

THE VOTER REGISTRATION ACT AND RELATED LEGISLATION

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HEARINGS BEFORE THE SUBCOMMITTEE ON ELECTIONS OF THE COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES NINETY-THIRD CONGRESS

FIRST SESSION

ON

H.R. 8053

TO AMEND TITLE 13, UNITED STATES CODE, TO ESTABLISH
WITHIN THE BUREAU OF THE CENSUS A VOTER REGISTRA-
TION ADMINISTRATION FOR THE PURPOSE OF ADMINISTER-
ING A VOTER REGISTRATION PROGRAM THROUGH THE
POSTAL SERVICE

JUNE 27, 28; JULY 19, 25, 1973



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THE VOTER REGISTRATION ACT AND RELATED LEGISLATION

WEDNESDAY, JUNE 27, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ELECTIONS OF THE
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:30 a.m. in room 2261, Rayburn House Office Building, Hon. John H. Dent (subcommittee chairman) presiding.

Present: Representatives Dent (chairman of the subcommittee), Hays (chairman of the full committee), Jones, Mollohan, Mathis, Harvey, Ware, and Frenzel.

Also present: John G. Blair, assistant to the staff director; Eric Honick, clerk, and Miss Barbara Giaimo, assistant clerk, Subcommittee on Elections; Ralph Smith, minority counsel, Committee on House Administration.

OPENING STATEMENT OF CHAIRMAN DENT

Mr. DENT. The committee will come to order.

This is the first of what may be a series of hearings on legislation dealing with election reform. Today we will confine ourselves to the so-called postcard registration act. We are very fortunate this morning to have the Senate sponsor. It is with a great deal of pleasure that I now ask Senator McGee to come to the table. We are very happy to have you. I apologize for being late but I had a very curious radio announcer on the phone who insisted on learning everything about America in 10 minutes.

STATEMENT OF HON. GALE W. MCGEE, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator MCGEE. We never knock any chance for a little exposure on the air.

Mr. HARVEY. Mr. Chairman, first of all I join in welcoming Senator McGee to our hearing this morning. We have read your hearings over in the Senate. We welcome you here. We are delighted to have you.

It is my understanding, Mr. Chairman, that we are going to hold hearings today and tomorrow, and then hopefully resume holding hearings again after the July 4th recess, is that correct?

Mr. DENT. Yes. We hope to be able to give all of the interested parties an opportunity to present their views, because I think this is a

very major step in the direction of election reform, and it ought to be aired as much as possible, to get all of the views. We are very happy to be able to get your views very well. We planned it a long time ago because we have read all of the discussions in the Senate and we are happy to have you here this morning.

Senator McGEE. I want to thank you, Mr. Chairman, and members of the committee. It is unusual to find so many committee members, for a Senator to find so many. We often show up with only the chairman and the ranking minority member present, so this is a refreshing experience in itself.

I wonder if by way of procedure that I might introduce my very stuffy prepared statement for the record, and speak informally, rather than be confined by it.

Mr. DENT. Without objection the statement will be submitted for the record. I think the committee would rather enjoy that kind of a presentation anyway. It gives us an opportunity really to get back and ask questions.

Senator McGEE. Thank you, Mr. Chairman. I am interested in your committee's concern and your intention of pressing further with additional hearings. We have had a lot of hearings on this between the two bodies. We have had two sets of hearings in 2 years now, 1971 and 1973 in the Senate. You had a series over here in the House in the earlier period. We have had a total on the record of 85 witnesses, some 19 or 20 of those from State and local organizations, others from groups interested, one side or the other, in various kinds of election reforms.

What has brought this all together is our collective concern, for right reasons, about the rather questionable track record in American elections in terms of the percentage of our eligible people agewise who vote or who don't manage to vote, for one reason or another.

Of course, the greatest mystery in it all is trying to analyze motivation or the lack of it. I think we would all be the first to admit that there are several millions of us who would never vote if you dragged the voting booth in beside their TV set. They will never vote, and no one would pretend, in this bill or any other bill that you are considering, unless you imposed a penitentiary sentence or something for the failure to vote, that you could drag them all to the polls. But there is a gap there that is very serious nonetheless. A gap that is demonstrated in our own history. In the 19th century, when we had no registration requirements for voting, we had a much higher percentage of eligible voter participation than we have today. That suggests something. Political scientists tell us that in the 19th century, registration laws were enacted to prevent some people from voting.

Today, however, that is neither here nor there, for steadily in the 20th century the percentage of total eligibles has tended to decline. A stark circumstance as any is our comparison with other governments that we often associate ourselves with, that is the governments in the free world, the western democracies, however we want to describe them, whether we are talking about the Canadians, or the British, or the Belgians, or the French, or the Germans. Their percentage of citizen turnout for elections is measurably higher than ours all the time.

That has to say one of two things to us, it seems to me. One is either that they are better citizens than the American people are, they are

more conscientious and thus they work harder at getting out the vote, or that there may be something in our system that increases the number of problems that would tend to dissuade or discourage or more somebody not to bother to vote. I would be the first to reject the first suggestion. Our people are all very much alike and our citizens are all good citizens.

I think we find some part of the explanation in the obstacles to registration, in order to become eligible for voting. Remembering now that last November, in a momentous election in our country, particularly in its landslide proportions, while 77 or 78 million Americans voted, 62 million Americans of age did not vote. That is a startling, that is a frightening number, and that would mean that our President was selected by a measurable minority of a citizenship that does not reflect well on citizen participation in the process that we hold up to the rest of the world as the finest that there is. Yet we urge other countries to emulate us.

Studies have been made of our November elections, one by George Gallup, a selective study made by the League of Women Voters, one made by the National Municipal League. I cite the three collectively. All suggest that perhaps the largest single factor restraining the voters from actually registering and voting in the last election was the variables among the States, between the States, and in the cities, making it difficult to vote.

For example, three-fourths of the States have no provisions for staying open evenings or Saturdays for registration purposes in non-election months. Thirty-eight percent of the States have no additional registration hours during election periods. Another difficulty in getting registered is the absence of multiple registration sites in many localities. It is this kind of thing that we believe may hold a partial explanation of the problem of getting more people to register and to vote.

This bill was submitted with the simple and, I hope, humble thought that it would make a contribution toward closing some of this gap. It makes no pretenses at closing it all. What the bill we passed in the Senate would do would permit registration by postcard at least every other year, every 2 years. The Bureau of the Census, already revved up with the equipment for doing so and the know-how, would mail the postcards blanket to all residences in the United States.

In addition, postcards would be available in post offices much as income tax forms you can obtain in many places. You may get several income tax forms, and you keep several copies as I do. I make enough mistakes that I need a half dozen copies of them to finally come out with one that I will stand on, but the idea is to get them out so that everybody knows that he has an opportunity to register. The postcard would have the relevant information identifying the individual, where his residence is, and would sign it as one signs his income tax, as his personal affidavit that this indeed is as represented. The specified penalty for misrepresentation on it being listed on the card, a \$10,000 fine, 5 years in prison.

The cards would be mailed 45 days before the next election, and no less than 30 days. This would apply to Federal elections only, that is the House and Senate and the Office of President of the United States.

The bill would further provide that the costs of processing the cards for the Federal rolls would be borne by a grant in the program. Any States that chose to pursue this further, that is translate this system into its State elections, would receive some minimal assistance costwise. Roughly that assistance provides for assistance up to one-third of the card processing costs, because of the need for transforming some of the mechanics in a State system, including computers, and that sort of thing.

That is the general essence of the particular proposal. Now I want to address myself to two aspects of the measure, that are not always understood.

One is that the postcard registration system does not automatically give a person the right to vote. It does not vote him. He is not voting by postcard. We have had a lot of letters from people who say they didn't want anybody to be trusted with voting by postcard. Well, the fact that we do vote by mail even now in very large numbers is an irrelevancy at this point.

The State procedures, the State laws, the State scrutiny that obtains now on the part of official registrars in each State, whatever those may be, would still be those that would validate or disqualify an applicant by postcard. There is nothing new that is introduced on that score.

The suggestion is sometimes made that under the present system you have eyeball-to-eyeball confrontation. In the interrogations we have had with election officials we find there is virtually no cross-reference or validation of the eyeball system that does not take place with postcards. That is, if you registered and we sent our individuals to test this in the various States and do their registering eyeball to eyeball, there is no effort to call up somebody else or to say who do you know in town or anything else, as long as you were there you gave him your name and said this was your address. The process of checking came at the polls by pollwatchers or anyone else who sought to challenge.

What I am simply trying to suggest there is not a new ingredient that might tempt individuals to take advantage of the post card system.

The second aspect of this that is often raised has to do with the understandable first impulse to believe that the postcard system would lend itself to temptations of one fraud or another, because you are doing it by mail. The income tax parallel is not totally parallel to this, but it does suggest that this sort of thing is workable.

The other is that the inducements through the penalties to operate with restraint, and the severity of those restraints, would be a second limiting factor.

The third is that the total check still rests with the local registrars. They are the ones who have to validate the lists.

What this does is simply to make it possible for individuals who couldn't take the time off work to get down to city hall or to the county clerk's office, or wouldn't take the time, whatever it was, but would vote if it was easier to register, it makes it possible for them to do so.

The question of what happens in a college town like my town of Laramie, where the State university is, suppose you get the kids all aroused and won't they gang up in your town and get the local legisla-

tors, or the Member of Congress or whatever it may be. This is a common suggestion that has been forwarded by some, and some have talked to me personally about it. The same simple rules would obtain. Everybody is jittery about the younger generation these days for one reason or another, but the postcard system would not affect the voting pattern, in college towns in terms of block voting by college students.

If anything, the chance to register by postcard would, well, as some students have told us, incline them to prefer to register then at home, because they can now register without having to go back to their home base. But if there was a great drive on in Laramie, in order to achieve some reform that they could get the kids mobilized on, they would still have to validate a residence, under the penalties of the law, and they would be judged by the registrar the same as they are right now, even with the uncertainties of whether they are residents on the campus or they have to claim residence back in their home area. That is an issue that is neither here nor there in this particular proposal.

That is the essence of the bill. One other factor that I didn't mention that I ought to just touch in passing is the cost factor. In the creation of this National Voter Registration Administration within the Bureau of the Census, we can't say with certainty what the cost is, for obvious reasons. We make no pretense about preciseness in that cost. All we can say is that the intimations of those who are playing the scare game that it is going to cost \$100 million, \$300 million, \$700 million, is the ultimate of the ridiculous. By making a liberal allowance on the cost per postcard, we have had a run through from the Bureau and from other groups that are professionally involved in the registration processes, and the official professional estimates range from roughly \$15 million for a postcard registration program up to as high as \$30 to \$35 million.

We would have no way of knowing how many would be added to the registration rolls this way. Our feeling is, in the light of the record until now, we have to get caught trying. We believe that this is an effective, reasonable, and measurable addition to the efforts that are now made to persuade people or to get people to register.

This puts the burden of it, I think, where it more properly belongs, although we don't go quite as far as the Europeans do, which explains their higher participation. The onus of registering is on the Government, not on the individual in those European Governments that I cited and pointed up the differences. Ours is on the individual. This would tend to simplify that individual process in at least qualifying as a registrant.

