



Testimony of Matthew Segal

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OUR TIME
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“Excluded from Democracy: The Impact of Recent
State Voting Law Changes.”

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Good afternoon Chairman Conyers, Leader Hoyer, and other distinguished members of the committee, I thank you for inviting me to testify today and am grateful for the opportunity to share perspective on behalf of the more than 300,000 members of OUR TIME. For those of you unfamiliar with OUR TIME, we are a national non-profit, non-partisan, membership association of Americans under 30 promoting economic and voter empowerment. You can read more about us at www.ourtime.org.

Mr. Chairman, nearly six years ago when I was 19 years old, I had the privilege of testifying at a House Judiciary Committee forum you assembled in Washington after the 2004 election called “Preserving Democracy: What Went Wrong in Ohio.” I was a freshman at Kenyon College at the time, and I discussed the 12 hour long voting lines, lack of voting machines allocated, and widespread student disenfranchisement that occurred throughout Ohio and all 50 states.¹ Sadly, Mr. Chairman, I have the unfortunate news of reporting that our voting rights are worse off today than they were six years ago.

As my colleagues mentioned earlier, more than two-thirds of our state legislatures have introduced bills that would make voting more difficult, and more than a dozen states successfully passed legislation that imposes stringent voter ID restrictions and/ or limits voter registration opportunities.² These laws disproportionately and adversely affect students and young voters³—the most socially connected, globally aware, technologically savvy, and diverse generation in history.

Mr. Chairman, in Texas it is permissible to register to vote by showing a concealed gun license, but not a student ID. In Tennessee and Wisconsin, student IDs are either not allowed or must meet strict criteria that most public universities do not fulfill.⁴ Evidence from my colleagues’ testimony also shows that these ID restrictions do little or nothing to prevent voter fraud.

Indiana has never been able to cite a single instance of actual voter impersonation at any point in its history. According to a *New York Times* op-ed (by Congressman John Lewis), there are far more reports of U.F.O. sightings than allegations of voter fraud in Kansas.⁵ Despite this, the chairman of the Republican Party in Maine recently asked the Secretary of State, Charlie Summers, to investigate 206 students whom he believed committed voter fraud by voting twice or by registering illegally. The investigation proved that no one committed voter fraud. Of the 206 students on the list, 77 had registered in their home state and then again in Maine, but none cast more than one ballot in a single election.⁶ As we know, voters are not required to unregister in one state when registering

¹ *Preserving Democracy: What Went Wrong in Ohio*, Status Report of the House Judiciary Committee Democratic Staff, January 5, 2005 available at

http://www.iwantmyvote.com/lib/downloads/references/house_judiciary/final_status_report.pdf

² Wendy R. Weiser and Lawrence Norden, *Voting Law Changes in 2012*, Brennan Center For Justice, October 3, 2011, available at http://www.brennancenter.org/content/resource/voting_law_changes_in_2012

³ Judith Browne Dianis, Op-Ed, *Five myths about voter fraud*, WASHINGTON POST, October 7, 2011, available at http://www.washingtonpost.com/opinions/five-myths-about-voter-fraud/2011/10/04/gIQAkjoYTL_story.html

⁴ Wendy R. Weiser and Lawrence Norden, *Voting Law Changes in 2012*, Brennan Center For Justice, October 3, 2011, available at http://www.brennancenter.org/content/resource/voting_law_changes_in_2012

⁵ John Lewis, Op-Ed, *A Poll Tax by Another Name*, N.Y. TIMES, August 26, 2011, available at <http://www.nytimes.com/2011/08/27/opinion/a-poll-tax-by-another-name.html>

⁶ Eric Russell, *Secretary of State finds no student voter fraud but still pledges to improve system*, Bangor Daily News, September 22, 2011 available at <http://bangordailynews.com/2011/09/21/politics/secretary-of-state-finds-no-student-voter-fraud-but-maintains-system-is-vulnerable/>
<http://campusprogress.org/articles/its-official-students-in-maine-werent-committing-voter-fraud-despite-gops-a/>

in another and they also have a legal right to vote where they attend college.⁷ Mr. Summers' investigation thereby did little more than scare out-of-state college students about participating in their campus affairs.

Above all, the real deterrent for voter fraud is the potential felony conviction, prison sentence, hefty fine, or deportation associated with being caught —not stringent ID requirements. All these regressive laws do is make voting needlessly more complicated, less accessible, and in some instances, more expensive. This prevents citizens in my generation from holding our elected officials accountable and further tarnishes our impression of the American political system as one that is obtuse, antiquated, and divisive.

