



**Common Cause Testimony for the
Subcommittee on Elections of the House Oversight Committee
Hearing on Absentee Voting and Vote by Mail
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Common Cause is a national nonpartisan nonprofit advocacy organization founded in 1970 by John Gardner as a vehicle for ordinary citizens to make their voices heard in the political process. On behalf of our 300,000 members and supporters, we appreciate the opportunity to submit this testimony to the House Subcommittee on Elections regarding absentee voting and voting by mail.

Common Cause generally supports making it easier for citizens to cast a ballot and for elections officials to accurately tally the results. Expanding the opportunities to vote absentee and by mail helps advance both of those goals. To this end, Common Cause supports bills introduced by Representative Susan Davis to allow all citizens to cast a ballot by mail if they prefer to in a federal election (H. R. 281), track the processing of their mailed in ballot (H.R. 1646), and establish a grant program for vote by mail pilot projects in the states (H. R. 1667).

Reasons to encourage voting by mail:

1) Voting by mail facilitates increased turnout. When the United States' voter turnout is ranked among democratic governments across the world, we come in 140th out of 163.¹ Despite huge get-out-the-vote efforts by both parties in 2004, still only 60.93 percent of the eligible population voted.² In midterm election years, the turnout is well below 50 percent. Studies show that voting by mail produces a slight increase in turnout in general elections and a more significant increase in turnout in local, off-year, and special elections. One study in Oregon found a 10% increase in turnout as a Vote By Mail (VBM) program was implemented³. But some have suggested that it was caused by other factors such as hotly contested elections and novelty of the idea. Other studies have found an increase of 4.7% in presidential elections and mid-term elections from 1980 to 2006⁴ and a 4.5 percent increase in Washington state elections.⁵ Rather than sparking participation among citizens who never vote, it appears that the added convenience of voting by mail serves primarily to retain higher participation among those voters who tend to vote in general elections by making it easier for them to vote in traditionally lower-interest local, special, or nonpartisan elections.⁶ While not a panacea for the low voter participation rates we see in the United States, anything that can help turn the tide is a welcome and important step.

2) Voting by mail provides time for greater voter consideration of candidates and issues. When casting a ballot in a traditional polling place, voters may feel rushed to complete their ballots. Especially if they have waited in a long line to reach the polling place and perhaps taken time away from work or family responsibilities, voters naturally want to get the process over quickly and may not take as much time as they should to consider their choices or complete the voting process carefully enough to ensure that they made no errors in casting their ballot.

There are strong indications that when given a chance, many voters prefer to fill out their ballot at home, enjoying greater time to deliberate and research their choices. In the 2004 elections, 20% of voters cast ballots by mail nationwide, indicating a strong voter preference.⁷ A recent survey found 81% of Oregonians prefer voting by mail now that

the state has shifted to all-mail elections.⁸ In the 2006 general elections, 85% of voters in Washington cast their ballots by mail (where 33 of 39 counties conducted all mail elections)⁹ as did 42% of Californians through a permanent absentee program.¹⁰ Citizens are in-effect voting with their feet by flocking to vote by mail programs when given the opportunity.

3) Voting by mail reduces Election Day logistical problems of equipment shortages/failure, long lines, and poorly trained poll workers. In 2004, Ohio saw long lines at many polling places as a result of not having deployed enough electronic voting machines to each location. In 2006, many Maryland polling places did not open on time because poll workers did not have appropriate plastic cards to activate election machines. Denver also saw long lines in 2006 due to election problems; many people gave up and did not vote as a result. In Sarasota, more than 18,000 votes were not recorded in the last congressional elections, most likely due to errors with touch screen machines. Vote by mail solves these problems because it provides voters with plenty of time to cast ballots and avoid long lines while also providing election officials with ample time to count and process ballots. Because VBM uses paper ballots, it avoids the many concerns about electronic voting machines that lack an audit trail to use in cases of recounts or mishaps. Two academic teams have concluded that VBM programs offer a more accurate vote count than traditional elections.¹¹