Two Senators on our side who have cosponsored S. 352 make an interesting point about the bill. They are both conservative Republicans in the Senate. They both had direct experience in problems with the registration process. One is Henry Bellmon from Oklahoma, and the other is Bill Brock from Tennessee. They are both militant on this bill; that is, in favor of it.

As they pointed out, they come from generally Democratic States, and they have stacks and stacks of complaints of problems of getting registered when you had a one-party dominance generally in the State's history. It has begun to change in both places now, as they hasten to point out, but it was easier to register a Democrat in Oklahoma, or

register a Democrat with a friendly registrar in Tennessee, than it was to register a Republican in many of their areas. Their point is that it ought to be neither way for either party, and in their judgment the post-card registration device breaks a considerable bit of the stranglehold of any kind of partisan flavor that might otherwise be lent to the registration process. That is the reason they are very strong in their personal activities, in assistance with the perfecting of this legislation.

On the other hand, Senator Bentsen from Texas, who is a moderate Democrat, is a devoted supporter of the bill. Texas has had post-card registration for 30 years. The important thing about that is that they not only register by post card. They clip coupons out of the Dallas Morning News or any place else they can get it. They pick it up off a stack in a shopping center and register. We had the former registrar of the State of Texas as one of our witnesses this last time, who testified they had traceable incidence of fraud of any appreciable dimension under that system.

As he pointed out and stressed, fraud was not a factor in registration. Any fraud in elections, as we have known through history, have generally occurred at the ballot box, where the box has been stuffed, stolen, seized, hidden, delayed, or whatever it was, and usually by fraudulent officials, not by fraudulent voters, and so there is a tendency for the constituent to translate an image of fraudulent elections into any process that makes it possible for people to vote.

I indicate the testimony from those three Senators of different persuasions to suggest that they see in this some chances of measurable reform. The president of the Board of Elections from the city of New York testified to the effect that whatever else, not only did he not see a chance for fraud. He saw a chance for eliminating fraud with S. 352, and he also saw a chance for saving money in this operation.

The saving of money arose from the specific efforts of the city of New York to take the registration machinery out to the people, to get them registered, in this last election in 1972. They discovered the cost per new registrant was \$8 a registrant. They would look upon this with great favor as a saving as well in terms of their present cost, to go after unregistered voters.

That is about all I would say informally here. I will do my best to try to answer questions, or confess my ignorance if I don't know the answer.

Mr. DENT. Senator, I think you have expressed how most of us feel about increasing opportunities for registration, and removing as many roadblocks as we can to registration. It is true years ago, registering laws were created to keep people from registering rather than to encourage them to register. Of course, our voting record over the years has gone steadily down since 1896. It has gone down every Presidential election since then outside of some particular year when there was a landslide because of some economic condition; it has always been lower than the last one. It doesn't speak well for the citizenry as a whole.

As you said before though, this is also true. No matter how easy you make it to register, nothing on God's Earth is going to drive some people to the polls; as long as we open our hunting season for the fall election and our fishing season for the spring election, we do very well

getting a lot of voters out into the woods. It is true we have to do something.

There are some questions in the minds of many of our Members who have talked to me personally about the one point that appears to be the most spoken of, that of the safety or the sanctity of the registration, will it open up means of fraud. For instance, someone asked me the other day would they be able to register from a general delivery address in a community, if you receive your mail as general delivery. Would you be able to use that, or would you have to use a residence of some kind. Is there any restriction on where you could register from?

Senator McGEE. In my judgment, you would have to use whatever that State that he claims as his State requires as validation for his residence.

Mr. DENT. Isn't it in that particular area of registration that the drawbacks creep into it? In the local registration laws, in the local registration provisions, for instance, our State might not even be able to validate a registration that comes in under our law by mail, because it demands the personal contact.

We used to allow county commissioners to go around to the registrars with a pocketful of cards and sign them. That is no longer allowed. You have to present yourself before a sitting registrar at some point which is advertised in the county. In no other way can you register except going to the center, the courthouse, and going to the registration office. You can't do it by card.

In fact, that has become unlawful in the State, so we would have to change our law in Pennsylvania to conform to it. How many other States would have to do that?

Senator McGEE. I am not sure that that would be the case, because under the Voting Rights Act of 1970, which applies to the Office of the President of the United States, the process of registering to vote does guarantee the minimums, whatever the other requirement there. It does produce the problem of dual voting list, but you have those now.

Mr. DENT. Senator, we are clearly in a proper field if we restrict or don't restrict but make it possible for national elections affecting Congress, the Presidency, using the postcard system, however, making it available to States if they want to adopt it for their own elections. Therefore we would not have any question in any State, because we can I believe write law affecting the manner in which Federal elections are carried on, but I doubt if we would be able to write a law that would, in my own opinion, impose postcard registration as a must upon the 50 States of the Union. We would be able to do it if we were talking about registering insofar as Federal offices are concerned. Then if the State wants to adopt it for their own local elections, and so forth, in State elections they would be permitted, but I doubt, personally that is my opinion of it, that we would have to be very careful in drafting a law trying to impose it upon States as their own type of legislation.

Senator McGEE. This makes no pretensions of evading any State procedures that are now operable. While there were some more eager ones on the committee who thought they even ought to start telling people how to do those things, we were very careful not to intrude in those areas. Those belong to the States, and the peculiar aspects of the prob-

lems in those States. There is a difference between rural and urban States, or big and small States and all this kind of thing. Those would be variables that would be left unaffected by this.

Mr. DENT. You said that the onus for registration ought to be on the government, and not upon the people.

Senator MCGEE. I suggested that was the difference between the European track record and ours.

Mr. DENT. The track record of voting shows it in European countries too.

Senator MCGEE. There is a variable there, but they register people automatically when they get their social security card. They are automatically registered, or when they have a draft card. They have a number of ways but it goes through a process where you are registering people anyway as something in the governmental process. Then they become automatically registered, so that they are entitled to vote in a national election.

Mr. DENT. I thank you very kindly, Senator. We have with us the chairman of the House Administration Committee, who has long been an advocate and a sponsor of legislation in the field of voting. I am sure that he has some observations he would like to make.

Senator MCGEE. It is always good to see Wayne.

Mr. HAYS. Thank you, Senator. It is good to have you here. I only have two questions really. I apologize for being late, but I was speaking to the Political Action Committee of the American Dental Association along with my Republican counterpart, Bob Michel, chairman of the Republican Campaign Committee, and they kept us longer than we anticipated.

There are two things that I am interested in. I have skimmed over your statement since I came in. One is in Ohio, for example, in the rural counties, many of them do not have registration at all, and there is really no need to have it, because we have an election board at the precinct composed of three Democrats and three Republicans and they know everybody who walks in that door and you simply sign the poll book with your address. If you are qualified, and you probably would be challenged if none of them knew you, then you get a ballot. What about this? Does this force registration in a situation like that?

Senator MCGEE. No. It would mean that they would probably get some postcards in the mail through this mass mailing from the Bureau of the Census, but that would be a minimal thing. It doesn't require anything. Nothing compels you to use the postcard or to mail it back. We have some of that same situation in Wyoming. We have another aspect of it that you probably don't have. That is we have rural areas where a rancher has to go 100 miles to register, because of the size of the county and the sparse population, but there again everybody knows everybody, so you don't have that problem. This doesn't intrude on that at all. Anybody who already does more than this, as in North Dakota, where they register as they vote, why it doesn't interfere with that at all.

Mr. HAYS. Somewhere else in your statement I noticed you made a comparison, in which you say, "Voters in Canada, England and Germany for instance have been participating in their elections at a rate well above 75 percent", but they do have registration there?

Senator McGEE. Yes.

Mr. HAYS. So you are not implying that registration here or there is the reason for the variance, are you?

Senator McGEE. That the procedure in registration is the suspect. There the registration is often automatic with let's say a draft card or with a social security number, or in England with their medical registration. Whatever the process is, even at the time of the census, in one of the countries, this involves, as long as you are validated as a person, registration, so they do register, but it is the process of registration that is taken on by the Government as its responsibility, rather than left to the voter as his.

Mr. HAYS. Do you know specifically how they register in England, for example?

Senator McGEE. I can't testify to it, no.

Mr. HAYS. It is my impression that they have to go somewhere and register just as they do in this country. The point I am trying to make, and it isn't all that important, but I am just questioning whether there is any real valid reason to point out that voters participate in England more than they do here, and then try to connect it up somehow or other with registration. I am not sure that there is any connection.

Senator McGEE. It is my understanding that in the British system you do register by going someplace when you are going there for some other reason, that is there are many things that the British Government registers people for. They are more regimented, socialized, than we are in some ways, but they register them in connection with other processes of identification in a government program.

The point remains that if there isn't an explanation like that, then it has to be that they may be better citizens than we are, and I reject that, but this is a variable that is constant in everyone of those countries, that the burden of initiating the registration of all eligible citizens rests with the Government. That would seem to make us suspect on the registration process as the differentiating factor there.

Mr. HAYS. Senator, in my home county we have two cities that have registrations, required in cities of 15,000 or over, and the rest of the county doesn't. Yet we voted more than 80 percent of the people in the last election, and we have a consistent rate of about 80 percent, because we go to the trouble of getting them registered and getting them out to vote. I am not sure in my own mind that this postcard system is going to encourage people to vote any more or not. I am not against the idea per se, but I am just toying with how do you get a better system that is still fool proof. I am curious to know what you would think about some identification means, for example, a driver's license.

You can walk into a local bank, and if you can produce a driver's license which shows you are a resident there, they will cash a sizable check for you. What about just showing a driver's license, and if there is a question about it saying "This is evidence that I live in this precinct and therefore I want to vote." It would be less cumbersome.

Senator McGEE. Right.

Mr. HAYS. One of the things I have objection to, here comes another Federal commission populated with goodness knows how many bureaucrats doing heaven knows what but not much, you can bet on that.

The driver's license thing might get completely away from it. Have you thought about that?

Senator MCGEE. Yes, we have given a great deal of thought to that. The committee made a recommendation in its own deliberations that some form of validation, with the postcard rather than without it, would be very much in order. They wanted to leave that to the administration's three-man board. We don't envisage another bureaucracy. We are all suspicious of these booming bureaucracies that tend to mushroom through their own investiveness rather than through need. This is carefully honed to what already exists in the Bureau of the Census in terms of mechanism and know-how. It would simply be implemented as a mailing device in a mail room except for the bill's appeals device, in case there was an appeal from a State for assistance, because of something that went wrong. That is always there, but it is there under present law in other elements of our Government.

The driver's license per se, or the social security number per se, would be other possibilities. We recommended that each of those be considered as validating evidence on the card itself, that is when a person returned his postcard. We thought that the precise definition of that ought to be left to the voter registration administration when it comes into being, in order to assess that one. We didn't want to write all the rules for them. We wanted to get the process going. It would be another possibility and a very real one. It is one that the Europeans have used.

We have some objection in this country to overdoing that sort of thing. People are suspicious of getting registered for everything under the sun you know, and they don't like a central government doing all of this. That is why we tried to be careful to keep this channeled into the States, back to the States. Applicants mail their cards only to the State, not to the Federal Government.

Mr. HAYS. With the present high state of efficiency of the U.S. Postal Service I would like to stay as far away from them as I can. That is why I was thinking of alternative measures. Thank you, Mr. Chairman. I have constituents waiting but I will be back shortly.

