we most revere is our democratic process, our system of voting in a free and fair election; the means to determine our representatives rather than a leader manufactured for us by violence or monarchy. This is our original struggle, what made us who we are.

And public confidence in the electoral process system is vital.

- There must be communication and transparency between election officials and voters.
- The voter must be confident that we have a voter registration and voting process that can accurately verify that only eligible voters cast votes and the votes are recorded correctly.
- The voter must be confident that that all ballots are counted accurately and in a timely manner.

- The voter must be confident that election officials will not favor a candidate or voter over any other voter, based on race, color, creed, or political view or to interfere with the casting of a ballot through fraud or intimidation.

The American people should understand that state and local election officials are professionals. Our system has been strong and has endured over the years. Election officials seriously abide by the oath they take to the people to administer free and fair elections.

These election officials go the extra mile to administer elections on a grand scale while not leaving anyone behind in the process. The American people should understand that their poll workers are ordinary citizens who serve as the backbone of your democracy. They have a tough job, demanding long hours, often working to exhaustion. They should treat you with respect and deserve your respect as well.

The public opinion polls that reflect a growing concern by the American people over voter fraud, voter disenfranchisement, or general lack of confidence in elections is disturbing.<sup>i</sup> While it is true that polling trends reveal that voters for a specific losing candidate or political party will often have less confidence in the overall results or fairness of the election, there are a significant number of Americans who have legitimate concerns about voter fraud or voter suppression in the electoral process.<sup>ii</sup>

For an election administrator, one of the keys to voter confidence is the transparency and ability to show the losing candidate that the election was won or lost, fair and square, by the ballots cast and that there was no voter fraud or denial of the vote to legal voters.

There is a lot of debate over the extent of voter fraud and what level of fraud is acceptable to live with without taking some action. I will point out that no election official at any level should be required to have a conversation with a candidate or political party and say “yes, there were a number of instances of illegal voting or ballots manipulated in your race, but that is an acceptable level of fraud.” In my experience, no candidate of any political party is willing to accept those type of condolences.

Be it paying taxes or cashing government checks, there is a certain level of fraud. In every endeavor, there are always some that will try to take advantage of the system and dilute the concept of one man, one vote. Voter fraud is offensive and is a crime against democracy. It is not a political issue and should be taken more serious by investigators and prosecutors across the country. Deterrence is a key aspect of a well-functioning electoral process.

While it is not normally the job of election administrators to enforce the law criminally, it is our responsibility to design systems and processes to prevent fraud and protect the electoral system and public confidence in this institution. This is an opportunity for the Commission.

As a country full of diverse peoples and views, access, security, and integrity of the ballot box must be viewed as three legs of the stool for a process that all Americans will trust and want to participate. There must always be a balance of access and integrity, otherwise there is a crisis of confidence.

## **PERSISTENT PROBLEM WITH THE NATION’S VOTER ROLLS IMPACTS VOTER CONFIDENCE**

Almost 25 years after the enactment of the National Voter Registration Act (NVRA), one of the major purposes of the law—to protect the integrity of the electoral process and ensure accurate and current voter registration rolls—has still not been realized, and, in many ways, the situation has gotten worse.

With the all the experience of the Commission with elections and voting, I am certainly not the first person to inform you of this recurring problem with the official voter registration lists in the United States.

The electoral system problem with inaccurate and inflated voter rolls is real and burgeoning, and our nation has failed to address the problem despite repeated warnings from multiple commissions and election officials. The time has come to use new technologies and coordination between states to finally resolve the problem.