Using a signature match for mail in ballots is also a superior method for preventing fraud than requiring voters to present photo ID at polls. Unlike photo ID requirements (which can both disenfranchise many legitimate voters who either forgot their ID or do not have a picture ID, and also slow down the voting process causing long lines), vote by mail allows election officials to compare signatures on the outside of a sealed voter envelop with the signature of a voter in their registration process. This signature verification, the same system used to verify signatures on voter petitions to qualify candidates or initiatives for the ballot, allows for greater accuracy and can apply to all voters without discrimination. Oregon has been remarkably free of allegations of fraud in its VBM program. In 2004, one group did claim that six voters had voted twice using VBM, but further investigation revealed that in five cases the claim was false and the sixth case was already being investigated by local elections officials.¹²

An all mail ballot program is less likely to be disrupted by bad weather, natural disaster, or worse. As one example, Tillamook County in Oregon uses an all mail system for elections. In November 2006, 70 percent of registered voters cast their mail-in ballots even though on Election Day some 13 inches of rain fell and the Governor had declared a state of emergency. Had Tillamook relied on a one-day polling place process, its turnout would likely have been dramatically reduced. It is sad but important to remember that September 11, 2001 was a local Election Day for New York City. Election Days are symbolic of our democracy and important to our government functioning so they could be possible targets for attacks in the future. Spreading Election Days into Election Weeks through voting by mail makes them less vulnerable to any form of disruption.

Real and Potential Concerns

It is important that vote by mail programs are implemented correctly. Common Cause has identified two mistakes to avoid:

- 1) **The vote by mail program must include all registered voters.** Common Cause research in Denver, Colorado uncovered the fact that many voters did not receive ballots in the mail during a recent all mail municipal election because they had failed to vote in the previous year's November election and had been marked as "inactive." This policy led to a decline in the electorate by 38% citywide and a decline of 50% within heavily Latino precincts.¹³
- 2) **The vote by mail program must be universal and well publicized.** California has allowed small precincts of fewer than 250 voters to conduct all mail elections at times when neighboring precincts are conducting in-person polling place elections. Depending upon the election, a voter may find herself in one of these all mail elections one cycle but needing to go to an in-person polling place in the next election. A citizen's coworker or friend might be talking about going to vote in person while someone living in one of these small precincts might not know that the election is only by mail for their precinct. This inevitably leads to complaints by voters on Election Day unable to find their polling place because in fact there is none. Research has found that these orphan precincts have slightly lower (2.6% to 2.9%) turnout in general elections as a result of the confusion, although even with this disadvantage they still see higher turnout (7.6%) in off-year local elections.¹⁴

What about Ethnic Voters?

Valid concerns have been raised about whether vote by mail programs could skew election results by increasing turnout among some demographics but decreasing it among others. Some have argued that ethnic minorities, who may face language barriers or move frequently, may participate in lower numbers in vote by mail elections. Recently released Common Cause research into all mail elections in Denver, Colorado found just the opposite. Voters in heavily Latino districts had relatively higher rates of participation in all mail elections compared to polling place elections. Turnout in the 48 most heavily Latino precincts in Denver trailed citywide turnout by 37 percent in the 2004 general elections conducted at polling places, 14 percent in a May 2005 municipal polling place election, but only 3 percent in a May 2007 municipal election conducted by mail.¹⁵ Denver's first all mail election in 2001 saw a citywide increase in turnout of 17 points compared to its 1999 polling place election, but heavily Latino precincts saw an increase of 55 percent.¹⁶

A survey in Oregon found similarly high levels of satisfaction among white (81%) and non-white (79%) voters.¹⁷ While this concern warrants further study, we to date have not uncovered any evidence suggesting that voting by mail decreases turnout among ethnic minorities or any other demographic.

Recommendations:

In order to ensure accurate and fair elections, it makes sense to provide all voters in the United States an equal opportunity to cast their ballot through the mail. Currently, voters in 28 states have the option to vote by mail upon request, but in other states this opportunity is restricted. H.R. 281 would establish a universal right to vote by mail in federal elections and would provide for more uniform voting access across the country.

