

Senate Committee on Elections and Constitutional Amendments
Oversight Hearing: Election Administration Funding

Chair and members,

Thank you for the opportunity to speak with you today.

Thank you to the Chair, Senator Allen, for your continued leadership on election reform.

This hearing is not only important, but timely.

This past Sunday, Neal Kelley, president of the California Association of Clerks and Election Officials, and I authored an op-ed calling attention to a growing threat to our elections.

Voting equipment in each of our 58 counties, is reaching the end of its life expectancy.

County election officials and my office will continue our thorough maintenance of these aging systems, which should minimize the risk of any problems this year, but we must take action now to fund new voting equipment.

We must not forget the lessons learned after the 2000 presidential election. Remember butterfly ballots and hanging chads?

Many point to the aging voting systems of Florida as responsible for the crisis that triggered the US Supreme Court's intervention.

In response, Congress acted in a bipartisan manner when they passed the Help America Vote Act (HAVA) which provided funding to modernize voting systems in all fifty states, including \$195 million for California.

In turn the California Legislature, led by then-Speaker Hertzberg, placed Proposition 41 on the ballot, which allocated an additional \$195 million for new voting equipment.

By 2005, almost all of our counties had purchased the equipment they still use today.

It is important to remember, that while the equipment was purchased in 2005, most systems in use today were developed in 2002 and earlier.

2002- that is 5 years before the first iPhone, when dial-up internet was the popular option for going online, and the only definition of a cloud had to do with the weather.

So, here we are today, 13 years after HAVA and Prop 41.

The systems purchased with those funds are outdated and need to be replaced.

Don't just take my word for it.

The President's Commission on Election Administration issued a report in January of 2014 in which it characterized the seriousness of the situation,

“Perhaps the most dire warning the Commission heard in its investigation concerned the impending crisis in voting technology. Well-known to election administrators, if not the public at large, this impending crisis arises from the widespread wearing out of voting machines purchased a decade ago...”

In September of 2015, New York University's Brennan Center for Justice's also issued a report, “America's Voting Machines at Risk.” They raised several concerns including;

- 1) The failure of equipment to work as intended,
- 2) The inability to connect voting machines to current computers because the software is unsupported and outdated, and
- 3) Difficulty finding replacement parts for machines that are no longer manufactured.

The report also points out that many voting systems rely on software that is out of date, making it impossible to find hardware that is compatible with our antiquated operating systems.

New election equipment is an undeniable priority. It goes without saying that elections are a government expense that must be funded.

The best path forward is for our state and our 58 counties to work together to craft a funding solution.

With Congress stuck in partisan gridlock, California is on its own.

We must commit to a plan and provide ongoing funding to ensure that our elections are reliable, secure and that every vote is counted and every ballot accounted for.

California voters require it and our democracy demands it.

Our office estimates that to replace every county's voting system would cost an upwards of \$450 million.

This is a necessary investment. So let's take this opportunity to not only modernize voting equipment, but let's modernize how we run elections.

While our voting equipment is over a decade old, how we run elections is decades older.

Let's not just invest in a new iPhone 1. Let's invest in the future. Let's invest in technology that will make elections more user-friendly.

Technology is available today to give voters choices about where, when and how they cast a ballot.

We can use the latest technology to improve language access and ensure translated materials and assistance is available at every voting location.

Technology is available to ensure voters with disabilities can vote privately and independently.

Not only can we increase access with a new investment, but we can make election administration more efficient.

As Chair Allen knows, I had the pleasure of visiting Denver, Colorado twice last year to observe the roll out of their new election policies and technologies.

In past hearings we have talked about their increase in voter participation. But, I want to high light additional benefits of the new election technologies they adopted.

Colorado uses e-pollbooks and ballot on demand technologies to not only allow voters to vote at any location, but to use same day registration at any location.

In 2014, Colorado saw 43,000 citizens register to vote after the deadline or a 1% increase in total registration in 2 weeks.

An additional 93,000 registered voters updated their address or about 2.5% of registered voters.

If we saw those numbers in California, we would have 200,000 new voters after the deadline and 430,000 updated addresses.

In addition to making the voting experience more user friendly, Denver, Colorado has seen a 30% reduction in the cost of administering elections.

A big chunk of those savings is simply from reducing the use of provisional ballots, which require additional staff time and resources.

In Colorado's 2012 general election, 2.5% of all ballots cast were provisional. In 2014, after they deployed their new policies and technology, only 0.04% of all ballots were provisional.

In California in 2012, over 1 million provisional ballots were cast or 8.1% of all ballots.

That's 1 million California voters who walked out of their polling place not knowing if their vote would count.

Let's invest in new technology, not just because it is a necessity, but because we can improve the voter experience for all Californians.

I want to conclude with an exciting update.

As of yesterday, VoteCal, our new statewide voter registration database has been deployed in all 58 counties.

VoteCal will be the foundation for deploying these new technologies and policies.

We are on track to make VoteCal the system of record this year at the end of June.

Thank you.