Mr. DENT. Mr. Harvey.

Mr. HARVEY. Thank you. We certainly welcome you here this morning, Senator McGee. You have been a leader in this effort over in the Senate. I am sure all of us on the committee here have followed your efforts over there, read your hearings with a great deal of interest.

I must say, however, that I start out these hearings with the thought in mind, and maybe I will have a different idea later on, that postcard registration may be a very useful tool in some areas of the country, such as Wyoming, where you stated the case where a rancher might have to drive 100 miles in order to register, but nevertheless that it could be other than a useful tool and perhaps a very loose way of registering people in metropolitan areas such as Chicago, Detroit, New York, or other cities in the country. At any rate, I sat down and wrote a letter to the 174 officials in my district, county, city, and village clerks who had the responsibility for registering people, and they were in what I consider urban areas of over 100,000 and in rural areas as well, and asked them what they thought.

I sent them a copy of your bill and a copy of your Senate report together with the minority views. Although I have not heard from all of them so far, enough time has not elapsed, I have heard from quite a substantial number, and the overwhelming reply thus far has been in opposition to this form of registration. I am not sure whether it is because they don't understand it or whether they do understand it, but at any rate the response so far seems to regard it as a very loose way of registering people.

Their conclusion would appear to be that it is not too much to ask for a person once in their lifetime or at some time to come in and show themselves in person.

I read your hearings in this regard, and I saw only one county official who had been called before your committee. I wonder if you had made any survey of other county officials or State officials across the country, to learn the opinion of these people who do bear the responsibility for this?

Senator MCGEE. We have done several things on that. First, in my State this would not be of any particular incidence except in the rare cases of the distance problem. It wouldn't be a particularly fetching system for registration, because our participation was very high anyway. In a low population area there is a tendency to get a higher participation, so it is less an inducement out our way.

In terms of our measure of the opinions of others involved directly in registration, to begin with, we generally found, including my own section of the State in Wyoming, an opposition to this procedure, but their concern mostly was that they feared the sudden avalanche, bulk of checking and double checking that would suddenly descend upon them. They felt that it might become chaos at that particular time.

There were some who thought, as you suggest, that if the citizen didn't have the gumption to go wherever you have to go in order to register, he shouldn't vote anyway. Nevertheless, we have had a total now of 19 witnesses, in the various sets of hearings, that were at the city or State level of the registration process.

I was on my way to New Orleans to meet with I guess it was the First National Convention of Secretaries of State and was hung up in an airplane that landed at Charlotte, N.C., where I spent the night, and thus couldn't continue to appear, but my staff was there. It was a most rewarding experience for the reason that these are experts who contributed a great deal of know-how to ironing out some of the wrinkles, and they were divided on it.

Mr. HARVEY. If I can interrupt you right there, the one observation that seems to predominate in the replies I am getting is that these are people who really don't care about registering, the ones who aren't voting, or care about voting, and postcards aren't going to get them to vote either.

Senator MCGEE. Well, for some reason we are spending now almost \$300 million a year to try to persuade people to register. The League of Women Voters, labor unions, business groups, everybody is spending a lot of money to get out the vote. That means get people to register. For some reason you are still dragging them in. You have a variable in incentive to vote, but as in the testimony of the gal up in Boston, who went down to register, she was a good desiring citizen, wanted

to participate, and the sign said "Coffee Break, Back in 30 Minutes." Well, she took time off from her job to do that and she couldn't wait for that time so she went back a second time. That time it was just a little after 5 and she tried four times.

Mr. HARVEY. That is the unusual instance. In Michigan the replies I am getting point out that our registration booths are open in the evenings, they are open on Saturdays, and mobile offices have been set up in shopping centers to facilitate registration.

Let me just go on and take up the State of Texas that you mentioned, because Texas does have postcard registration, and they have coupon registration. Yet, if the facts that I have are correct, Texas has the most dismal record of voting of any of the States. It ranked only 44th among all the States in 1960. In 1964, it was 45th, with 44 percent. In 1968, it was 48th with 48 percent, and in 1972, it was only 45 percent. Yet, in Texas, you can just clip a coupon out of the newspaper and mail it in.

Senator MCGEE. As Senator Bentson would tell you about his State of Texas, that was reflective of the fact that Texas still had a poll tax.

Mr. HARVEY. Yes, but that was struck down in 1965.

Senator MCGEE. That is right, but I thought you cited me 1960.

Mr. HARVEY. I did, but also 1968 and 1972.

Senator MCGEE. Since then, they have had the 1 year re-registration—every year a re-registration requirement.

Mr. HARVEY. But that was ended in 1971.

Senator MCGEE. That is right.

Mr. HARVEY. In 1972, they only had 45 percent voting.

Senator MCGEE. 1972 will always remain a mystery for us. We think there was a very large stay-at-home vote in most States. That is, they were voting by not voting, because they didn't want either one of the candidates, but I don't know whether that is going to stand up in history. We have to speculate.

Mr. HARVEY. I read your hearings with such interest. Let's look for a minute at North Dakota. North Dakota is another State that has no registration requirements at all.

Senator MCGEE. That is right. They register when they vote.

Mr. HARVEY. Yet South Dakota has had a better record of voting than North Dakota has had—only a shade I will admit, just a fraction—but nevertheless how can you possibly justify that?

Senator MCGEE. In the North Dakota case, you have others. It is a rural area in which you have other factors that wouldn't necessarily suggest that the postcard is going to change that. The postcard addresses itself to the urban mass mostly of America. That was the focus of the League of Women Voters followup study. Crowlie, how many cities was that—2,000? I have forgotten. They followed through in communities in nearly half of the States to find out why the nonvoters did not vote in 1972, when we had this very heavy fall-off of voters. The largest incidence that they found explaining it was the difficulties in getting registered, particularly from suburbia, due to the presence in three-fourths of the States of no weekend or evening open hours for registration except at election time.

The Gallup Poll study in 1969 showed that the heaviest single reason for nonparticipation was explained by registration obstacles. Even the Bureau of the Census study earlier had shown that at least 10 to 12 million would use that as their accounting reason for it. The National Municipal League, in its study since 1972, suggested that as a factor of enough dimension to try to address, at least in this way, to it.

This would mean that out of the 62 million who didn't vote, the postcard approach might only get 15 million, 10 million, 20 million, less than a third, but is that worth it? My inclination is yes—this moves us that much closer to a higher incidence of participation.

Mr. HARVEY. I am not really impressed by your differentiation between North Dakota and South Dakota. Having been in both States, they impress me as being very similar in nature.

Senator MCGEE. Wyoming has a higher percentage without postcards than North Dakota, but it is North Dakota, South Dakota, Wyoming, and our area that is not the problem. The problem and the incidence of nonvoter participation is in the large urban areas, and in some of the southern areas where you have the diversity of procedures for registration in a national election. That is where the real obstacle is. This might contribute to North Dakota. It isn't doing anything to get in the way of North Dakota. That is the point.

Mr. HARVEY. I only have one other observation. You also mentioned the Western European countries, but isn't it true that Great Britain, for example—in determining their base, their eligible voters—does not include in the base various groups such as prisoners, mentally ill, aliens, various groups that are all included by Dr. Gallup in this country here, so we are really not talking about the same percentages I don't believe. I would agree with our chairman, Mr. Hays, from my observation. I don't believe there are more people in those countries who vote than there are in this country. I think you have got different statistics, and different elections.

Senator MCGEE. I would respectfully modify that by suggesting that the difference is so considerable that if you allowed for all of the exception groups—because they are just statistics and bodies—that it wouldn't affect the spread in eligibles to vote by more than 2 or 3 or 4 percent, that those are present in ours too, but it is not a measurable number that would be disqualified.

Mr. HARVEY. We thank you again for being here with us this morning.

Senator MCGEE. Thank you for your questions.

Mr. DENT. Mr. JONES.

Mr. JONES. Thank you, Mr. Chairman. I have no questions, Senator McGee, but I have listened very interestingly to your comments. I share with you and what Senator Brock has said from Tennessee—because I am from Tennessee—about the difficulty in getting many people registered to vote. I have had this problem in my district. Throughout the State, we have had this same difficulty with many people who are employed in plants that get off at a certain time in the afternoon, and the office will be closed when they arrive to register. Then on Saturdays, the offices are always closed. We have had a lot of difficulty. I am not sure that the postcard registration idea is practical or good, and I share with our chairman the idea that I am not interested in

another bureaucracy being established, but I would like to see some way to get our people registered in order to vote. That is all, Mr. Chairman.

Mr. DENT. Thank you, Mr. Jones. Mr. Ware.

Mr. WARE. Thank you for being with us this morning, Senator McGee. A number of questions arise in my mind.

Senator MCGEE. I just got back from Pittsburgh, I hasten to add. I checked things out there.

Mr. DENT. You can come clean from Pittsburgh now.

Mr. WARE. Naturally this is the first stage of our study on this problem, so we probably are not as well versed as you, and other questions will undoubtedly arise later. One comment I would make with respect to the decline in voting in 1972 election. I believe statistics substantiate the fact that despite the interest of many of us, (as a former member of the Pennsylvania Senate I initiated legislation a good many years ago to permit 18-year-olds to vote) the voting record of the 18-year-olds and 20-year-olds was very disappointing in the first year that they had the opportunity to do so. About 25 percent of them voted, and that affects the total voting percentage in the 1972 election.

I would hope that despite any disenchantment with the two Presidential candidates, that many of our voters were interested in those of us who are in the U.S. Congress.

I think you have indicated, or someone at least, that about 90 percent of those who register do vote in Presidential elections.

Senator MCGEE. Close to 90. It is 89 point something, in general.

Mr. WARE. The information available to me is that Connecticut approached the 90 percent with 86 percent, but other areas, including the District of Columbia, the percentage was as low as 54 percent, so that raises a question in my mind as to whether mandatory registration really produced a voter turnout.

As the former junior committeeman, block captain and area chairman, I realize that even when you make a personal call in the evening to a home, where presumably the husband and wife and the adult members of the family might be home, you encounter people who will not register. I don't think any of the reasons are ever bona fide, but that is their decision to make.

Even when you register them and you go to them on election day, you provide transportation to the polls, provide babysitters and so forth, there are still people who are registered who will not vote. I can't foresee (we would only be able to find out by trying), that post-card registration is going to make any difference for those individuals.

I suppose some of the difference between voter turnout in European countries, for example, which have been referred to, can be not necessarily calling them better citizens, because I don't like to think that the people of this country are not good citizens or responsible people, but I wonder if they have not, for example, in Germany had experience with forms of government that have proven to be tremendously disappointing, and feel a greater need to participate in elections.

While we may have our differences and our disappointments in this country, I think we would all subscribe to the fact that our government at national and local levels has generally been representative of the

people. I am sure none of us here would want to subscribe to the fact that we might overthrow the Government in our land.

I believe that our men overseas in the military are given the privilege of registering by mail and yet depending on the election my information indicates that a minimum figure of 19 percent voted in some instances, and a maximum of 51 percent. I don't know how you account for that, but I would be glad to have your comments on it.

Senator MCGEE. In the overseas group you find always the highest incidence of nonparticipation. The further they seem to be removed from where the center of attention is in an election time always takes a heavy toll. It has in all elections no matter what the system was, and I would guess, without being able to validate that with some recent study that we might have done, that the explanation lies somewhere there.