### ***To Assure Pride and Confidence in the Electoral Process, National Commission on Federal Election Reform (2001)***<sup>iii</sup>

Going back to 2001, the National Commission of Federal Election Reform, led by Former Presidents Ford and Carter, Robert Michel and Lloyd Cutler, released a report that highlighted the developing problem of inaccurate voter lists and the need for an accurate voter registration list of eligible citizens qualified to vote. One of the principle recommendations of that Commission was to create a democratic process that would maintain an accurate list of citizens who were qualified to vote. Based on these findings, the National Commission also recommended that each state adopt a system of voter registration systems, and envisioned future accurate, computerized lists of those who can vote. The Commission noted in its findings:

- Some contend that swollen voter rolls are harmless, since the individuals have moved or died and therefore do not vote, and since poll worker scrutiny and signature verification can prevent fraud. We disagree
- Significantly inaccurate voter lists add millions of dollars in unnecessary costs to already underfunded election administrators and undermine public confidence in the integrity of the election system and the quality of public administration.
- Significantly inaccurate voter lists invite schemes that use ‘empty’ names on voter lists for ballot box stuffing, ghost voting, or to solicit “repeaters” to use such available names. For generations these practices have been among the oldest and most frequently practiced forms of vote fraud. One of our Commissioners (President Jimmy Carter) has written a book mentioning his encounter with such practices early in his political career. The opportunities to commit such frauds are actually growing because of the trend toward more permissive absentee voting.
- Significantly inaccurate voter lists often penalize poor or ill-educated voters. Among the most mobile citizens in the country, these voters find that even modest residential changes, within a state or county, will keep them from appearing on the list of eligible voters at their new residence.

The National Commission in 2001 correctly noted that significantly outdated voter rolls would add millions in unnecessary costs to already underfunded election administrators and undermine public confidence in the integrity of election systems. These facts were true in 2001 and are still true in 2017. There is no doubt that the predictions of this Commission have proven true.

***Building Confidence in U.S. Elections, Report of the Commission on Federal Election Reform - Carter-Baker Commission (2005)***<sup>iv</sup>

The recommendations of our Commission on Federal Election Reform were developed with the aim to increase voter participation and to assure the integrity of the electoral system. The first pillar of the electoral system envisioned included:

- Voter registration that is convenient for voters to complete and even simpler to renew and that produces complete, accurate, and valid lists of citizens who are eligible to vote;

On the issue of interoperability and the sharing of registration information to improve the accuracy of the voter rolls, the Commission on Federal Election Reform made these findings and recommendations:

**2.2 INTEROPERABILITY AMONG STATES<sup>v</sup>**

- Interoperable state voter databases are needed to facilitate updates in the registration of voters who move to another state and to eliminate duplicate registrations, which are a source of potential fraud. Approximately 9 million people move to another state or abroad each year, or about one in eight Americans between each presidential election. Such interoperability is possible because state voter databases that are centralized can be made to communicate with each other.
- The limited information available on duplicate registrations indicates that a substantial number of Americans are registered to vote in two different states. According to news reports, Florida has more than 140,000 voters who apparently are registered in four other states (in Georgia, Ohio, New York, and North Carolina). This includes almost 46,000 voters from New York City alone who are registered to vote in Florida as well. Voting records of the 2000 elections appear to indicate that more than 2,000 people voted in two states. Duplicate registrations are also seen elsewhere. As many as 60,000 voters are reportedly registered in both North Carolina and South Carolina.
- Duplicate registrations have accumulated over the years not just because there are no systems to remove them other than the one described above, but also because people who own homes in two states can register to vote in both places. In fact, when 1,700 voters who were registered in both New York and Florida requested absentee ballots to be mailed to their home in the other state, no one ever bothered to investigate.
- Interoperability among state voter databases is needed to identify and remove duplicate registrations of citizens who are registered to vote in more than one state. To make the state voter databases interoperable, the Commission recommends the introduction of a uniform template, shared voter data, and a system to transfer voter data across states.

- Our Commission recommends a "distributed database" that will connect all states' registration lists. The creation of a computerized system to transfer voter data between states is entirely feasible. This system could be managed either by the EAC or by an interstate compact or association of state officials under EAC supervision.
- Implementation of the Commission's recommendation on cross-state interoperability of voter databases will require state election authorities to collect Social Security numbers and digital images of signatures for all registered voters. While many states use the driver's license number as their unique identifier, they can collect Social Security numbers from their state's department of motor vehicles (a Social Security number is required by 49 states to issue a driver's license).
- We recommend that the EAC oversee the adoption of the template for voter data and for assisting states in the creation of a new system to share voter data among states, including for setting up a distributed database.

