

Election Performance Task Force
Meeting Minutes
Monday, September 19, 2011
1:00 p.m. in Room 1E of the Legislative Office Building

The meeting was convened at 1:14 p.m. by Secretary of the State Denise Merrill. The following members were present:

Kevin Ahern; Judith Beaudreau; Steven Carbó; Tony Esposito; Heather Gerken;
Secretary Denise Merrill; John Murphy; Therese Pac; Cheri Quickmire; Brian Sear; Bilal Sekou; Deputy Secretary James Spallone; Lisa Valenti; Kachina Walsh-Weaver;
Shannon Wegele; Carole Young-Kleinfeld

Secretary Merrill introduced guest speaker Professor Heather Gerken, a professor at Yale School of Law and author of *The Democracy Index*.

Professor Gerken began by addressing the state of data collection in the United States and then addressed Connecticut. She discussed why it matters to collect data and what one can do with data once it's collected.

If we, as a state, are going to debate about how to improve election performance, we should know more about how the state is performing now. The limited data we have nationally is undependable, often unverifiable and too inconsistent to allow us to compare among jurisdictions. We spend an inordinate amount of time fighting over election reform when very limited people have even the most basic data to show that they are right or wrong on a given debate.

We do not know how many people cast a ballot in the last two presidential elections, how long voters stood in line, how many poll workers showed up on Election Day, or even how many machines broke down. We also are unsure of how many registered voters there are, how many ballots were cast, and how many of those ballots were counted. Even with the jurisdictions that do keep data, each does it differently. We do not have the same standards on what we consider an absentee ballot. In category after category, we cannot compare across jurisdictions. Most jurisdictions are not even able to tell why ballots that were cast were not counted in the long run.

Professor Gerken referenced a [survey](#) that was collected by the Election Assistance Commission (EAC) in 2007. She ranked the states based on the amount of information they reported for this survey. Connecticut ranked #45 out of 50. We are not alone though. According to Professor Gerken, most of the states did a relentlessly terrible job of reporting data.

Massachusetts reported that only 7.1% of its population participated in the 2006 election. Fourteen states reported receiving zero overseas military ballots in 2006. Some states reported that they needed zero poll workers, while others claimed they needed 18,627. The EAC data, in its current form, is better than where it started.

Professor Gerken posed the question of why this matters. Other institutions that collect data use super crunchers who use data-driven analysis to do a lot of things. They diagnose disease,

evaluate risk, predict future price of plane tickets and even tell car dealers how far they can push a customer on a price.

A good example is Wal-Mart. Wal-Mart's database is gigantic; only the federal government keeps more data. It is so specific that it shows that bananas are the grocery item that customers purchase the most often. The data is so precise that it shows that Strawberry Pop Tarts sell at seven times their usual rate just before a hurricane.

Professor Gerken then went on to speak about benchmarking, which is comparing your data to others to see how well you are performing. This is routine practice in Fortune 500 companies. Imagine if you had a corporation that could not tell you how many employees or customers it has or what percentage of its business came from internet sales.

And yet, election administrators don't keep track of how many poll workers they use or how many people actually cast a vote. Election administrators do not know about a voter's voting experience or how many voters tried to register and failed. They have no idea what percentage of eligible voters in their own voting district they actually serve. You would not trust a company like that with your money, and yet we are willing to entrust our most precious commodity, the right to vote, to a system that does not have good data.

The private sector is not the only one that keeps data. In fact, government agencies routinely rely on data driven analysis. One of the most well-known programs, [CitiStat](#), was modeled on the concept program that brought the New York Police Department so much success. CitiStat was first used in Baltimore when the Mayor wanted potholes fixed within 48 hours of their reporting. Performance data is used to analyze performance in police departments, housing agencies, education departments and transportation agencies. We've even seen consultants from the corporate world come in to the public sector to help with this.

