

**Testimony of Shelley L. Tomkin
1st Vice Chair, Ward 3 Democratic Committee
Before the D.C. City Council
Committee on Government Operations and the Environment
On the Omnibus Election Reform Act of 2009
July 13, 2009**

I want to express my appreciation to the Committee on Government Operations and the Environment and Chair Councilmember Mary Cheh for drafting this important legislation-- the Omnibus Election Reform Act of 2009. My name is Shelley Tomkin. I am appearing today in my capacity as 1st Vice Chair of the Ward 3 Democratic Committee, as a long-time political activist, a professor of political science, and a native Washingtonian.

A key element of the Ward 3 Democratic Committee's mission is to work to advance increased voter participation and turnout---that in some cases has declined in recent years in the District of Columbia--- and to facilitate the administration of fair and efficient elections. The Omnibus Election Reform Act of 2009 represents a far reaching effort to address these objectives. I commend the Committee on Government Operations and the Environment for the extensive work and research it has conducted in preparing this legislative proposal.

I wish to comment on just a few of the bill's provisions on behalf of the Ward 3 Democrats and to offer a couple personal observations as well. I know that other provisions of the bill have already been addressed in testimony for the record by Thomas Smith, the Chair of the Ward 3 Democratic Committee who was unable to attend this hearing and who sends his greetings.

To begin, I wish to express my enthusiastic support on behalf of the Ward 3 Democratic Committee for the provisions in this legislation dealing with early voting, election day registration, and no- excuse absentee voting. Similar provisions were approved by the Ward Three Democrats at our June 18th meeting. Those resolutions are included as an attachment to this testimony. It would appear that the over-riding purpose of these proposed provisions of this legislation is to increase voter turnout by simply making it more convenient and accessible to vote. This would particularly apply to those with disabilities, inflexible work schedules, or those who have recently moved.

A growing body of evidence exists to support the position that these measures do indeed increase voter turnout, improve the administration of elections, and that their benefits outweigh any perceived disadvantages. In recent years 32 states have adopted early voting that allows citizens to vote several weeks before election day. Early voting options have been shown to increase voter turn-out, to allow voters to clear up eligibility issues and to test voting equipment, and to reduce long lines on election day. So too,

early voting can improve the accuracy of ballot counting and improve voter satisfaction.

No excuse absentee voting in conjunction with early voting options even further enhances voter turnout rates. In a recent study conducted at Kent State University, the authors found “a consistently positive impact of early voting reforms, but only for those states which instituted no-excuse absentee balloting ‘and’ in-person early voting, and in these cases only in mid-term contests.”(1) Currently 28 states allow for no-excuse absentee voting.

Another important topic related to absentee ballots is how they are counted. All absentee ballots should be counted expeditiously starting on election day to assure inclusion in vote totals taken after the polls close. It is disheartening for absentee voters to learn that their ballots have not been counted until some period of time after an election. I believe the absentee ballots should be counted and posted quickly even if it does not appear that an election outcome is close. It is also my understanding that absentee ballots are maintained by the Board of Elections for two years after an election. The Committee might consider extending that period of time should questions arise about the outcomes of previous elections.

The 3rd resolution approved by the Ward 3 Democratic Committee endorsed a modification of election law to permit residents to register on election day and then vote—known as “same day” registration. Same day registration is also provided for in Section 301 item 5 of the legislation being considered today. 8 states currently allow for same day registration. It permits citizens who have missed the registration deadline or have recently moved but have not updated an address to vote. Election Day registration also reduces the need for provisional ballots. In 2004, 74% of eligible voters participated in states with same day registration compared with 60% in states without same day registration. (2)

Certainly, careful consideration must be given to preventing voter fraud when first instituting same day registration. The legislation appears to have addressed this concern by specifying its requirements for identification to prove residency for those wishing to register to vote on election day. Perhaps the framers of this legislation could specify further means of proving residency in addition to those listed---(utility bills are used in certain jurisdictions) and eliminate potential confusion by deleting the clause “any other document approved by the Board as proper identification.” That would guarantee consistency in requirements for identification from year to year.

My remarks up to this point have been made in support of relevant sections of the legislation on behalf of the Ward Three Democratic Committee. I have three additional observations to make on my own behalf as a long-time political activist and native Washingtonian.

First, my review of the legislation failed to uncover any provision for public education about these changes in the election law. Publicity and voter education initiatives will be necessary to inform DC residents of the new options that allow for flexibility in voting. The need for such public education campaigns is documented in one study of the effects of no-excuse absentee voting on voter turnout that found that “no excuse absentee voting produced quantifiable increases in voter turnout only when it was coupled with significant efforts to educate potential voters and supply those individuals with absentee ballots. (3) Provision for public education concerning this important legislation should be added and funded at appropriate levels.

Second, as a native Washingtonian and advocate for DC statehood, I am concerned that the DC residency requirement for poll workers is eliminated in this legislation. For a jurisdiction seeking full voting rights, self determination, and autonomy, I think that section sends the wrong message—that we in the District of Columbia are unable to find competent poll workers. With adequate publicity, I believe that ample numbers of poll workers can be engaged particularly among groups such as retired persons and students who are also DC voters. In fact, the legislation’s provision for a “field on voter registration forms to allow the applicant to indicate his or her interest in working as a polling place worker during the next election”-(Section 405-5) might go far toward addressing any problems finding capable poll workers.

Third, with respect to the composition of the elections advisory committee, I would suggest inclusion of one representative from each political party organization (said party organization having secured a minimum threshold of the vote in the past couple elections.) Indeed, the elections committee will be advising on “closed” party primary elections as well as general elections. Thus the input of those familiar with the ongoing party apparatus and its relationship with elections processes would be extremely valuable. As long as all of the active party organizations are represented, their membership on the advisory board would create no conflict of interest. Political party officials have much to offer in the way of practical “nuts and bolts” experience with the election process that would present a different perspective from that of some of the other members appointed from different backgrounds.

I want to thank the Committee for the opportunity to testify today and would be happy to answer any questions you may have to the best of my ability.

Notes

1 Paul Gronke, Eva Galanes-Rosenbaum, and Peter A. Miller, “Early Voting and Turnout” (presented in a paper, Kent State University, Columbus, Ohio, January 17, 2007.)

2 Statistics from Progressive States Network, Election Day Registration, Stateside Dispatch, December 11, 2006.

3 J. Eric Oliver, “The Effects of Eligibility Restrictions and Party Activity on Absentee Voting and Overall Turnout,” *American Journal of Political Science* 40,no.2 (1996): 510 (May, 1996)