

Voting Rights and Improving Elections

Introduction

Voting rights underlie the formation of the League of Women Voters of the United States (LWVUS), and voting rights continue to be a major thrust of LWVUS action to ensure the right of every citizen to vote. The League has adopted many positions on representative government, including voting rights and improving elections.

This paper looks at specific issues on voting rights and ways to improve elections; it was one of the topics adopted at the League of Women Voters of Lane County (LWVLC) annual meeting for study in the 2018-19 year.

Criteria

What criteria should be used to determine whether elections are improving? Some possibilities include higher rates of voter registration, higher rates of voter participation in elections, elimination of obstructions to voting. As Common Cause points out, Americans deserve to feel confident that their votes are accurately counted and protected from cyberattacks. The system must ensure fairness, accuracy and security.

Voter Requirements and Participation

On January 1, 2016, Oregon took a giant step to increase voter participation by instituting “motor voter” registration. The Oregon Motor Voter law eliminated the need to fill out the voter registration card at the Department of Motor Vehicles (DMV). Instead, eligible Oregonians receive a mailing from the Oregon Elections Division explaining their options for registering to vote, along with a Oregon Motor Voter (OMV) card. In 2017, the Legislature voted to allow 16 and 17 year olds to register to vote. The Elections Division will send out an OMV card only to people who have provided DMV with documentation that they are US citizens. The Oregon Elections Division sends persons becoming 16 years of age a card explaining options for registering to vote. Sixteen-year-olds cannot vote until they turn 18, but they can register to vote at age 16.

The OMV card offers three options:

- Do nothing. You will be registered to vote as a nonaffiliated voter (not a member of a political party and not allowed to vote for partisan offices in the primary election).
- Choose a political party by returning the card. Joining a political party will allow you to vote in its primary elections.
- Use the card to opt-out and decline to register to vote.

A person has 21 days from the date the OMV Card is sent to respond; otherwise the individual will be automatically registered to vote as a non-affiliated voter.

According to the Oregon Elections Division, since the inauguration of Oregon’s Motor Voter Registration up to August 2018, Oregon added 390,014 new voters. There are now a record 2.73 million registered voters in the state. In the 2018 primary election, of the 2,664,021 Oregonians registered to vote, 903,311 voted or 33.9 percent.

At the national level, there are currently three bills in Congress which would affect voting rights:

- The Automatic Voter Registration Act of 2017, SB1353, introduced by Sen. Leahy (D-VT) and Rep. Brady (D-PA) is supported by the LWVUS and would enhance access for eligible voters and modernize the electoral system. SB1353 would require states to establish and operate automatic voter registration systems. The Director of the National Institute of Standards and Technology would develop data management and privacy and security standards for the voter registration information, and all states would be required to meet the national standards. Grants would be available to help states convert their voter registration systems to meet the new standards.
- HR2978 of the 115th Congress (2017-2018) would amend the Voting Rights Act of 1965 to allow an official of an Indian tribe to request one or more polling places to be located on tribal lands. The state or political subdivision would be required to provide each requested polling place at no expense to the Indian tribe. There are 189 cosponsors of this bill including four from Oregon: Reps. Blumenauer, Bonamici, DeFazio and Schrader.
- The Protecting American Votes and Elections Act of 2018, legislation introduced by Senators Wyden and Merkley, would require the use of paper ballots and “risk-limiting” audits for all federal elections. In a press conference in Eugene, August 30, 2018, Wyden stated that having a paper ballot will leave a verifiable paper trail and help to ensure elections are free from foreign interference. “Everyone should get a ballot by mail,” Wyden said, advocating that the US should have an Oregon-style election. “Now, I don’t think we can get that in this Congress. What we can do is get a paper ballot for every American.”

Integrity and Improvement of the Voting System

Several organizations have made suggestions for changes in the voting system to improve elections:

- Common Cause (CC) is a watchdog group based in Washington D.C., founded in 1970 by John W Gardner, a Republican, Secretary of Health, Education, and Welfare under President Lyndon Johnson. Initially it was known for its efforts to end the Vietnam War and lower the voting age from 21 to 18. Its stated issue areas are money in politics, voting and elections, a fair economy, and media and democracy.
- Vox News (VN), a news website that employs explanatory journalism, has proposed changes that could make voting easier or otherwise better on or before Election Day.
- Twenty-seven years ago, in 1991, DePauw University (DU) convened a bipartisan cross section of 18 political specialists, which included Democrats, Republicans, professors, former candidates, consultants, campaigners, pollsters, an author and reformer to make recommendations for changes in the American political system. (See the footnotes for a list of participants in the conference.)