We're all familiar with the Gross Domestic Product, or the GDP. It gives us a metric. Without the GDP, we couldn't tell the difference between a recession and just a bump in the road. It gives us a map, a snapshot of how things are going. Before the GDP in the early 1900's, we had frequent panics in the stock market—a sudden fright without cause let the market fall. Since the establishment of the GDP, we don't have panics anymore.

We collect the census every ten years. It gives us statistics on crime, housing, immigration, labor market, you name it. Election administration is the mysterious outlier. We are so far behind the rest of the country. It's a mystery because it's not like we're trying to measure something that's really hard to measure. Many of the things we want to measure are the nuts and bolts, the things around which there isn't much controversy. If you ask an average voter what they want out of the system, they would say they want it to be easy to register to vote, easy to cast a ballot, we want that ballot to be counted and we want to be sure there wasn't fraud. These are very simple things that many people can agree on. We can measure most of those things, but we don't.

Without data, we can't figure out whether we even have a problem, let alone how to solve the problem. We would think it's a problem if a lot of people showed up to cast a ballot but failed to

do so. It would be a sign that the registration system or the balloting system isn't working. But yet we don't know the answer to that question.

Election administrators are finding that when they start to collect data, they are able to come up with good cost-efficient solutions. In Los Angeles County, Registrar Connie McCormick's staff tracked when absentee ballots would arrive. They began to notice that many would arrive after the deadline and looked for a solution to their problem. They decided to use big red letters on the envelope to remind voters of the deadline—a simple fix that cost nothing, but it solved a problem.

Bob Murphy ran Maryland's electronic poll book project. Murphy used the electronic poll books to run data and found things we already intuitively knew like that elderly voted in morning, but also discovered that there was no mythical lunch time rush and that in fact polls were overstaffed during lunch time.

Gary Smith, a manager and election administrator, wanted to figure out turnout patterns. He mapped residences of everyone who voted early in Atlanta so that he could distribute machines not just based on population but based on turnout. He also improved signs in places where people weren't taking advantage of early voting. Smith found it was cheaper to count early votes than absentee votes. It made sense to get more people to vote early. Joe Mansky, a scientist before he became an election administrator in Minnesota, ran data to design ballot that would really work. This was the first real look at ballot design at the time.

Good data help to distinguish between a glitch and a trend. Tammy Patrick, administrator in Maricopa County, Arizona, used to work for AT&T. She came up with the idea of tracking voter complaints. They created an online database that gave them information in real time on what was going on during Election Day. This allows Maricopa Country to act early by being able to dispatch troubleshooters.

When Prof. Gerken worked for President Obama's campaign, they developed an election reporting system. They could see problems that were small—one polling place—and when they were large like lines across the state. They could tell whether or not they needed to dispatch more workers, send water or entertainment if the lines were too long.

Benchmarking is a routine practice in government and in business. In Connecticut, we could start to figure out which localities are doing better than others based on the data. You might be able to identify why your system may not be working as well as your neighbor's if you had comparative data.

The idea behind the Democracy Index is simple. You rank states and localities on how well they perform in election data. Here's why it matters: We don't actually know how Connecticut is performing against other states or how individual jurisdictions are performing compared to others. If we don't know any of this we don't know what drives performance. If you're going to think about election reform, it's worth thinking about getting good data. Because election reform costs money, you could make mistakes. We don't know what's going to solve the problem and if we don't get good data before, we won't know how to proceed.

Prof. Gerken then took questions.

Therese Pac addressed Professor Gerken about her statement that Connecticut does not collect certain data. She stated that in fact Connecticut does collect quite a bit of data. She inquired whether the information was collected by the Secretary of State's office. Professor Gerken responded that this was in the data reported in the 2007 EAC Survey. They generally send it to the Secretary of the State's office.