Common Cause encourages states and localities to experiment with all mail elections, with the following recommendations in mind:

- 1) Mail ballots to all registered voters. Mailing ballots only to voters deemed “active” by virtue of their recent participation in elections deprives many voters the opportunity to cast a ballot.
- 2) Heavily publicize the program, especially when ballots are being mailed out so that voters who do not receive ballots due to mail errors have time to request them.
- 3) Prohibit efforts to influence a persons vote while they are filling out a mail ballot and establish a hotline for voters to report attempts at fraud or coercion. Voter guides should include a warning about voter intimidation by spouses, employers, churches, nursing homes, or any one witnessing a ballot being filled out.
- 4) Create a thorough process for checking voter signatures on mailed in ballot envelopes to their signatures on file with their voter registration, as is currently done in Oregon.
- 5) Provide official drop-box locations where voters can deposit ballots on and up to Election Day without paying postage costs. Local officials must ensure that there are an adequate number of drop off boxes for people who want to physically cast their ballots on Election Day or ahead of time, and ample opportunities for voters with disabilities or language barriers to cast ballots on accessible machines as required by the Help American Vote Act
- 6) Provide public data on which voters have had their mailed in ballots received so that voters can confirm their vote has been cast and civic organizations can conduct Get Out The Vote Drives. H.R. 1646 would require a vote tracking system in all federal elections.
- 7) Federally funded pilot programs to expand absentee voting and voting by mail should require county officials to consult with voter protection groups, ethnic minority groups, disability groups, representatives of the military, and other civic organizations when designing plans to implement an all vote by mail program to ensure that the program will meet the needs of their constituencies.

Because of the potential concerns, it will be important to carefully monitor how vote by mail programs are implemented. The provisions in HR 1667 to carry out a study of vote by mail programs is a critical component and many states may not do sufficient follow-up research without the federal funding and requirement to do so.

End notes:

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- ¹ According to the International Institute for Democracy and Electoral Assistance, Stockholm, Sweden.
- ² Professor Michael MacDonald, http://elections.gmu.edu/Voter_Turnout_2004.htm
- ³ “The Effect of All Mail Elections on Voter Turnout,” Priscilla Southwell and Justin Burchett, *American Politics Quarterly*, 28 (1) 72-79.
- ⁴ “Early Voting and Turnout,” Paul Gronke, Eva Galanes Rosenbaum, Peter Miller, Early Voting Information Center at Reed College, 2007.
- ⁵ “Voting by Mail and Turnout: A Replication and Extension,” Paul Gronke and Peter Miller, Early Voting Information Center at Reed College, draft paper 2007.
- ⁶ “Who Votes by Mail: A Dynamic Model of Individual-Level Consequences of Voting-by-Mail Systems,” Adam Berinsky, Nancy Burns, Michael Traugott, *Public Opinion Quarterly* 2001 Vol. 65, pp. 178-197.
- ⁷ National Annenberg Election Survey, released March 25, 2005.
- ⁸ “Five Years Later, a Reassessment of Oregon’s Vote by Mail Electoral Process,” Priscilla Southwell, Department of Political Science, University of Oregon, 2003.
- ⁹ “Early Voting and Turnout,” Paul Gronke, Eva Galanes Rosenbaum, Peter Miller, Early Voting Information Center at Reed College, 2007.
- ¹⁰ “Historical Absentee Ballot Use in California,” California Secretary of State, available at http://www.sos.ca.gov/elections/hist_absentee.htm
- ¹¹ “Ballot Integrity and Voting by Mail: The Oregon Experience,” Paul Gronke, Report to the Federal Commission on Election Administration, June 15, 2005.
- ¹² “Ballot Integrity and Voting by Mail: The Oregon Experience,” Paul Gronke, Report to the Federal Commission on Election Administration, June 15, 2005.
- ¹³ “Latino Voters Do Vote by Mail—But only if We Let Them,” Common Cause report, October 2007.
- ¹⁴ “Will Vote by Mail Systems Increase Participation? Evidence from California Counties,” Thad Kousser and Megan Mullin, April 2007.
- ¹⁵ “Latino Voters Do Vote by Mail—But Only if We Let Them,” Common Cause report, October 2007.
- ¹⁶ “Voting Through the Mail and Minority Voters,” Bighorn Policy Center report, 2002.
- ¹⁷ “Five Years Later, a Reassessment of Oregon’s Vote by Mail Electoral Process,” Priscilla Southwell, Department of Political Science, University of Oregon, 2003.