These organizations have proposed the following recommendations for improvement of our elections:

- 1) Automatic Voter Registration (AVR): Automatically registering eligible voters through the DMV and other government agencies is the best way to streamline our voting systems while keeping them safe, accessible, and up-to-date. AVR ensures that all eligible citizens are registered and can cast ballots and has been adopted in some form in 13 states plus the District of Columbia.

All but one state (North Dakota) require people to register to vote. States could take steps to automatically register people to vote, as Oregon has done; or states could do away with registration, as North Dakota has, allowing people instead to prove on Election Day that they live in the state with a state-issued ID or other identification documents. AVR helps ensure that all eligible citizens get registered and can cast their ballots. AVR increases security and reaches eligible voters, no matter their party preference, who haven't registered so that they can participate in our democracy. (CC and VN)

- 2) Election day/same day registration: Allowing eligible citizens to register and vote on Election Day and during an early voting period. (CC)
- 3) Online voter registration: Allowing eligible citizens to register to vote safely and conveniently or update information via secure government websites. (CC)
- 4) Pre-registration for high school students: Allowing 16 and 17-year-old high school students to pre-register to vote so that when they turn 18 their registration will automatically be activated. (CC)
- 5) Establish a national popular vote for presidential elections to replace the current electoral college system. (CC) The League of Women Voters of the United States (LWVUS) also supports this measure.
- 6) Ensure paper backups of our voter registration data bases and electronic voter rolls. (CC)
- 7) Require risk-limiting post-election audits of ballots to confirm that reported election results are accurate. (CC)
- 8) Retire old and outdated voting machines, upgrade the technology we use, and move towards employing paper ballots in all states. (CC)
- 9) Eliminate the use of online voting, email and internet voting. (CC)
- 10) Change election day or make election day a holiday: Election Day was officially set in 1845, when a Tuesday in early November was a convenient time for farmers to vote. Since then, a lot has changed — most importantly, Tuesday is now in the middle of the workweek for the typical 9-to-5 employee. Changing Election Day to a weekend or even extending it to an entire week could help make voting easier for people. (VN)
- 11) Allow or expand early voting: Thirty-four states already allow no-excuse early voting, although some limit it to one or two weeks, weekdays, and, worse, 9-to-5 office hours. But a few states have proven that it's possible to offer much more expansive voting windows; Minnesota, for example, allows early voting 46 days before Election Day. Others, like Maine and Iowa, allow voting as soon as ballots are available, which can be as early as 45 days before Election Day. (VN)
- 12) Move some or all voting to mail: Colorado, Oregon and Washington vote only by mail. There are some concerns with allowing only mail-in voting, including ballots lost in the mail and potentially making it easier for family members or peers to coerce a person into voting a certain way. (VN)
- 13) Relax strict voter ID laws: Over the past few years, more states have adopted strict laws that limit what IDs someone needs to show on Election Day to vote. For example, they might allow a government-issued photo ID as proof to vote, but ban a student ID or bank statement. This is supposedly to combat voter impersonation, but this kind of voter fraud is very rare anyway — between 2000 and 2014, there were only 35 credible allegations of voter impersonation, while more than one billion ballots were cast. So maybe these laws can be relaxed to allow more forms of ID or not require an ID at all. (VN)