Judy Beaudreau stated that in the new version of Connecticut's voter database, we will be collecting a lot of the data that the professor has been talking about. Unfortunately in the old system, the information was faxed to the Secretary of the State. In the new one it will be inputted directly into the system. She continued that there are some interesting things that we don't collect now, such as rejection at the polling place. It would be interesting to find out how many people are turned away.

Professor Gerken stated that one of the simple things you can do is give out a voter survey card to collect some basic feedback.

Carole Young Kleinfeld asked whether since the time that Prof. Gerken's book came out any state has been able to collect the information you're talking about? Other than the EAC survey, Professor Gerken responded that the Pew Foundation is working on a version of the Democracy Index that would be called the election performance index. At the state level, states have done some of this. But no one has actually ranked states and localities. In India, there is a nonprofit that is interested in voting reform. They read book in December, flew Professor Gerken out in March—things move more quickly elsewhere. The data are getting better, but they are still nowhere close to where they should be.

One of the biggest problems is the lack of consistent terminology across jurisdiction.

Carole Young Kleinfeld asked in the EAC Survey, who was number one and why. North Dakota was number one. It does have the advantage of being small, not many voters and it has same day registration. However, second was Delaware, where things are much more complicated. You see decentralized and centralized states, wealthy and poorer states on both top and bottom.

Steve Carbó stated that if he understands the professor's proposal correctly, her belief is that with the data there will be greater public scrutiny and greater public accountability. Mr. Carbó wondered how far that level of scrutiny will take us in terms of accountability.

Professor Gerken replied that there are two kinds of accountability that matter—internal accountability and what the public thinks. For what the public thinks, you just need something really simple. A Democracy Index gives just one number. It doesn't go into which part of the system is working well. They do have an idea that Connecticut should be doing better than the state next door. Journalists love rankings, politicians love it. It's not going to solve the election problem, but it's a simple, cost-efficient, and easy and we need the data anyway.

It's far more powerful among election administrators—it's astonishing what a difference it makes to have data, and ranked data. Often the only picture we get of election administrators is when something goes wrong. Data can show that most of the time, things work. Additionally, peer pressure leads administrators to want to do better. To know what works, you need to see how others are doing and give them a call to find out what works. Something like this is a cheap and efficient way to jump start the discussion about professional commitment practices.

Brian Sear liked Prof. Gerken's bottom-up rather than top-down way of looking at it because it keeps the morale higher at the local level. He asked if this would help take the anecdotal out of the equation. Prof. Gerken stated that she knows no one likes to get measured, but going forward, the biggest problem for election administrators is going to be getting painted with the brush of incompetence and partisanship because when you are you are doing your job right, no one is paying attention. The only times the focus is on election administrators is when something goes wrong. You're invisible if you're doing your job right. Good data is a shield for you because it tells the full story—it's not about one election or an anecdote or whatever the journalist is reporting. It shows if a problem is everywhere, like a turnout tsunami.

Kachina Walsh-Weaver asked about any major factors or obstacles in trying to implement something like this. Professor Gerken said to think about one of the cheapest most efficient ways to get good data: voter surveys. Also she urged us to think a little like the census bureau—the EAC asks for a huge amount of information, whereas the census bureau asks most citizens to complete a “short form” and only a few to complete a “long form.” We should focus on just getting a few important pieces on information about registration, counting ballots, and focus on that and get good data among jurisdictions. Finally, we should find a good way of loading and aggregating the data. Think about McDonald's. They take teenagers and turn them into data collection machines. They have a very simple system; they punch some stuff in and send it to a center that aggregates it. Be selective about collecting it and think about how you want to pull it all together in a sensible way. Maybe focus on one problem at a time at first, not all of them.

In response to a question about what kind of data Connecticut could collect, Secretary Merrill stated that she would like this group to develop something like the Democracy Index to get us started on the path of making decisions based on information instead of seat of the pants decision-making based on anecdote. When she chaired Appropriations, she tried to institute results based accountability, which meant the committee had to at least look at what the trends were before making budget decisions. Secretary Merrill is hoping that Heather Gerken can help us if we wanted to be a test case and perhaps we should be talking to the Pew Foundation.