Likewise in the professional military, I have had many of them say to me, "I have never voted" or "I voted this year for the first time in my life," this kind of thing. I think it is wrong. I think they ought to vote also. I think they ought to be responsible, especially them, because they have a special role in the system, but you get a great deal of that.

I would associate it with the kind of isolation from ongoing events in our elections, when you are stationed particularly out of the country, as perhaps a key explanation there. In our own Government, there is no question but that those who do get registered are more inclined to vote than those who continue to pass it by and they don't bother to go in there and register and vote, but that is a fallacious statistic in only one way. That is, if they register of course they have a better chance to vote because they couldn't vote if they weren't registered. Nonetheless, it is the registration process which is the key here that we think ought to be pressed and tried, to see if we can't raise that incidence. There would be no guarantee. It can't close the gap but we think it would make a significant contribution, if it brought in only 10 or 12 million new registrants.

On the youth vote, the 18-year-olds, that was a revelation to all of us. In some cases they emulated their seniors. We have some groups of seniors that had a fairly low participatory record, but before the 18-year-old vote, the lowest participating age group in this country was 21 to 28. That was still the lowest. That was a factor also that probably was translated into the 18-year-old. The 18-year-old was new this time, and it may take him a few years to get into the main stream of the voting process. We can't explain all that. The political scientists will wrestle with that one for many years I am sure. It was a disappointing turnout to say the least.

Mr. WARE. Your comment may be perfectly valid but I still think it was a major factor in the decline of the percentage who voted in the 1972 election. Have you or your colleagues in the past given any thought to some requirements in Federal elections as to facilitating voter registration by other means? I am mindful, of course, of the fact that my own congressional district, the courthouses are open on Saturdays. They are open evenings during the voter registration period preceding elections. There are traveling registrars who visit shopping centers, who come to communities.

In my home community they visit, and also visit adjoining areas within a 5-mile distance of my home community, so that with today's mobile population, it really is not a hardship to register.

Senator MCGEE. In some areas.

Mr. WARE. I am speaking of my congressional district. The point I am leading up to whether you have thought of Federal registration which would require that type of registration ease or availability nationwide. Again speaking of my experience, it has proven successful in my congressional district.

Senator MCGEE. Yes. We had a little bit of testimony on that from New York. The one difference that they stressed there was that the cost factor of that kind of registration was very considerable, and that if an equivalent could be achieved this other way would be a minuscule cost factor in contrast. That was but one professional bit of testimony we had from the experience of sending out the registrars to round up the voters in New York. That is the most I can submit now.

Mr. WARE. Yes. Of course my experience is that whenever I go to New York everything costs considerably more than in my congressional district.

Senator MCGEE. Except the postcard. It still costs the same in New York as in Pennsylvania.

Mr. WARE. I think we might have a problem with the census, for example, in reaching all the voters. In one area in my congressional district in the 1970 census, this is the extreme case—there are other areas that had the same experience—missed 3,000 of the population. If you read the census figures you find they are not very accurate.

Senator MCGEE. They missed some in our State too. It made it appear that we had lost some population. That became a very sensitive issue for a while until people began to look at the environment out there and found that maybe it wasn't so bad that they lost population. That is true. They do goof on some of those but that is the kind of thing that I guess you never could absolutely guard against, but it would still probably be the lowest cost factor approach in a massive way with an existing mechanism that is already perfected. The technique is as close as mortals can perfect those things.

Mr. WARE. Congressman Dent and I are very well aware of the loss of people in the census in the Commonwealth of Pennsylvania because as a result of that partially we lost two congressional seats.

Senator MCGEE. We are in the enviable position in Wyoming. We have only one. We are still ahead of the game.

Mr. DENT. We will join you soon. We lost 10 in 30 years.

Mr. WARE. That is all I have at this point. Thank you, Senator.

Mr. DENT. Thank you, Mr. Ware. I hope you do not mind the ordeal. Senator MCGEE. Not only that. It is flattering. In the first place you have the committee here, and then they have questions that are right to the point.

Mr. DENT. We have almost as big a crowd as over at Mr. Dean's appearance.

Mr. WARE. May I remind the Senator we are not here to harass him or anything.

Senator MCGEE. This is helpful and constructive to me.

Mr. DENT. We are not doubting your word, Mr. Mollohan.

Mr. MOLLOHAN. I am very pleased you are here this morning. I heard many complimentary things about you down through the years, but I am particularly pleased to have this opportunity.

Senator MCGEE. Maybe I should have stayed away while I was ahead.

Mr. MOLLOHAN. No, not at all. You get better with time and knowledge and age.

Senator, the thing that all of us I think are interested in is as simple, cheap, and easy a process for registration which will basically encourage a percentage increase in the percentage of voting as we can possibly achieve. I was interested in four basic facts which came to light out of your extensive hearings. What is the percentage today of those who are 18 and over and eligible to be registered who are actually registered. Do you have that kind of figure in your mind?

Senator MCGEE. That one is new enough. I don't think I have it.

Mr. MOLLOHAN. That is basic to some other things that I wanted to ask you about. Then let me jump to the only other area of interest I have at the moment. Again we are looking for the simplest, easiest, and cheapest way to accomplish this purpose. Why would it not be the North Dakota process, which is completely new to me. I had never heard of it before until you brought it up a while ago? This is a process whereby a person who has basically the qualifications and eligibility to be registered and to vote, all he has to do and all he need do is present himself at the voting place, present those basic credentials that are necessary to establish his eligibility. That is done in 3 or 4 minutes. Then he goes on to the next step, which is voting. This seems to me the most simple thing I have heard of at any point in time, far simpler than what we have in West Virginia.

Senator MCGEE. That is what both Senators from North Dakota argued. The objections that we got to that were these. We opened that up as one of the options also. The objections we got were from registrars in the city areas, the urban areas, where they could see that becoming a very congesting process that finally would swamp them on election day. That was their misgiving about it. How much that would result I couldn't testify.

Mr. MOLLOHAN. That isn't a valid misgiving, because there you provide enough personnel that this can be accomplished.

Senator MCGEE. That is right.

Mr. MOLLOHAN. If that is the only objection that is a very shallow objection.

Senator MCGEE. The other element they suggested to us that they thought they had misgivings about it was in being able to, in cases where they wanted enough time to check back to validate a registrant, they felt that that time would not be available then. That is an understandable misgiving in a city that let's say has had experience. I want to be sure nobody is here from New Jersey, but as they have had in the New Jersey election. Therefore it is a misgiving that we can probably appreciate even though it wouldn't stand up if put to the test. That is why we didn't want to buck that one with that suggestion or that recommendation.

Mr. MOLLOHAN. Even the validity of that could very easily be challenged, because if all voting situations and procedures are similar to

ours in West Virginia, and I suspect they are similar, in any event they have this sort of a requirement in this, and that is that the election officials may challenge any ballot which they have reason to feel would be an invalid or improper one. Then it can be determined at a later date whether or not that vote should be counted. This could be very easily—

Senator MCGEE. If they had enough voting stations and enough personnel, theoretically you could face that problem I would think readily. They felt that it would take so much more of that that they just shied away from that approach.

Mr. MOLLOHAN. It would only be a modest number who would come in there for this kind of registration, assuming you are going to have a permanent registration list. If I go in at the primary election in May and accomplish my registration by this process, then when I go in in November to vote, I need not go through this again. I think this would only be 2 percent, 3 percent, 5 percent possibly of those who really present themselves.

Senator MCGEE. They had visions of a high percentage and we couldn't say it won't be that, but I agree with you that their fears are probably running away with the reality there, but that is the tendency of any change. I guess people see the worst things that might happen under it rather than a lower profile.

Mr. MOLLOHAN. I can see some problems with enough for it or against it at this point in time, but I can see problems with postcard registration but actually I can see only a very minimum problem with the North Dakota process. These two things you have mentioned are just easily disposed of with a reasonable amount of logic, staffing, and what-not.

Senator MCGEE. Yes. It may be that the ultimate answer still should lie in Federal elections, in a Federal registration process, something like social security, or whatever it is. The moment automatically that you go on the rolls as an 18-year-old person, you have no other disqualifying attributes, you ought automatically to be registered. This is something that ought to be seriously looked at because that would clearly expedite the whole process, if you believe that everybody ought to have the right to vote.

Mr. MOLLOHAN. Has it not been presented to you, and what is your response to it, that this is laying on or putting on another layer of Federal responsibility or Federal involvement in what we have traditionally looked upon as being a local responsibility?

Senator MCGEE. Yes, indeed. We ventured into that very cautiously because we all share the same concerns on that. However, after the Voting Rights Act of 1970 in which we could set up Federal requirements for the election of the President of the United States. Given the mobility of the population which encountered the variables that disqualified some citizens from voting as they moved from State to State, because of the differentials, it seemed that in the case of Federal offices, the Congress could write law effecting voting in the States. So postcard registration would be valid, and the bill still protects the local registration procedures, for local office, for validating those who are legitimate voters, and that sort of thing. We were inclined to tread very softly in the area that involved local traditions of that sort.

Mr. MOLLOHAN. You know I look upon anything that we can do which will divorce the student from exercising his right of franchise and voting at the place he is going to school rather than his established home. I look upon anything which would discourage that and send him back to his home residency to vote as being good. It would appear to me that this North Dakota process might be a very real asset in that regard to encourage this. He need only go home 1 day for a few hours, register and vote, and go on back to school. I know you have evaluated the North Dakota situation. I will not beat it to death. I know you have validated the one you are advocating here this morning. If you had your choice to implement one or the other, knowing all the pros and cons of each, which would you select?

Senator MCGEE. If I had my choice, as a pragmatist, you have got to get 51 votes in the Senate and 219 in the House or whatever the actual numbers are, I would think it would be more difficult to sell the North Dakota process at this stage in our sophistication in elections, and our traditions locally, and all. It would be more difficult to sell that than the simple postcard registration.

Mr. MOLLOHAN. But in the implementation of the registration and voting process, the North Dakota one would be far simpler, wouldn't it?

Senator MCGEE. I think if it reached its ideal application, and if I could run it, in other words, if we didn't have all these other problems to contend with, yes; it would be the ultimate, either that or an automatic registration when you became 18 years of age. I would think that would be the ultimate.

Mr. MOLLOHAN. Thank you.

Mr. MATHIS. Senator, may I apologize on behalf of Chairman Dent who was called to make a quorum in the Education and Labor Committee. Mr. Frenzel.

Mr. FRENZEL. Thank you, Mr. Chairman. Thank you, Senator, for coming here today. It is getting to be a long period, but you are being very helpful to us. I think most of us have had the opportunity to review the proceedings of your committee and the debate on the Senate floor.

I would like to follow up on a question of Congressman Harvey's. That is, that while there seemed to be a good deal of testimony with respect to the concept of postcard registration, I find that in your witness list before your committee this year there was only one county official, although there were lots of other people present. In looking through the list in 1972 I didn't find any county or municipal people who have to administer the situation. I am wondering did your staff or did somebody else survey these groups of people? Is there some information that isn't apparent to us on the record?