This Commission had a number of specific additional recommendations related to accurate voter rolls:

### **Recommendations on Quality in Voter Registration Lists**

- 2.6.1 States need to effectively maintain and update their voter registration lists. The EAC should provide voluntary guidelines to the states for quality audits to test voter registration databases for accuracy (correct and up-to-date information on individuals), completeness (inclusion of all eligible voters), and security (protection against unauthorized access). When an eligible voter moves from one state to another, the state to which the voter is moving should be required to notify the state which the voter is leaving to eliminate that voter from its registration list.
- 2.6.2 All states should have procedures for maintaining accurate lists such as electronic matching of death records, driver's licenses, local tax rolls, and felon records.
- 2.6.3 Federal and state courts should provide state election offices with the lists of individuals who declare they are non-citizens when they are summoned for jury duty.

### ***The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration (2014)*<sup>vi</sup>**

In 2013, the Presidential Commission on Election Administration (PCEA) released a report to improve the voting experience and improve election administration with recommendations on the maintenance of accurate voter rolls:

Accurate voter lists are essential to the management of elections. Keeping track is a Herculean task. On Election Day 2012, the registration system had 191.8 million records and 130.3 million voters managed by officials in 50 states and approximately 8,000 local election offices, with the lists used at 186,000 precincts. The quality of the list can affect the ability of people to vote, of election offices to detect problems, and of courts and others monitoring elections to detect election fraud or irregularities. Election officials across the political spectrum recognize the value of accurate and manageable voter rolls. A list with many incorrect records can slow down the processing of voters at polling places resulting in longer lines.

Interstate exchanges of voter registration information should be expanded. States should join interstate programs that share data and synchronize voter lists so that states, on their own initiative, come as close as possible to creating an accurate database of all eligible voters.

The PCEA discussed the need for the state DMV to be interacting with election offices and providing periodic updates of information vital to assisting in the maintenance of the voter rolls:

- States should seamlessly integrate voter data acquired through Departments of Motor Vehicles with their statewide voter registration lists. The Department of Motor Vehicles (DMV), known in each state as the agency issuing driver's licenses and state personal identification cards, plays a pivotal role in the registration of America's voters. As a critical actor in the creation and maintenance of each state's voter registration file, the DMV can also contribute to the degree of orderliness and efficiency of operation in each community's polling places on Election Day.
- Voters who appear at their polling place after moving can find that their voter registration records have not been updated to conform to their new driver's license addresses. As a result, a greater number of provisional ballots are cast, leading to congestion in the polling place and unnecessary post-election verification work for county and local election officials

The PCEA noted the need for updated voter rolls for effective planning and election administration:

An accurate voter registration list is often a prerequisite to effective election planning and administration. A list filled with inaccuracies, likewise, produces downstream problems throughout the administration of an election. With the enhanced accuracy and efficiency that online registration systems provide, election administrators are able to respond more effectively to a number of recurring challenges.

In endorsing online voter registration, the PCEA noted the negative impact of inaccurate registrations on lines of voters and security at the polling place:

**Lines:** Error-ridden voter rolls contribute to congestion and lines on Election Day. Voters whose information is missing from the rolls or incorrectly entered require the time and attention of officials. This necessarily delays the movement of other voters through the polling place.

**Security:** Online systems also provide additional reassurance of well maintained, "clean" rolls that protect against the potential or appearance of vulnerability to fraud.

## **Key PCEA Recommendation:**

- States should participate with data-sharing programs such as the Interstate Voting Registration Crosscheck (IVRC) or the Electronic Registration Information Center (ERIC).

Approximately 30 states participate in IVRC at different levels of participation and use of the registration data, while 20 states and the District of Columbia participate in ERIC, a more regimented program with some membership fees and mailing costs. With ERIC, there is an outreach mailing program to unregistered but eligible voters that has not appeared to favor one party or another. While there is good news in the continuing growth of these programs, not all states are participating and many of the largest and most populated states like Florida, California, Texas, and New York are not a part of these data-sharing programs.