- 14) Make voting easier for people with disabilities: People with disabilities can face huge challenges when they head to the voting booth, from difficulty reading a ballot to a lack of wheelchair-accessible ramps. According to a 2013 study by Rutgers University associate professor Lisa Schur, three million more people would turn out to vote if Americans with disabilities voted at the same rate as otherwise similar people without disabilities. But Schur reported that previous research has found that only 27 percent of polling places in 2008 posed no potential impediments to people with disabilities. (VN)
- 15) Make voting compulsory: This wouldn't necessarily make voting easier, but it could drive a lot more people to the polls. As Dylan Matthews wrote for Vox, making voting compulsory is one of the few ideas that really is proven to increase voter turnout. And that would make American government more representative of all the people that it's supposed to work for. (VN)
- 16) Require television broadcasters to provide free air time to candidates in all contested federal elections. This idea gives challengers, who usually have less money and less name recognition than do incumbents, a more equal opportunity to present their ideas to voters. (DU)
- 17) Require candidates to appear on camera at the end of political advertisements to say that they approve of the advertising messages and that their campaign committees have paid for them. This idea is designed to make candidates publicly accept responsibility for negative campaign commercials. (DU)
- 18) Require at least two televised debates between candidates for president. U.S. Senate and U.S. House in all contested races. Lines in red ink reading "Has Refused to Debate Opponent" would appear on the ballot next to the names of candidates who won't debate. (DU)
- 19) Establish an ad hoc committee to monitor the quality of public opinion polls taken and reported by newspapers, televisions and networks. This committee would have no sanctioning power over the media, but it would issue a report when it found poll results to be misinterpreted. (DU)
- 20) Transfer the redrawing of congressional district lines from the hands of incumbent congressmen and legislators to a nonpartisan commission. (DU) The LWVUS also supports this recommendation.
- 21) Make members of the US House of Representatives, who now face election every two years, instead stand for election every four years at the same time the president is elected. This idea is designed to temper the excesses of divided government – a president of one party and a congress of the other party – and to prevent congressmen from insulating themselves from the currents of national voter opinion. (DU)
- 22) Add a new line to the election ballot that says "Favors a New Election." If that option gets more votes than any candidate on the ballot, a new election with new candidates would be ordered. (DU)

Election Security in Oregon: Ensuring the Accuracy of Your Vote

Security is clearly an important factor in ensuring that the voting system is fair and accurate. The Oregon centralized voter registration (OCVR) system is managed at the state level and includes provision of security for each county's information. There is considerable redundancy in the security system to ensure against the loss of voter registration information in the event of a breach of security or a natural disaster, such as an earthquake or flood. To date, there have been no breaches of security in the voter registration system in Oregon.

Oregon elections are secure, not because there aren't any threats, but because there are detailed processes and procedures in place that are continuously evaluated to identify improvements and to develop contingency plans, ensuring that the systems and the votes are secure.

For example, the signature on the ballot return envelope is compared to the signatures in the voter registration record, and the ballot is counted only if the signatures match. Another security feature is that all elections in Oregon must be conducted using a paper ballot.

Other security features include:

- Every county elections office files a security plan with the Secretary of State every year that details the tools and processes they use to secure elections in their county.
- Each day a copy of the voter registration database is backed up and saved to ensure accurate information is preserved should a hacker gain access.
- All voting systems (machines and programs) used to count ballots in Oregon have been certified by a federally accredited voting system test laboratory and have been further analyzed to ensure the system is secure before the Secretary of State approved of their use.
- All ballots are counted in secure rooms at each of Oregon's 36 county election offices. Security cameras are in place to record 24 hours a day. No voting systems are connected to the internet.
- Prior to any ballots being counted, counties test voting systems for logic and accuracy. This testing entails marking test ballots and running them through the vote counting machines to ensure results produced by the voting machines match how the test ballots were marked. This same process is followed after the election to confirm there was no change to the programming.
- Finally, after the election and prior to certification of the results, an audit of randomly sampled ballots is conducted. This audit requires human beings to review every ballot in the random sample to prove that results produced by the vote counting machines accurately reflect the marks made by voters.

The US Department of Homeland Security and the FBI have confirmed that no vote-tally systems in Oregon or anywhere else in the US have been hacked. You can have confidence that your ballot will be counted as you mark it and that there will be no tampering with the ballot at any step in the election process.

Recent Improvement in Oregon Elections

Dennis Richardson, Oregon Secretary of State, has turned to Facebook to reach out to inactive voters. "Utilizing cutting-edge technologies to empower eligible voters isn't just something we can do — it's something we must do if we're serious about outreach," Richardson said in announcing what he called the first-of-its-kind program. Oregonians can become inactive voters after being mailed a ballot or other election material that is returned as undeliverable; not voting or registering in 10 years; if their ballot has been challenged; or if they're imprisoned on a felony conviction. Under Oregon law, the right to vote is restored upon release from incarceration.