Senator MCGEE. The staff interviewed a great many in various parts of the country. I mentioned the participation of the staff because I was hung up down in North Carolina with the National Convention of Secretaries of State. An attempt to pick brains, to find out from those who are in the process how we might do the whole thing better, whether it was postcards or something else, and this was a background effort to try to acquire a sense of perspective on it, and what the problems would be. That was prefatory to then taking the experience of

those who had been involved or those who were concerned about increasing registration in great drives of registration and that sort of thing. We tried to put them all together.

Mr. FRENZEL. The reason I asked the question is that my State has recently passed a postcard registration bill, and I have received communications from every municipal clerk in my district indicating that the plan is an abomination and that it is unworkable, and strangely enough it is very similar to your bill.

Senator MCGEE. Sir, I had no hand in it but I will be delighted to take the credit for it.

Mr. FRENZEL. I noticed that the Executive Committee of the National Association of Secretaries of State passed a resolution very critical of the bill. Noting the lack of State and local election officials participating in the hearings of your committee, I have tried to persuade our chairman to get a maximum of the people who actually have to put the program into operation and make sure it works before this committee, so that we can perhaps fill what may be a void in the record at this point.

Senator, the other thing that seems to have developed, at least in perusal of the record, is that your investigations were confined or your testimony was confined strictly to the principle of postcard registration—rather than the best way to get the most people registered and voting. In light of anticipated costs, which is another matter we ought to get into, I am questioning whether this is the best of all of the alternatives to develop maximum participation, which I think is the goal of all of us.

Again may I ask, was there any effort to look into mobile registrars and State support of evening registration and that sort of thing?

Senator MCGEE. We looked into it only for background purposes. Our jurisdiction ultimately did not go that far. We weren't trying to seize the ball from somebody else, but we were advised that such a process, on a much broader scale, I mean looking at the ultimate process, would be a matter of years yet. This was their feeling because of the long time we have been dragging our feet until now, that here we had some input that would not be a irrevocable long-term commitment, that could easily be adjusted without overturning the Constitution, uprooting the Republic, and that sort of thing, but that in the very short run and right now, it would make a significant contribution, and leaving it still open without having to undo things to reach an ultimate if indeed there is an ultimate. We all have our own theories about it.

Mr. FRENZEL. The reason I ask the question, we make frequent reference to other countries, Europe and Canada particularly. Canada has a particularly effective program using the mobile registration, face-to-face registration, which turns out to be cheaper per registered voter than some of the estimates, not of the estimate that you gave here today, than some of the estimates given for postcard registration. That, coupled with the fact that there are allegations that a post-card system might be counterproductive, I think would lead this committee, which has broader jurisdiction, and incidentally we have been accused of invading other jurisdictions on this particular issue—

Senator MCGEE. That is an occupational hazard in both Houses.

Mr. FRENZEL. For instance, it is indicated or it has been alleged that postcard registration would be counterproductive from the standpoint of causing local registrars to divert their energies elsewhere, to say that the Federal effort, which would be federally funded under your bill, was all they were going to do. The checking of the post cards against the regular records would use up local funds so that they wouldn't be willing to do the other things that they are normally doing to insure high registration, and there is a long list of such complaints which I don't want to go into today, but I guess I think it is a good thing that this committee has a little broader jurisdiction.

One of the statements that you made in your earlier testimony was that there isn't any validation today, and that therefore this system was no more susceptible to fraud than many of the present systems.

Senator McGEE. That there is no validation that wouldn't be present here. In other words, it doesn't introduce a new factor of nonvalidation that isn't already present.

Mr. FRENZEL. Let me ask you about this problem. If one registers by post card and votes by absentee, he or she never shows up before any official, State or Federal. With postcard registration, there would be nothing to prevent my 14-year-old daughter, would there, from sending in a postcard registration and an absentee ballot?

Senator McGEE. That is right, provided that she was willing to take the rap or that her old man didn't get stuck for the rap if she did that, but that is really the point of it again. There is no real incentive for fraud at the registration level, as the records have shown. Frauds have not generally occurred at the registration level. They have occurred at the ballot level.

Mr. FRENZEL. Exception. Virginia, as you recall, had an absentee ballot law which they have now repealed, I guess, and found that they got in certain instances more votes in absentee than people who lived in the particular voting precinct. I think that we have just begun to put the absentee ballot program for President into a position where, for instance, the people in my district can begin to use it. I come from a mobile suburban kind of district, and a sizable percentage of the voters in my district rely on the absentee ballot.

It seems that postcard registration may call into question a number of our absentee provisions, and we may get into the Virginia experience again. I suppose any system has these possibilities.

Senator McGEE. I wouldn't think that the post-card system would necessarily intrude on the absentee one. I would think right now, particularly with people overseas, you probably have many cases where they both register and vote absentee. Thus they are never seen, but they can validate their personal locality at least. That is always validatable by the locals who are familiar with the case. I am sure there would be some slippage somewhere. Our system is so massive anyway that you will have slippage.

Mr. FRENZEL. If I can go on somewhat on that same point, there is a provision in here, and I can't find it at the moment, about States being able to reject this system if they stay on their own no-registration system.

Senator McGEE. That was simply to clarify a question that was raised by North Dakota. Did this mean that this would change their

process if you had a postcard system? It was simply to specify that that wasn't the case.

Mr. FRENZEL. I guess that is understood, and I guess it is what I call the North Dakota exemption, but a number of States including my own do not have registration in some areas and we do have registration in others. As I interpret the language of the bill, which I can't find at the moment, my entire State would have to have registration because we are partially on registration now, and that would mean the people who didn't have to register before now have to register. This is one of those counterproductive elements.

Senator MCGEE. It wouldn't under this system.

Mr. FRENZEL. It would not?

Senator MCGEE. No. All this does is permit registration this way. It doesn't require it.

Mr. FRENZEL. Then you wouldn't object to a clarifying amendment in that section of the law that indicates it is not just full State jurisdictions. It is the voting precinct itself can be exempted.

Senator MCGEE. Yes, and there is nothing that requires that you register by post card anywhere. This is simply like again filling out the coupon in Texas. It is another way you can register, if you chose to use it.

Mr. FRENZEL. Thank you very much. The other suggestions you made was this. You indicated that Federal officials were not butting into the local scene, and you quoted Senator Brock as saying something about there would be no partisan stranglehold on elections.

Senator MCGEE. Less, I think he said, there would be less partisan stranglehold.

Mr. FRENZEL. I am glad you cleared that up.

Senator MCGEE. In fairness to him, I think it was less. You can't tell about those factors.

Mr. FRENZEL. I am one of those who likes local strangleholds better than Federal strangleholds. I look at section 440(b) of the bill, which says, "Whenever a Federal election is held, the administration may, on the request of any State official," and this goes pretty deep. The State official definition, I guess, goes down to the precinct judge, "may offer such assistance as the administration and the State official agree." It seems to me that that sort of opens up all kinds of possibilities for cabals between local officials and the Federal Government.

Then there is the other section which gives the Federal Government the authority to go in and give assistance in particular areas, where a local official says he is having trouble.

Senator MCGEE. That is manpower. For example, any area that thought they would be congested by the first impact of something like this, would get manpower assistance.

Mr. FRENZEL. If I were a Republican in the voter registration administration, wouldn't I find all the registration problems in Republican districts and put a lot of manpower in there?

Senator MCGEE. I would think that that wouldn't be incited by this. You might do that, but I think this isn't what is introducing that kind of participation. We all like to get our kinds registered when we can, but I don't think there is anything here that invites that.

That clause was put in the bill only as a safeguard for the State, not as an entry for the Federal Government. It is a safeguard for the

State, in the event that they had real misgivings about whether this would get out of their hand. They would get legal assistance, but it would have to be at their petition. It was a covering addition there, in the event of efforts of fraud.

Mr. FRENZEL. Right. We will get later testimony I think that will give us an idea how many of these State officials there are. Again I wonder if you would object to a provision that would allow Federal assistance (interference) as a result of a court order?

Senator MCGEE. I would have to think about that a bit.

Mr. FRENZEL. Let's think about it. There is no reason to hurry it, but I would like to have some good reason for the Federal Government to be in there, rather than a mischievous reason.

Senator MCGEE. I would think that the Federal Government couldn't get in there for any reason unless it was invited in by the State authorities. If the State officials want them in there, they would probably find some other way to do it anyway, if they are going to play that kind of hanky-panky. They already do it now, and we are trying not to inject a new element.

Mr. FRENZEL. The final question that gets us out of the bill and back into the philosophical, I guess, is this. You quoted a lot of surveys indicating that this thing will develop a good many more voters, and one of them that you quoted was the League of Women Voters survey which I have unfortunately only seen synopsis of. I guess that is the most recent other than some Gallups that are referenced in your testimony. I notice that most of the surveys are pre-1960, and perhaps give us less of a clue than what we might want to have about today's conditions.

The League of Women Voters survey quotes very heavily the other kinds of things that keep people from registering, other than the registration barriers. When they asked people they said, "Too big a line at the machines," "not a registration problem," "don't like the system," "not a registration problem" "I don't believe in voting," "I didn't like the candidate," et cetera, et cetera.

You remember it mentioned earlier the idea of the counterproductivity of this thing. If we go to this kind of registration, do we discourage the face-to-face registration efforts that many groups like the league now engages in, which are the most effective? You go around to somebody's store and say, "It is your duty to register" and there is a certain amount of social pressure when this nice lady calls on you to register whether you want to or not. Do we then cause a recession from the field by those private registration efforts, which are now operating?

Senator MCGEE. Isn't the measure whether you get them registered or not? This does not put anybody out of business under present procedures of registration. I would assume that if this does indeed turn up the new registrants in large numbers, that it should produce some saving of money in the kinds of drives that are now undertaken to register people with a low incidence of turnout and a high incidence of cost.

I would suppose that that would be expected, and I would submit that one of the saving factors, if it indeed does produce the new registrants.

Mr. FRENZEL. The other figures quoted frequently is that 90 percent of voters who are registered vote. In 1972, with registration bars I guess at an all time minimum, since we began registering, it looks like to me like we had 73 percent of registered voters, voting, which is about a quarter who didn't bother to vote, which is a little disturbing.

Senator MCGEE. Yes.

Mr. FRENZEL. It again leads me to want to be in the face-to-face business. Just an after-thought here. Based on the Los Angeles experience of their postcard purges and so on, their problems of handling the bucket loads of mail and their problems with the Postal Service wouldn't it be better to send the registration cards out sooner than you have suggested?

Senator MCGEE. It might be. The cards would be available at all times in post offices and public places like an income tax type of thing, and the other option being there for registration.

Mr. FRENZEL. Sure, but for instance, in my town, if we do a postcard registration and mail it to everybody, they send them back, we will have to compare that against the lists we presently have. That will be one check. Then we will probably want to compare the new ones against some kind of address system, and maybe even spotcheck, to see if the people are there. It seems to me that 45 days is a scant time to put this situation in.

Senator MCGEE. It would largely be a manpower thing to begin with. Once the system is going, this becomes cumulative, and I would think would tend to reduce that kind of volume, that kind of pressure, once you get the system rolling, but again there conceivably could be a manpower problem in some areas.

That is the reason for the inclusion of the proviso for manpower assistance, simply to do the handwork of processing cards, if any area requests it. It may be they could handle it themselves. In fact most of them seem to think they could.