As my colleagues also reviewed, other recent setbacks in voting rights include limitations of early voting days, repeals of same-day voter registration, and restrictions on voter registration drives.⁸ Yet again, these policies do little to nothing to end fraud, and only force young Americans to navigate extra hurdles to participate in our democracy. Early voting in particular is extremely successful in helping college students who have exams and midterms get to the polls ahead of time, while it also prevents situations like Kenyon College 2004 by dispersing huge turnout from happening in a concentrated window of time that elected officials are not prepared to administer. When long lines occur, excessive amounts of provisional ballots are also cast, which often leads to recounts being requested. Recounts cost states hundreds of thousands of dollars.⁹ This negates many unsubstantiated arguments that cutting back on early voting saves money.

The people's veto of Maine's bill to end same-day voter registration in literally every county last Tuesday singularly indicates that legislators are creating regressive voting laws against the will of their constitutions.¹⁰ Same-day voter registration is wildly popular and effective, and the states that currently possess such laws have higher turnout on average of 10-12 percent.¹¹ With a media whose focus on politics intensifies each day closer to an election, many young voters do not make their electoral decisions until a few days before the first Tuesday in November. Unnecessarily early voter registration deadlines disenfranchise many citizens who do not make their political decisions well before an election. These citizens deserve a better shot at participating in their democracy.

Recent limitations on voter registration drives in Florida and Texas will also encumber and intimidate students who are very likely to register to vote through a campus group or organization.¹² As the president of OUR TIME, I can agree with Elisabeth MacNamara at the League of Women Voters in noting that we are reticent to engage in any grassroots voter registration activity simply because the risks and legal fees associated with compliance are too excessive. When I was a student at Kenyon College, I helped register

⁷ U.S. Supreme Court, *SYM v. U.S.*, 439 U.S. 1105, January 15, 1979, available at <http://supreme.justia.com/us/439/1105/case.html>

⁸ Wendy R. Weiser and Lawrence Norden, *Voting Law Changes in 2012*, Brennan Center For Justice, October 3, 2011, available at http://www.brennancenter.org/content/resource/voting_law_changes_in_2012

⁹ *The Cost of Statewide Recounts: a Case Study of Minnesota and Washington*, The Pew Center On The States, November 19, 2010 available at http://www.pewcenteronthestates.org/report_detail.aspx?id=61923

¹⁰ Eric Russell, *Mainers vote to continue Election Day registration*, Bangor Daily News, November 9, 2011 available at <http://bangordailynews.com/2011/11/08/politics/early-results-indicate-election-day-voter-registration-restored/>

¹¹ Youjin B. Kim and Steven Carbo, *Factsheet: Voters Win With Same Day Registration*, DEMOS, May 26, 2011 available at <http://www.demos.org/publication/factsheet-voters-win-same-day-registration>

¹² Wendy R. Weiser and Lawrence Norden, *Voting Law Changes in 2012*, Brennan Center For Justice, October 3, 2011, available at http://www.brennancenter.org/content/resource/voting_law_changes_in_2012

hundreds of first-time voters. I can honestly tell you that if I were a student in Florida today, I would be disinclined to register my classmates in fear of accidentally violating many of the draconian registration rules, which include 1) Needing to pre-register with the state before engaging in any voter registration activity; 2) Having to sign a sworn affidavit under penalty of perjury listing all criminal penalties for false or mistaken registration; 3) Having to ensure that every registration form is physically received by county officials within 48 hours of signature; and 4) Having to list the precise date and time when the registration form is completed as well as a government issued organizational code on the form while needing to track the precise number of state and federal voter registration forms and submit such figures monthly.¹³ To call this an administrative burden is an understatement.

Voting domicile is another condition of pervasive discrimination, intimidation, and confusion that faces thousands of students and young Americans every election. In the last few weeks, students at Wesleyan University were confused by where to vote, as students who registered with their campus P.O Box address were instructed that their proper polling center was actually determined by dormitory addresses.¹⁴ In the past, P.O Boxes have not been considered proper residency, and college students regularly receive pressure not to vote in local elections because they do not pay property taxes.

Notwithstanding all of the aforementioned barriers, perhaps the most frustrating component of our electoral system for my generation is the inability to register to vote online in all but nine states.¹⁵ In a world where we bank and manage investments online, pay bills and taxes online, and buy and sell goods online, it is increasingly illogical that we cannot register to vote online. The millennial generation spends more than 4 hours per day on the internet and on email,¹⁶ and stamps and snail-mail are becoming an antiquated form of correspondence. Evidence currently shows that online voter registration increases turnout, reduces error, and saves money. After Arizona implemented online registration, registration rates rose from 28% to 53% among 18-24 year-olds. They were also five times less error prone than paper forms and reduce states' spending.¹⁷ Washington's Secretary of State saved more than \$125,000 during the first year after offering online voter registration.¹⁸

It is also clear that our government has the capacity to implement and track registration with integrity. For example, you can file federal and states taxes online, and you can submit legal as well as business documents to government offices online.