Virginia was one of the founding members of ERIC and codified participation in both programs. To resolve the problem in the next decade, both programs will need significant growth and improvement to resolve the millions of inaccurate and duplicate registrations across the country.

## **The Failure to Maintain Accurate Official Voter Lists Is a National Problem**

A series of national level commissions have pointed out the wide scope of the problem concerning the inaccuracies of the voting rolls, and the negative impact on election administration and voter confidence. They have also pointed out the vulnerability of our system to voter fraud and irregularities that result from the inability to maintain accurate voter rolls.

Each of these commissions identified the problem and provided recommendations, yet here we are again, facing the same issue and still searching for answers and the will to do something about it. The Help America Vote Act (HAVA) after the 2000 election required counties to work with new statewide voter registration systems to share data for list maintenance purposes and to maintain an official voter registration list. This reform required the states to interact with individual counties because the increasing mobility of our citizens demanded a system where county election officials could receive eligibility and registration information on individuals when they move from jurisdiction to jurisdiction to resolve duplicates. However, the mobility of voters across state lines is almost as significant as within a state, thus requiring the states work together in coordination with each other to resolve the problem.

## **Online Voter Registration Should Be Expanded To All States**

I continue to recommend and advance many bipartisan reforms – including online voter registration. Over 30 states have now passed and implemented online voter registration, and more states are coming online every day. For example, Florida should go live with online voter registration on October 1, 2017. In my opinion, online voter registration (OVR) improves the integrity and accuracy of the registration system and this reform should be expanded to all states with increased attention paid to:

- The security of the system
- The ability to verify the identity of registrants

- Features to increase the portability and continuity of voter registration by establishing formal lines of communication between voter registration systems

OVR has been endorsed by both Republican and Democratic legislatures as a responsible way to increase options to voters to register to vote in a nation that is moving away from paper transactions. OVR is accessible to citizens twenty four hours a day, seven days a week, and guides voters to make fewer mistakes in the process.

OVR also increases the accuracy and currency of the voter rolls on the front end, and reduces delays and congestion at the polling place. The process is secure when interacting with Department of Motor Vehicle databases that verify the identity and eligibility of potential registrants. In many states, these registrants are verified by REAL ID (or close to REAL ID) requirements at the DMV.

A degree of registration continuity or portability may be achieved by modifying existing OVR to require the prompt electronic notification of the voter's former election officials when an individual has moved from one county to another or from one state to another.

State OVR systems should require the voter to provide the previous address and county of registration, if applicable, in the online (or paper) application - and then provide a digital copy of the new voter record with appropriate affirmation or digital signature to the state and county of the voter's previous registration.

The Commission should also explore new technologies such as Block-Chain to facilitate increased authentication and portability of voter registration.

The bottom line is that online registration systems should be able to provide current updated registration information to other states in a format that can be used by election officials trying to maintain the accuracy of the voter rolls.

### **Upgrade Voter Registration System Accuracy and Security**

One area of major concerns over the next decade is the obsolete nature of many of our states' voter registration systems, those registration systems that we rely on to maintain the official voter list in each state. Many states have not improved or replaced their statewide systems since the implementation of HAVA in 2005 and there is no more federal money to upgrade or replace these systems.

The voter registration systems in the states desperately need to be upgraded to add capability and made more functionally accurate, secure, and to better facilitate the sharing of registration data between states. Investment in the newest technologies would also allow better matching processes at the state level that improve list maintenance and interact more efficiently with local election officials. Bad matches, false positives, or lack of matching capability is often the result of older systems and software that doesn't provide the ability to overcome errors in the registration.



Investment in the latest technology will also provide additional security for state and local voter registration systems. While most states already have robust hygiene programs to protect our voter registration systems, new technology would assist in these enhancements.

### **Individual State Voter File Comparison and Reconciliation**

In addition to cross-state list matching activity, the Commission may wish to explore new potential capabilities of individual state digital records management, including voter list matching and voter file integrity. The potential services would be independent of a voter registration system available either offline with stand-alone software or cloud based operations. The basic purpose would be to assist voter file managers to identify specific existing voter records that may be invalid for any number of reasons.