Mr. FRENZEL. Of course that takes us back into the cost factor. You don't have any estimate on the amount of manpower that would be required?

Senator MCGEE. You can't possibly until it is implemented, but you can make a reasonable and educated guess, a projection, and counting the conceivable manpower types of things, that is what one of the factors was in accounting for the higher estimate that we had for those who ran it through the computers, of \$30 million. The other estimates were a little more modest than that. The scare figures of \$100 million, \$200 million and that sort of thing all were addressed to doing the ultimate, most costly single thing with every single postcard that was ever mailed out, sending it by registered mail, sending it back special delivery and all this kind of thing and then back and forth. Most of them would not be utilized. It is a mailing factor rather than a cost factor of any large dimension.

Mr. FRENZEL. Thank you, Senator.

Mr. WARE. Will you yield?

Mr. FRENZEL. I yield to the gentleman from Pennsylvania.

Mr. WARE. Thank you.

One other thought crossed my mind for a moment, and probably you have faced this. Let's assume that I am not registered to vote and I register via postcard. Therefore I am eligible to vote in the 1974

congressional election. I arrive at the polling place. Would I have a special line on the voting machine or a special ballot, or would I go to a separate booth? How do you administer or prevent me from not only voting for the congressional candidates but voting for all?

Senator McGEE. If any voter would go in he would have to report to the officials there, however, the State processes those. They have two voting lists in some places now. You have a dual voting list because of the Voting Rights Act. You have those entitled to vote for President, and then a State list at the present time, and it would simply be the same dual listing.

Mr. FRENZEL. Thank you very much, Senator. I appreciate your being here.

Mr. DENT. Mr. Mathis.

Mr. MATHIS. Thank you, Mr. Dent.

Senator, again I apologize for keeping you here so long.

Senator McGEE. Don't apologize for that. I enjoy being here.

Mr. MATHIS. You have been here almost 2 hours. In the colloquy with Mr. Frenzel, talking about the precincts in Minnesota, you said as I understood it that this was not a required provision, that the precincts in Minnesota accept postcard registration. Did I understand that correctly?

Senator McGEE. Not accept the registration, that they had to register by postcard. The postcards would be mailed there. If a postcard was mailed in they would have to accept that as an application for registration, as a legitimate application, but it didn't mean that that would substitute for any other way they wanted to register if they chose that instead of applying by postcard.

Mr. MATHIS. You probably mentioned this earlier in your testimony but what form of registration system do you use in Wyoming?

Senator McGEE. We go to the county clerk. We have had difficulty getting mobile registrars. We have it in one or two of the towns now, depending on which party was in control each time. We had some complications in door-to-door registration. That happened to both parties, but generally they show up at the county clerk and register.

Mr. MATHIS. If I as a congressional candidate in 1974 wanted to enter into a big voter registration drive prior to the time of my primary, might I obtain from the administration a large number of postcards that I could have my workers deliver to various doors in the community?

Senator McGEE. You wouldn't even have to do that. Go down to the post office and pick them up like you can with an income tax form. You can give an income tax return to anybody. That would have no factor in it. If you wanted to load these postcards with names on gravestones and that sort of thing, in order to try to load the rolls, you are subject to the same checks that go on right now when that process is indulged in. Your local registrars and your challengers at the polls would be the same.

Mr. MATHIS. One other thing that Mr. Frenzel touched on there very briefly too. I believe in your prepared statement on the second page you mentioned that 9 out of 10 registered Americans are voting.

Senator McGEE. That is a very rough figure. The figure breakdown varies a little bit from time to time. One of the latest was 86.2 percent of registered.

Mr. MATHIS. 86.2. Was that for the 1972 Presidential election?
 Senator McGEE. That was 1968.

Mr. FRENZEL. Will you yield?

Mr. MATHIS. Certainly.

Mr. FRENZEL. Mr. Chairman, I am looking at an exhibit out of the Congressional Record that comes from U.S. Census. It was figures introduced into your committee by some Democratic voting group, I have forgotten who they were. They showed 89.4 percent of registered voters turned out in 1968. In checking the mathematics it seems to be a Democrat adding machine. Really it is closer to 82 percent when you add them up.

Senator McGEE. I haven't caught that. I am in favor of it.

Mr. FRENZEL. You take all the NA's and factored them out, which is a marvelous way to add. In the record in the Senate during your debate, somebody put in the 1972 figures from census. Our computations, which we think are reasonably accurate, show 73 percent in 1972, 82 percent in 1968 and 73 percent in 1973. Thank you.

Mr. MATHIS. Thank you very much, Senator.

Senator McGEE. Thank you.

Mr. DENT. Thank you, Senator. The penalty of being considered an expert always puts you into the position of giving us the job of proving you are not.

Senator McGEE. And the penalty of being not an expert is the penalty of learning, which is my reward this morning.

Mr. DENT. I assure you you have been very helpful to the committee. Of course we were very anxious to have you since I think you have been identified with this very closely and over a long period of time than most any of us have been. I am sure the committee will give very serious consideration to your answer and to the questions that were put to you. We hope to get some action very shortly on the matter.

Senator McGEE. Thank you very much. I do appreciate the courtesy of all members of the committee. Thank you.

Mr. DENT. The next witness is the Honorable Jaime Benitez, the Resident Commissioner of Puerto Rico, who has a very peculiar request to make, one that is always made by the Resident Commissioner on every piece of legislation. Commissioner, we are happy to have you, as you know.

STATEMENT OF HON. JAIME BENITEZ, RESIDENT COMMISSIONER FROM PUERTO RICO

Mr. BENITEZ. My name is Jaime Benitez. I will summarize.

Mr. DENT. We will make all of your testimony part of the record at this point.

[The prepared statement follows:]

TESTIMONY OFFERED BY THE RESIDENT COMMISSIONER FROM PUERTO RICO,
 JAIME BENITEZ

Mr. Chairman and members of the subcommittee: On behalf of the people and of the Government of the Commonwealth of Puerto Rico, I wish to tender an amendment to this bill. It involves the deletion of "the Commonwealth of Puerto Rico" from the definition of "State" in the proposed legislation.

The amendment does not deal with the merits of the bill itself, but with the demerits of making it extensive to Puerto Rico. None of the evils that the proposed legislation aims to correct prevails in Puerto Rico. Many unnecessary

confusions and perplexities would be inflicted upon our electoral process if the amendment is not adopted.

No one challenges or wishes to jeopardize, the extraordinary success and efficaciousness of the Puerto Rican electoral process. For, notwithstanding minor deficiencies we are presently endeavoring to correct, that process is exemplary throughout the hemisphere. Yet the inclusion of Puerto Rico in the law would do just that.

In the majority report accompanying the findings of the Committee on Post Office and Civil Service, the Senator, Mr. McGee states:

"S. 352 is designed to contribute to the correcting of the dismal voter turnout in American elections for the past 50 years. The Committee majority is convinced that voter registration requirements for the most part have become obstacle courses which prevent large numbers of Americans from exercising their franchise.

The bill seeks elimination of those obstacles.

As we shall immediately document, none of these difficulties prevail in Puerto Rico. Under the title *Justification*, the report states further that:

"Nowhere in the free world is voter participation at a lower level than it is in the United States. Voters in Canada, England, and Germany, for instance have been participating in their elections at a rate well above 75 per cent; while in the United States, the trend of participation has steadily declined since the adoption of voter registration laws.

"In the United States the highest rate of participation in the twentieth century was in 1960 when 64 per cent of all Americans of voting age voted. In 1966, the percentage dropped to 60.6 per cent. In 1973, the percentage of participation by voting-age Americans had dropped to a shocking 55 per cent."

The Congressional Research Service of the Library of Congress has informed my office that Puerto Rico has the highest registration percentage anywhere under the American flag, 95.61% for 1972. The Census Bureau has advised the Congressional Research Service that the voting-age population of Puerto Rico for 1972 was 1,627,000. By election time, 1,555,504 or 95.61% were registered. Only three states came anywhere close to this high percentage; Maine with 92.4%, South Dakota with 90.4%, and Utah with 90.1%

In contrast with the above high percentages in Puerto Rico, registration in the United States averaged only 67.4%, fully 28% below registration in Puerto Rico. It is understandable that there should be a high concern with that low correlation between voting age and voting participation.

If we move now to the election itself we find that 1,308,950 citizens voted in the 1972 elections. This means that 84.14% of those registered voted, and that 80.4% of the total population 18 years and over exercised their suffrage. This is a voting record higher than that prevailing in any State of the Union and fully 25% higher than the average for mainland United States.

Justly proud of these achievements our House of Representatives on May 29, 1973, approved a Resolution requesting the exclusion of Puerto Rico from the scope of this bill. The House Resolution lists two basic reasons for that exclusion. First, "if said bill is approved in the aforesaid form, the bill would create in effect two systems of voters registration: one for the election of one sole official, the Resident Commissioner, and another, for all other elective posts. This would bring about unnecessary difficulties in the Puerto Rican electoral process; would produce a great confusion and would destroy the already directed purpose of carrying out in Puerto Rico an electoral reform which responds to the Puerto Rican political realities."

It seems disproportionate indeed that two registration systems should exist side by side in Puerto Rico: one concerning the election of over 900 officials and another to safeguard that of a single Resident Commissioner.

Mr. Chairman, I am not noted for my modesty. But I must object to such unnecessary and burdensome distinction attaching to the office I presently discharge.

The second consideration is that under the circumstances, I quote "the intervention in Puerto Rico of a federal voters registration process is incompatible with the autonomic spirit of the present political relationship between Puerto Rico and the United States." Likewise, the Commission on Electoral Reform recently appointed by the Governor of Puerto Rico, pursuant to Commonwealth legislation and including representation from all parties, joins in this request.

A complete overhauling of electoral laws, including registration, constitutes one of the major commitments of the present Government of Puerto Rico. In all likelihood, this commitment will be fulfilled during the current quatenium. The Commission charged with the revision of all our legislation and instructed to submit recommendations, is integrated by members from all political parties, and is already at work.

The high level of citizens' participation in elections in Puerto Rico is due, more than to anything else, to a deep overall conviction that elections are meaningful; that elections and education provide the best possible avenues to social change; and that there exists a direct and palpable correlation between what happens at the polls and what happens later in terms of social amelioration or deterioration.

One of the advantages of a small, clearly defined, face-to-face, integrated community, and one which compensates for very many other disadvantages, lies in the high visibility of public achievements and of public failures. Assessments and evaluations by the citizenry of the impact of government upon the social fabric is a daily reality in Puerto Rico. The electoral process has become a simple and effective way of passing judgment and of effecting accountability.

We do not try to simplify and routinize elections or registrations in order for them not to interfere with other activities or distractions of our daily life. On the contrary we want them to interfere and to take precedence over all other activities. With us election day is, indeed, a holy day. It is a festivity but it is also a sacred duty. We hold that election day is the most important day in the life of a democracy. We try to have all public and social activities during that day converge on the priority accorded that outstanding occasion which our society appreciates comes only once every four years.

I take no position concerning how a system of registration or of voting, wherein the elector could take care of the process staying at home, signing a card, or punching a button, would work on the mainland. In Puerto Rico such a process might undermine our basic approaches, attitudes, safeguards, and effectiveness. For it might affect adversely our basic understanding of the meaning, value and dramatic consequences inherent in universal suffrage. In any case our system is achieving already the very same goals set for this bill. Including Puerto Rico in its scope would complicate, rather than improve, our political process. We respectfully submit that under these circumstances this bill should not be made extensive to Puerto Rico.