Professor Gerken agreed that Pew is a good resource. Data can help in another way—it makes the problem visible. A bunch of civil rights groups aggregated reports of problems during an election. It's not necessarily good scientific data, but if you put the data in front of a legislator about their district, it can help gain political support.

Secretary Merrill said that her office will put together something that shows what data we are collecting now, and maybe what we need to collect and come up with some sort of design, picking what this group thinks is the most pressing problem.

Peggy Reeves and Ted Bromley gave a presentation regarding online voter registration. The presentation can be found at http://www.ct.gov/sots/lib/sots/capitol2011to2015/electionperformancetaskforce/ct_sots_online_voter_registration_presentation.pdf.

Deputy Secretary Spallone asked whether in the research, the issue of Real ID was a problem with online registration. Ms. Reeves stated that the Real ID folks are fine with online voter registration in other states because a DMV record already is in place, so the question is whether you can simultaneously register to vote and get a driver's license. You can only get a driver's license by appearing in person rather than online.

Bilal Sekou mentioned that he recently read a study of Wisconsin that was done shortly after they decided to require identification to be able to vote. He was struck by the percentage of African-American males and Latinos who don't have a state ID. He said this essentially amounts to a poll tax because you need to purchase that ID. The issue of going online and the convenience of being able to do that—it certainly gives an advantage to folks who already have the ID—if someone has to download and send a registration in the mail, they may miss the deadline. He wondered what happens after the submission of the voter registration online if someone has an ID—why is that difference so important given the potential of people being disenfranchised by this process?

Mr. Bromley stated that in both Arizona and Washington, one of the reasons it was required was that you already had a digital signature in place so it allows a cross-checking against the database where the signature is stored. It was important to Washington to use the database and cross-check it with the digital signature.

Steve Carbó said that DMV-based online voter registration systems are very good as far as they go but people with disabilities, seniors, and low income folks often don't have driver's licenses—it reaches most but not all, and those people that aren't reached are already registered at lower rates, so in looking at these kinds of systems, we should be looking at other ways to capture signatures of those who don't have a driver's license. We should look at connectivity with other agencies these people frequent if they don't frequent the DMV. One proposal is to collect these people's digital signatures at the polls when they show up to vote.

Secretary Merrill agreed that perhaps we should look at a two-tiered process—a DMV record for those who have licenses and verification at the polls for those who don't have licenses.

Judy Beaudreau mentioned that we could also capture signatures at the polling place with the little electronic tablets that cost about 100 bucks. Capturing the signature also goes into the petitioning process.

Secretary Merrill asked the task force to divide themselves into three subcommittees: Post-election (including audits, recounts, ballot storage, and other procedural questions about what happens after elections); improving the voter's experience (including online voter registration, early voting, Election Day registration, absentee ballot improvements or reforms); and improving voter participation among underperforming groups using focus groups. Members were asked to

email Tina Prakash with their subcommittee preferences and any information they would like distributed to the group.

Secretary Merrill said she is hoping to have some sort of draft report ready by the end of October.

Carole Young-Kleinfeld commented on the website and how good it is to have all of the members on the same pages and updating the information. She was curious about the amount of public input that has been received from the website and how they were processed. Tina Prakash responded that there has only been a small amount of public input to date and the process for handling the feedback will be to distribute it to the appropriate subcommittee for review.

John Murphy stressed the need for accountability of election officials, up to removing someone that repeatedly violates the duties of their office. Secretary Merrill—that does fit into the idea of professional standards and it ought to be part of anything we talk about and propose.

Deputy Secretary Spallone recognized the presence Representative Matthew Lesser, a member of the Government Administration and Elections Committee of the Connecticut General Assembly.

The meeting was adjourned at 2:51 p.m.