Richardson's chief of staff, Deb Royal, said that inactive voters who are Facebook users and are Oregon residents will receive a video featuring Richardson encouraging them to update their registration in order to receive a ballot in the mail.

Improving Elections in Lane County

The Motor Voter bill has increased the number of registered voters in Lane County. Lane County Clerk Cheryl Betschart reports the following information on the impact of the Motor Voter legislation in Lane County:

Date	Registration Total	Annual Percentage Growth
January 2016	206,182	
January 2017	245,513	19.08
January 2018	247,371	0.76

The growth in voter registrations so far in 2018 is as follows:

Date	Registration Total	Percentage Growth
January 2018	247,371	
July 2018	251,739	1.77
September 2018	255,162	1.36

Overall, voter registration has increased 23.76 percent from January 2016 to September 2018,

The Lane County Elections Office receives daily updates from the state on new and updated voter registration information, which is transmitted electronically to the county.

One of the most important ways to improve elections is to provide more publicity on the importance of voting and to provide education on the issues. It's important to consult multiple sources of information on ballot issues and to stick to the facts when casting a vote.

Providing a postage-paid envelope with the ballots might improve the rate of ballot return, particularly in rural areas where ballot drop boxes are not readily available and post offices may also be some distance for rural voters.

Discussion Questions

1. Which of the suggestions in the everymember material do you think would most improve elections in Lane County and Oregon? Why?
2. Are there suggestions that you think would not work with Oregon's vote-by-mail system?

References

1. Source: Steve Trout, Oregon Secretary of State office.
2. https://www.oregonlive.com/politics/index.ssf/2016/11/turnout_among_oregon_motor_vot.html
3. <https://sos.oregon.gov/elections/Documents/Voter-Turnout-History-Primary.pdf>
4. <https://www.congress.gov/bill/115th-congress/senate-bill/1353/text>, accessed 9/7/2018

5. <https://www.congress.gov/bill/115th-congress/house-bill/2978>
6. <https://www.commoncause.org/our-work/voting-and-elections/election-integrity/>
7. <https://www.commoncause.org/our-work/voting-and-elections/voter-registration-modernization/>
8. Information from an article by Henry Houston in the *Eugene Weekly*, September 6, 2018.
9. DePauw University
10. Participants in DePauw University conference: Fred Wertheimer, president of Common Cause; Mitch Daniels, former political adviser to President Reagan and Indiana Senator Richard Lugar; Christine Todd Whitman, Republican senatorial candidate; Jim Hightower, former Texas Commissioner of Agriculture who now heads an organization that is speaking out on blue-collar and farm issues; Lloyd N. Cutler, counsel to President Carter; Marc Nuttle, directed the National Republican Congressional Committee; Sandy Maisel, professor of government at Colby College and a former Democratic candidate for Congress; Brooks Jackson, *CNN* political reporter; David Shribman, *Wall Street Journal* political reporter; Elaine Kamarck, senior fellow of the Progressive Policy institute; Albert Cantril, author of *"The Opinion Connection, Polling, Politics, and the Press"*; Alan Ehrenhalt, editor of *Governing Magazine*; John Fund, *Wall Street Journal* editorial write;. Ellen Miller, executive director of the Center for Responsive Politics; Bruce Stinebrickner, chair of DePauw University's political science department; Larry Hansen, freelance political writer and consultant; Paula Wolff, distinguished fellow at the MacArthur Foundation; and Philip Powlick, DePauw University political science professor.
11. <https://www.vox.com/policy-and-politics/2016/11/7/13533990/voting-improvements-election-2016>, accessed 9/7/2018
12. https://www.lwv.org/sites/default/files/2018-05/impact_on_issues_2016-2018.pdf, downloaded 8/30/2018
13. <http://oregonvotes.gov/voters-guide/english/votersguide.html#General Information>, accessed 10/10/2018
14. *The Register-Guard* article, 9/13/18, by Andrew Selsky, Associated Press.
15. Interview with Lane County Clerk Cheryl Betschart, September 26, 2018.

[Material prepared by Janet Calvert, Chuck Crawford, Gary Harmon, Rosemary Isabell, Susan Tavakolian]