ESTADO LIBRE ASOCIADO DE PUERTO RICO—JUNTA ESTATAL DE ELECCIONES

INFORME OFICIAL SOBRE LAS ELECCIONES GENERALES

De 7 de Noviembre de 1972

PRIMERA EDICION

Walter Buso, superintendente General de Elecciones Interino

INFORMACION DEL POR CIENTO DE ELECTORES QUE NO VOTARON EN LAS ELECCIONES GENERALES
EFECTUADAS EN PUERTO RICO

[Registered votes]

Año	Inseritos	Votaron	Por ciento No Votaron
1920.....	268,643	240,431	7.72
1924.....	326,093	253,520	22.26
1928.....	321,113	256,335	20.18
1932.....	452,738	383,722	15.25
1936.....	764,602	549,500	28.14
1940.....	714,960	568,851	20.44
1944.....	719,759	591,978	17.26
1948.....	873,085	638,687	26.85
1952.....	883,219	664,947	24.72
1956.....	873,842	701,738	19.70
1960.....	931,034	796,429	15.33
1964.....	1,002,000	839,678	16.20
1968.....	1,176,895	922,822	21.50
1972.....	1,555,504	1,308,950	15.86

PUERTO RICO—1972 ELECTION

	1972	1968	1964	1960
Voting age population, census bureau estimate.....	1,627,000	1,334,000	1,207,000	1,062,000
Percent of voting age population registered to vote.....	95.61	82.22	83.02	87.67
Age.....	18+	21+		

Note: 95.61 percent of VAP registered; 84.14 percent of those registered voted $95.61 \times (84.14) = 80.4$ percent, 80.4 percent of voting age population voted.

Missouri	2,696,000	327,477	82.07	71,523	1,817,879	48,849	878,121	32.6	510,809 D
Montana	879,000				278,928		120,372	30.2	51,214 D
Nebraska	1,247,000				584,194		292,846	33.4	30,460 D
Puerto Rico								44.5	923,245
Nevada	1,002,000			80,525	135,433	28,042	108,567	31.4	78,086
New Hampshire	299,000	163,475	97.22	30,779	286,702	406,022	1,300,230	36.1	61,177
New Jersey	4,147,000	3,263,603	78.48	883,397	2,946,770	406,833	1,185,335	36.8	2,669,937
New Mexico	1,517,000	413,690	80.49	100,304	7,328,045	1,277,415	4,163,365	48.2	173,295
North Carolina	11,333,000	8,443,430	74.52	2,886,570	7,428,983	1,268,017	1,228,017	27.8	1,021,467
North Dakota	2,753,000				1,758,393		1,021,467	37.4	1,021,466
Ohio	5,865,000				3,969,192		1,980,804	33.5	1,077,166
Oklahoma	1,493,000	1,311,864	87.87	181,136	892,489	379,365	300,891	30.4	216,238
Oregon	1,130,000	932,461	82.52	197,539	786,305	142,456	340,691	31.9	1,457,697
Pennsylvania	7,080,000	5,728,359	80.91	1,351,641	4,822,490	905,869	2,353,870	31.9	1,247,848
Rhode Island	1,568,000	473,659	83.71	95,341	390,078	88,599	1,777,920	31.3	93,348
South Carolina	1,380,000	772,572	55.98	607,428	524,758	247,816	857,244	62.0	32,902
South Dakota	1,404,000	369,782	91.53	34,218	293,118	76,664	110,582	27.4	122,082
Tennessee	2,239,000	1,628,825	72.75	610,175	1,144,046	484,779	1,094,954	55.6	704,619
Texas	5,922,000	3,338,718	56.33	2,583,282	2,626,811	711,907	3,293,189	55.6	37,843
Utah	522,000	448,463	85.91	73,537	401,413	47,050	126,587	23.1	53,185
Vermont	240,000	209,225	87.18	30,775	163,089	46,136	176,811	32.0	76,704
Virginia	2,541,000	1,305,383	51.37	1,235,617	1,042,267	263,116	1,498,733	28.5	309,333
Washington	1,759,000	1,582,046	89.94	176,954	1,258,374	323,672	260,960	24.8	284,184
West Virginia	1,053,000				792,040		699,185	29.2	411,979
Wisconsin	2,391,000	1,055,429	44.2	429	1,691,815	263,389	52,284	26.8	118,720
Wyoming	195,000				142,716		52,284	38.0	15,948,884
Total	113,930,000				70,641,128		43,288,872		

1 Indicates States which do not have statewide registration or equivalent, or do not publish statewide registration data.
 2 Official estimate.
 3 Polltax receipts sold plus exemption certificates issued.
 4 Excess of registered voters over potential voters. This may be due to the presence on the registration books of names of persons no longer eligible to vote.
 5 Presidential plurality not submitted for the record.
 Source: Republican National Committee.

TABLE 3.—REGISTRATION BY STATE, 1972

State	Republican	Democrat	Other	Total	Type of registration	Percent registered of voting age population
Alabama				1,763,845	A	77.6
Alaska	24,581	43,076	81,303	184,960	B	74.5
Arizona	362,196	455,985	43,631	861,812	B	69.6
Arkansas				1,010,396	A	77.1
California	3,840,620	5,864,745	760,850	10,466,215	B	75.1
Colorado	343,193	413,539	462,859	1,219,591	B	78.3
Connecticut	420,210	554,111	533,282	1,507,603	B	71.6
Delaware	102,351	120,770	69,597	293,078	B	79.0
District of Columbia	39,598	233,101	32,373	305,072	B	59.0
Florida	974,999	2,394,604	117,855	3,467,458	B	68.3
Georgia				2,131,188	A	68.7
Hawaii	46,890	171,374	119,573	337,837	B	63.6
Idaho				397,019	A	82.9
Illinois				6,215,331	A	82.4
Indiana				3,018,578	A	86.0
Iowa	219,360	250,871	269,675	739,906	C	38.8
Kansas				1,065,730	D	69.2
Kentucky	475,764	946,169	32,642	1,454,575	B	65.9
Louisiana	49,815	1,711,826	23,249	1,784,890	B	76.3
Maine				1,615,546	B	92.4
Maryland	483,623	1,260,477	71,684	1,815,784	B	67.6
Massachusetts				3,099,877	B	77.6
Michigan				4,762,764	A	81.1
Minnesota ²					C	NA
Mississippi				1,030,000	D	73.4
Missouri					C	NA
Montana				386,867	A	84.1
Nebraska	401,409	370,993	34,865	807,267	B	79.0
Nevada	80,199	133,278	17,568	231,045	B	66.4
New Hampshire	177,054	129,365	143,295	449,714	B	86.3
New Jersey				3,672,606	A	73.1
New Mexico	151,203	321,513	32,716	505,432	B	79.5
New York				9,207,363	B	72.1
North Carolina	541,916	1,729,436	86,293	2,357,645	B	68.1
North Dakota ¹					C	NA
Ohio				4,627,740	D	64.4
Oklahoma	287,003	942,188	17,966	1,247,157	B	68.8
Oregon	473,907	673,710	50,059	1,197,676	B	79.8
Pennsylvania	2,697,694	2,993,092	181,116	5,871,902	B	72.0
Rhode Island				531,847	A	79.0
South Carolina				1,033,688	A	60.6
South Dakota	195,737	158,816	37,703	392,256	B	90.4
Tennessee				1,990,026	A	73.4
Texas				3,872,462	D	50.4
Utah				621,014	A	90.1
Vermont				273,056	A	88.4
Virginia				2,107,367	A	66.0
Washington				1,974,849	A	83.3
West Virginia	359,016	686,620	16,883	1,062,519	B	89.9
Wisconsin ¹					C	NA
Wyoming	63,099	55,552	20,285	138,936	B	61.5
Total	12,811,437	22,615,211	3,257,682	94,093,489		67.4
Puerto Rico				1,555,504		95.61

¹ No statewide registration.

NA—Not available.

Source: Republican National Committee.

1968 VOTER REGISTRATION STATISTICS—ACTUAL TURNOUT

State	1968 voting age population	Total registration	Percent of voting age population registered	Actual turnout	Percent turnout of registered voters	Percent turnout of voting age population
Alabama	2,037,000	1,389,198	65.20	1,044,177	75.2	51.3
Alaska ¹	151,000	NA	-----	83,035	NA	55.0
Arizona	1,003,000	614,718	61.29	486,936	79.2	49.5
Arkansas	1,188,000	845,759	11.19	609,590	72.1	51.3
California	12,052,000	8,587,673	91.21	7,251,587	84.4	60.2
Colorado	1,211,000	966,700	79.88	806,983	83.5	66.6
Connecticut	1,813,000	1,341,519	73.99	1,256,232	93.6	69.3
Delaware	306,000	246,915	81.34	214,367	86.1	70.1
District of Columbia	515,000	201,937	39.21	170,578	84.5	33.1
Florida	3,924,000	2,765,316	70.47	2,187,805	79.1	55.8
Georgia	2,834,000	1,850,000	55.25	1,250,100	67.6	44.1
Hawaii	421,000	274,104	65.11	236,218	86.2	56.1
Idaho	708,000	366,532	51.77	291,183	79.4	41.1
Illinois	6,580,000	5,676,131	86.26	4,619,749	81.4	70.2
Indiana	2,946,000	2,653,219	90.06	2,123,597	80.0	72.1
Iowa ¹	1,653,000	NA	-----	1,167,931	NA	70.7
Kansas ¹	1,339,000	NA	-----	872,783	NA	65.2
Kentucky	2,062,000	1,471,343	7.136	1,055,893	71.8	51.2
Louisiana	2,032,000	1,449,231	7.132	1,097,550	75.7	54.0
Maine	596,000	509,888	8.555	392,936	77.1	65.9
Maryland	2,168,000	1,595,779	7.361	1,235,039	77.4	57.0
Massachusetts	3,379,000	2,591,051	7.668	2,331,752	80.0	69.0
Michigan	4,853,000	3,950,000	8.139	3,306,250	83.7	68.1
Minnesota ¹	2,097,000	NA	-----	1,588,510	NA	75.8
Mississippi ²	1,308,000	775,000	5.925	654,509	84.5	50.0
Missouri ¹	2,770,000	NA	-----	1,809,502	NA	65.3
Montana	412,000	331,078	8.036	274,404	82.9	66.6
Nebraska	891,000	637,719	7.157	536,851	84.2	60.3
Nevada	285,000	188,811	6.625	154,218	81.7	54.1
New Hampshire	418,000	378,660	9.059	297,190	78.5	71.1
New Jersey	4,402,000	3,319,752	7.541	2,875,395	86.6	65.3
New Mexico	562,000	445,304	7.924	327,281	73.5	58.2
New York	11,773,000	8,113,216	6.891	6,691,690	85.8	59.1
North Carolina	2,919,000	1,858,987	6.369	1,587,493	85.4	54.4
North Dakota ¹	370,000	NA	-----	247,882	NA	67.0
Ohio ³	6,235,000	3,907,000	-----	3,959,698	101.3	63.5
Oklahoma	1,546,000	1,163,328	75.25	943,086	81.1	61.0
Oregon	1,193,000	971,851	81.46	819,622	84.3	68.7
Pennsylvania	7,234,000	5,599,364	77.40	4,747,928	84.8	65.6
Rhode Island	561,000	471,112	83.98	384,938	81.7	68.6
South Carolina	1,455,000	853,014	58.63	666,978	78.2	45.8
South Dakota	408,000	348,254	85.36	281,264	80.8	68.9
Tennessee	2,361,000	1,840,077	77.94	1,248,617	67.9	52.9
Texas	6,289,000	4,073,576	64.77	3,079,406	75.6	49.0
Utah ²	562,000	475,000	84.52	422,568	89.0	75.2
Vermont	244,000	208,221	85.34	161,403	77.5	66.1
Virginia	2,900,000	1,510,592	56.16	1,359,928	90.0	50.6
Washington	1,838,000	1,649,734	89.76	1,304,281	79.1	71.0
West Virginia	1,073,000	993,024	92.55	754,206	76.0	70.3
Wisconsin ²	2,484,000	2,425,000	97.62	1,691,538	69.8	68.1
Wyoming	202,000	142,739	70.66	127,205	89.1	63.0
Total	120,363,000	82,029,426	-----	73,359,762	80.8	60.8

¹ States which have no statewide registration, or where registration is not required.

