



**House State Government Committee
June 4, 2008 -- 12:30 p.m.
Room G-50 Irvis Office Building**

**Testimony of Secretary Pedro A. Cortés
Pennsylvania Department of State**

Vote by Mail

Chairwoman Josephs, Chairman Baker and distinguished members of the House State Government Committee:

Good afternoon. Thank you for the invitation to appear before the Committee to discuss vote by mail and same-day registration.

In 2005, I had the privilege of chairing the 13-member Pennsylvania Election Reform Task Force. The Governor, leaders of the General Assembly's four caucuses, County Commissioners Association of Pennsylvania and Pennsylvania League of Women Voters appointed members to serve on the panel. Vote by mail and Election Day registration were two of the issues the Task Force examined in the larger context of increasing voter participation.

During the last presidential election in 2004, slightly more than nine million Pennsylvanians were eligible to vote. However, only 5.8 million (62%) actually voted. During the historic primary in April of this year, when Pennsylvania was in the national spotlight, more than 8.3 million Pennsylvanians were registered to vote in the primary out of approximately 9.6 million who were eligible to register to vote. Approximately 3.3 million voters cast ballots in the election.

I provide these figures to illustrate the current state of citizens' engagement in the electoral process. Increasing participation is a goal the Rendell Administration continues to work toward, and we applaud the committee for examining ways to bring more Pennsylvanians into the process.

In fact, when the Task Force convened for its first meeting on February 1, 2005, Governor Rendell clearly stated to the members that his ultimate goal in forming the Task Force was increasing voter participation.

The Task Force engaged in a discussion about the pros and cons of early voting, which includes vote by mail. The panel agreed that, in theory, early voting would provide electors more opportunities to cast a vote and subsequently increase turnout. However, review of available data illustrated that the impact of early voting had minimal effect on increasing voter participation. The Task Force believed that if trends eventually demonstrated that early voting techniques dramatically increase turnout, it may be appropriate to reconsider and possibly implement early voting strategies.

Some Task Force members were also concerned that early voting techniques diminish the civic sense of community experienced on Election Day. All participants agreed that Election Day involves more than the act of casting a vote. The act of voting is a symbol of camaraderie, community and patriotism.

The Task Force examined Oregon's "vote-by-mail" system as the model for one early voting option. In a vote-by-mail system, a voter receives a ballot in the mail approximately two weeks before Election Day. The voter completes the ballot and sends it to the County Elections Office or a designated drop site. According to The Early Voting Information Center at Reed College, Oregon is the only state that conducts all elections via mail. Other states have relevant experience as well.

The information gathered during our Task Force review highlighted the track record of voting by mail in Oregon. In 1993, the state conducted its first statewide special election by mail. The system was tested prior to 1998 when Oregon voters passed a measure (by 70%) expanding both the primary and general elections to a vote-by-mail system. In 2000, Oregon became the first state to administer a presidential election entirely by mail. In 2004, Oregon was fifth in the percentage of eligible voters who voted on Election Day.

The Task Force believed that vote by mail would require extensive revision to Pennsylvania's voting process, and it expressed the need for the Commonwealth to conduct an in-depth review in order to implement the process.

Ultimately, vote by mail was not recommended in the final report of the 2005 Task Force due to the extensive changes required and for two additional reasons. The first was the belief that voting is a communal experience which would be diminished by early voting techniques. The second was the Task Force's prior endorsement of "no-excuse" absentee ballots, which allows a voter to apply for an absentee ballot without providing a reason. In effect, this Task Force decision provided citizens a means to vote early, with little or no intrusion on the dynamics of the Election Day process. In fact, the Task Force recommended that the *Pennsylvania Election Code* be amended to authorize no-excuse absentee ballots.

Currently in Pennsylvania, there are only 13 qualified reasons under which electors can qualify for an absentee ballot. These reasons include being unable to vote in the precinct on Election Day due to military service, business needs or illness. According to the Early Voting Information Center at Reed College in Portland, Oregon, as of February 2008, 22 states and the District of Columbia require an excuse to vote absentee by mail, and 28 states allow no-excuse absentee voting by mail. The Rendell Administration echoes the endorsement of no-excuse absentee ballots and encourages you to consider legislation to allow no-excuse absentee voting by mail.

On the matter of Election Day registration, the Task Force debated the issue at length. The Task Force was impressed that statistically, in 2004, the four states with the highest voter turnout were states that allow Election Day registration.

At the time, the Task Force was evenly divided on this issue and ultimately defeated a proposal to recommend same-day registration. Some members expressed concerns regarding the logistics of Election Day registration. They noted that district election officials could be overwhelmed with individuals trying to register to vote in addition to those who were voting. Additional concerns were raised regarding appropriate polling place staffing and a heightened risk of fraud.

Task Force members who endorsed same-day registration cited that other states have found a process to successfully address or avoid potential pitfalls or difficulties that might arise in implementing or administering Election Day registration. Members also discussed the possibility of allowing citizens to register to vote at a central location and allowing the prospective registrant to vote a provisional ballot to prevent fraudulent voting.

Though same-day registrations were not recommended at the time, increasingly states are moving in this direction.

As we move toward the General Election and plan for the future, the ideas of increasing voter participation by voting by mail and same-day registration will continue to be evaluated across the nation. As the debate continues, the Commonwealth should allow its citizens greater choice when casting their ballots by extending the availability of no-excuse absentee ballots to Pennsylvania voters.

The Department of State looks forward to continuing the dialogue with you, the counties and the voters. Thank you for your invitation. I welcome your questions at this time.