The truth of the matter is that we simply do not possess enough will to make voting easier for all citizens. If we did, we would mimic the policies for citizens abroad. As a member on the board of advisors of the non-partisan Overseas Vote Foundation, I can report that citizens living abroad have an easier time requesting an absentee ballot than domestic

¹³ Wendy R. Weiser and Lawrence Norden, *Voting Law Changes in 2012*, Brennan Center For Justice, October 3, 2011, available at http://www.brennancenter.org/content/resource/voting_law_changes_in_2012

¹⁴ Jonathan Burton, *Registrar: Half of registered Wesleyan voters ineligible*, The Middletown Press, October 28, 2011 available

at <http://www.middletownpress.com/articles/2011/10/28/news/doc4eaa05291a730656868488.txt>

¹⁵ *VRM in the States: Online Registration*, Brennan Center for Justice, available

at http://www.brennancenter.org/content/pages/vrm_online_registration

¹⁶ Nophakhun Limsamarnphun, *Is your data safe and secure?*, The Nation, October 1, 2011 available

at <http://www.nationmultimedia.com/new/opinion/Is-your-data-safe-and-secure-30166572.html>

¹⁷ Christopher Ponoroff, *Voter Registration in a Digital Age*, Brennan Center for Justice, available

at http://brennan.3cdn.net/806ab5ea23fde7c261_n1m6b1s4z.pdf

¹⁸ *VRM in the States: Online Registration*, Brennan Center for Justice, available

at http://www.brennancenter.org/content/pages/vrm_online_registration

voters. Thanks to the Federal Voting Assistance Program, citizens abroad can register to vote and request an absentee ballot in a one-step process online,¹⁹ as opposed to two steps in which they must print out a form, mail it in, print out another form (or write a letter) to request an absentee ballot, mail it in, and hope they receive their ballot in a timely manner. Opponents of online registration will argue that voting should not be a convenience--- that people must be "passionate" about voting or exert a significant degree of "effort" in order to earn their franchise. Such statements, however, are at odds with a culture and generation that lauds innovation, efficiency and convenience. Voting must not become an exclusionary process for just the elites, as it is will result in a more oligarchic, monopolistic, and anti-democratic system.

In closing, I believe we need get to work. For one, we can no longer wait until an election year to discuss voting rights and reform, but must adopt uniform standards that ensure accessibility and transparency in our elections during legislative sessions that occur in less politicized years. Secondly, we must move our voting process into the 21st century by expanding online voter registration and call into question why we vote on Tuesday, which originated in a slavery-era agrarian society where Tuesday was the only day of the week off from worship.²⁰ No longer should we feel the need to honor tradition for tradition's sake. We live in a democracy that is becoming less accountable to our citizens by the day, and the people's veto of same-day voter registration in Maine reflects this. Third, we must ease the previously stated restrictions by permitting as many alternative forms of ID to vote as possible, ensuring more days to vote early, and omitting draconian procedures for individuals and groups conducting voter registration drives. Lastly, we must call on our public institutions to do a better job of providing information regarding voting procedure and voter registration among young citizens. Congresswoman Jan Schakowsky and Congressman Steven LaTourette introduced the bipartisan Student VOTER Act last Congress, which would amend the National Voter Registration Act to designate colleges and universities as "voter registration agencies" in the model of a Department of Motor Vehicles (DMV).²¹ This bill is an imperative step in the right direction in supporting proactive civic education. Yet amazingly, this bipartisan legislation received minimal support—and even strong opposition from colleges and universities who are more interested in fighting against miniscule administrative burden than ensuring access to democracy for their students. I hope the members of the committee will convey their shame for these universities and their lobbying arms for neglecting their civic responsibilities.

With thousands of young Americans spearheading Occupy Wall Street protests every day, it would be very unwise to label our generation as an apathetic one. Yet it is a sad testament to our electoral process, Mr. Chairman, that so many of the protesters involved tell us they find camping out to be an easier and more productive form of political engagement than the process of casting a ballot. This must end if we are to pass along the mantle of democracy with any semblance of integrity, and I hope the members of this committee will work tirelessly in joining me in the struggle.

Mr. Chairman, it is honor and privilege to testify here today, as always. Thank you, and hopefully six years from now, I will have better news to report!

¹⁹ About the Federal Voting Assistance Program, Overseas Vote Foundation, *available at* <https://www.overseasvotefoundation.org/research-intro-FVAP>

²⁰ Why We Vote on Tuesday, Why Tuesday? *Available at* <http://www.whytuesday.org/answer/>

²¹ Wendy R. Weiser & Laura Seago, *A Step Toward Fuller Enfranchisement*, Brennan Center For Justice, August 7, 2008, *available at* http://www.brennancenter.org/blog/archives/a_step_toward_fuller_enfranchisement/