The concept would essentially enable on-demand voter file comparison and reconciliation for purposes of assessing an individual state's voter file integrity. The cloud-hosted comparison would allow election officials to provide their anonymized voter file data to a scanner that automatically conducts list-matching functions, compiles reports on potential record issues, and then make these reports available back to individual election officials and support officials' activities for issue resolution (e.g., voter interstate relocation and use of voting history to reveal active voting in another state.) No voter data would be retained in the cloud beyond the window of operation and report generation.

The concept has the potential to dramatically extend the capabilities of existing state voter record management systems and increase the technical measures to increase voter file integrity. The Commission should explore the concept of this new individual tool for use by individual states, localities, or consortium of states.

### **Identify Best Practices for List Maintenance**

I have provided the Commission a series of best practices to state and localities on new technology and best practices to conduct list maintenance and maintain accuracy with the voter rolls.<sup>vii</sup>

These best practices can be found at the following link  
<https://publicinterestlegal.org/files/PILF-best-practices-report-FINAL.pdf>

### **The Commission should consider the following recommendations as potential revisions to the National Voter Registration Act:**

Require online voter registration systems provide new voter registration application data (affirmed by digital signature) to the election official of previous state and county of registration.

Replace the paper federal form with an online registration portal at the EAC with direct links to state voter registration systems, and consider a portal to capture the appropriate data and transmit to the state offices, or provide online downloadable state voter registration forms.

Require the state chief election official or NVRA coordinator of each state to coordinate with Department of Motor Vehicles and other agencies to modify the paper or electronic voter registration form to provide a separate box for the applicant to affirm the intent to notify the previous state of the current registration information and timely transmit that information to the previous state of registration.

Require that all states participate in voter registration data-sharing programs.

Require the Election Assistance Commission (EAC) serve as a clearinghouse or central coordination government agency to assist states and counties in the sharing of voter registration data in a format necessary to facilitate list maintenance and the accuracy of voter rolls.

Require each state to create an online portal for self-removal of registration by voters who have moved out of state.

Require all states and localities (no matter the population) use national change of address (NCOA) and commercial data notifications to identify all registered voters who have recently moved from the jurisdiction to another jurisdiction and initiative list maintenance procedures in a timely manner based on that notification.

Increase the frequency of review of voter registration lists by national change of address (NCOA) to a minimum every six months.

Require voter registration system audits of security and accuracy of the voter rolls in the year preceding the General Presidential Elections.

Require statewide mailings by state election offices to all registered voters to supplement the list maintenance activities of the localities.

Educate voters on the importance of informing election officials of a change in address and the importance of updating their voter registration.

Development of a uniform and systematic process of electronic notification by local election officials of new voter registrations to the previous state and county election officials of the voter's previous voter registration.

Thank you for the opportunity to testify on this matter

---

<sup>i</sup> <https://ropercenter.cornell.edu/vote-fraud/>

<sup>ii</sup> Voter Sentiments on the U.S. Election System, <http://www.democracyfund.org/publications/voter-sentiments-on-the-u.s.-election-system>

<sup>iii</sup> The National Commission on Federal Election Reform - To Assure Pride and Confidence in the Electoral Process found at <https://millercenter.org/issues-policy/governance/the-national-commission-on-federal-election-reform>

<sup>iv</sup> Building Confidence in U.S. Elections, Report of the Commission on Federal Election Reform found at <https://www.eac.gov/assets/1/6/Exhibit%20M.PDF>

---

<sup>v</sup> Report of the Commission on Federal Election Reform, found at  
<https://web.archive.org/web/20070620141435/http://www.american.edu:80/ia/cfer/report/report.html>

<sup>vi</sup> The American Voting Experience, Report and Recommendations of the Presidential Commission on Election Administration found at <https://www.eac.gov/assets/1/6/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>

<sup>vii</sup> Best Practices for Achieving Integrity in Voter Registration, Public Interest Legal Foundation, found at <https://publicinterestlegal.org/files/PILF-best-practices-report-FINAL.pdf>