² Approximate figures, furnished by Secretary of State.

³ Ohio does not require total registration, therefore the voter turnout figure exceeds the registration figure. Figure not included in total percentage.

NA—Not available.

Source: Republican National Committee.

TABLE 5.—1972 VOTER TURNOUT BY STATE

Rank	State	Total turnout	Registered voters	Voting age population	Percent voting of—	
					Registered	Voting age population
26	Alabama.....	1,006,093	1,763,845	2,274,000	57.0	44.2
51	Alaska.....	95,219	148,960	200,000	63.9	47.6
32	Arizona.....	653,505	861,812	1,239,000	75.8	52.7
33	Arkansas.....	651,320	1,010,396	1,310,000	64.5	49.7
1	California.....	8,367,862	10,466,215	13,945,000	80.0	60.0
27	Colorado.....	953,878	1,219,591	1,558,000	78.2	61.2
18	Connecticut.....	1,384,277	1,507,603	2,106,000	91.8	65.7
46	Delaware.....	235,516	293,078	371,000	80.4	63.5
49	District of Columbia.....	163,421	305,072	518,000	53.6	31.5
9	Florida.....	2,583,283	3,487,458	5,105,000	74.1	50.6
22	Georgia.....	1,171,019	2,131,188	3,104,000	54.9	37.7
45	Hawaii.....	270,274	337,837	531,000	80.0	50.9
42	Idaho.....	310,379	397,019	479,000	78.2	64.8
3	Illinois.....	4,723,326	6,215,331	7,542,000	75.0	62.6
11	Indiana.....	2,125,529	3,018,578	3,509,000	70.4	60.6
20	Iowa.....	1,225,944	739,906	1,909,000	(1)	64.2
29	Kansas.....	916,095	1,065,730	1,541,000	86.0	59.4
23	Kentucky.....	1,067,499	1,454,575	2,206,000	73.4	48.4
24	Louisiana.....	1,051,491	1,784,890	2,339,000	58.9	45.0
37	Maine.....	417,042	615,546	666,000	67.8	62.6
19	Maryland.....	1,353,812	1,815,784	2,688,000	74.6	50.4
10	Massachusetts.....	2,458,756	3,099,877	3,955,000	79.3	62.2
6	Michigan.....	3,489,727	4,762,764	5,874,000	73.3	59.4
14	Minnesota.....	1,741,652	(1)	2,560,000	(1)	68.0
34	Mississippi.....	645,963	1,030,000	1,403,000	62.7	46.0
13	Missouri.....	1,852,589	(1)	3,266,000	(1)	56.7
41	Montana.....	317,603	386,867	460,000	82.1	69.0
35	Nebraska.....	576,289	807,267	1,022,000	71.4	56.4
48	Nevada.....	181,766	231,045	348,000	78.7	52.2
40	New Hampshire.....	334,055	449,714	521,000	74.3	64.1
8	New Jersey.....	2,997,229	3,672,606	5,025,000	81.6	59.6
39	New Mexico.....	385,931	505,432	656,000	76.4	60.7
2	New York.....	7,161,830	9,207,363	12,773,000	77.8	56.1
15	North Carolina.....	1,518,612	2,357,645	3,463,000	64.4	43.9
44	North Dakota.....	280,514	(1)	402,000	(1)	69.8
5	Ohio.....	4,094,787	4,627,740	7,185,000	88.5	57.0
25	Oklahoma.....	1,029,900	1,247,157	1,812,000	82.6	56.8
28	Oregon.....	927,946	1,197,676	1,500,000	77.5	61.9
4	Pennsylvania.....	4,592,105	5,871,902	8,161,000	78.2	56.3
38	Rhode Island.....	415,757	531,847	673,000	78.2	61.8
31	South Carolina.....	674,690	1,033,688	1,706,000	65.3	39.6
43	South Dakota.....	307,415	392,256	434,000	78.4	70.8
21	Tennessee.....	1,201,182	1,990,026	2,713,000	60.4	44.3
7	Texas.....	3,471,281	3,872,462	7,681,000	89.6	45.2
36	Utah.....	478,476	621,014	689,000	77.0	69.4
47	Vermont.....	186,947	273,056	309,000	68.5	60.5
17	Virginia.....	1,457,019	2,107,367	3,197,000	69.1	45.6
16	Washington.....	1,470,847	1,974,849	2,371,000	74.5	62.0
30	West Virginia.....	762,399	1,062,519	1,182,000	71.8	64.5
12	Wisconsin.....	1,852,890	(1)	2,955,000	(1)	62.7
50	Wyoming.....	145,570	138,936	225,000	(1)	64.7
	Total.....	77,738,511	94,093,489	139,642,000	(1)	55.7
	Puerto Rico.....	1,308,950	1,555,504	1,627,000	84.14	80.4

¹ Figures not available.

Source: Republican National Committee, Bureau of the Census.

COMMONWEALTH OF PUERTO RICO
 HOUSE OF REPRESENTATIVES
 CAPITOL
 SAN JUAN, PUERTO RICO

I, ENRIQUE PIÑERO LÓPEZ, Secretary of the House of Representatives of the Commonwealth of Puerto Rico, do hereby

CERTIFY:

That the House of Representatives in its sitting of May 29, 1973, approved the following

Resolution

To request from the Congress of the United States of America to exclude the Commonwealth of Puerto Rico from the "Voter Registration Act" (S 352)

STATEMENT OF MOTIVES

WHEREAS: Before the Congress of the United States Senate Bill No. 352 is being processed, known as "Voter Registration Act", which, upon approval on its original drafting, would include Puerto Rico within a federal voters registration system for the election of federal officials, among which is included the Resident Commissioner of Puerto Rico in the United States;

WHEREAS: If said bill is approved in the aforesaid form, the effect in Puerto Rico would be that there will be two systems of voters registration; one for the election of one sole official, the Resident Commissioner, and another, for all other elective posts. This would bring about unnecessary difficulties in the Puerto Rican electoral process; would produce a great confusion and would destroy the already directed purpose of carrying out in Puerto Rico an electoral reform which responds to the Puerto Rican political realities;

WHEREAS: The intervention in Puerto Rico of a federal voters registration process is incompatible with the autonomic spirit of the present political relationship between Puerto Rico and the United States;

Therefore, be it Resolved by the House of Representatives of Puerto Rico:

Section 1.—It is hereby requested from the Congress of the United States of America, both, from the Senate and from the House of Representatives, that the Commonwealth of Puerto Rico be excluded as jurisdiction wherein it may apply, the "Voter Registration Act" (S. 352), now under its consideration.

Section 2.—Copy of this Resolution, duly translated into the English language, shall be transmitted by the Secretary of this House of Representatives to the Senate, and to the House of Representatives of the United States, to each Senator, and to each Representative of the Congress of the United States, to the Governor of Puerto Rico, and to the Resident Commissioner of Puerto Rico in the United States.

AND IN TESTIMONY WHEREOF, I issue these presents to which I set my hands and affix the seal of the House of Representatives at the Commonwealth of Puerto Rico, at the Capitol building, San Juan, Puerto Rico, this 29th day of May one thousand nine hundred and seventy three.


 House of Representatives
 Secretary

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 4, 1973.

Hon. JOHN H. DENT,
Chairman, Subcommittee on Elections, House Committee on Administration,
House of Representatives, Washington, D.C.

DEAR CHAIRMAN DENT: I am pleased to convey to your Subcommittee the text of a resolution unanimously passed by the Commission on Electoral Reform of Puerto Rico, opposing that the Commonwealth be included under the provisions of Senate bill number S. 352, the Voter Registration Act. This bill is presently under your consideration.

The Commission on Electoral Reform, which was created by a local legislative Resolution signed into law by the Governor of Puerto Rico on January 30, 1973, represents an effort to harmonize the points of view of our three political parties, to establish a joint program of much needed electoral reform in the island.

This group is deeply interested in S. 352, and would like to be informed of the dates of coming public hearings, should you decide to hold them in the near future. I will be glad to pass this information to them.

My sincere thanks for your cooperation on this matter.

With warm regards.

Cordially,

JAIME BENITEZ.

COMMONWEALTH OF PUERTO RICO, COMMISSION OF ELECTORAL REFORM

RESOLUTION

Whereas Section 4 of Article VI of the Constitution of the Commonwealth of Puerto Rico, reads as follows: "Everything concerning the electoral process and the registration of voters, as well as everything concerning political parties and candidates, will be provided for by law;"

Whereas Senate Joint Resolution No. 3, signed on January 30, 1973 by the Honorable Governor of Puerto Rico created the Commission on Electoral Reform;

Whereas the mission and function of the Commission is to prepare a plan embracing the public policy of the Commonwealth of Puerto Rico, concerning the carrying out of electoral reform in Puerto Rico, and to submit legislative proposals to achieve that end;

Whereas the Commission is composed of five members, three of them recommended by the three political parties advocating Commonwealth, statehood and independence, respectively, as a final political status;

Whereas the Senate of the United States of America passed Senate bill number S. 352, which will be known as the Voter Registration Act, establishing a program for the registration of voters through the postal system;

Whereas this bill includes the Commonwealth of Puerto Rico in the application of its provisions, by including the delegates to the Congress within the definition of a Federal Position, the Resident Commissioner being the delegate of Puerto Rico before the Congress of the United States of America; therefore, be it

Resolved unanimously by the Commission on Electoral Reform, of the Commonwealth of Puerto Rico;

First, That the Commonwealth of Puerto Rico should be excluded from the provisions of the United States Senate bill number S. 352, known as the Voter Registration Act;

Second, That this Resolution be informed to the Honorable Governor of Puerto Rico, the Honorable Legislative Assembly, and the Honorable Resident Commissioner;

Third, That an amendment to the bill be requested, so as to:

1. Eliminate the phrase "the Commonwealth of Puerto Rico", from clause (2) of Section 401 of Title 13 of the Federal Code.

2. To add to the phrase "the Delegate to the Congress", of clause (3) of Section 401, of Title 13 of the Federal Code, the following: "except the Resident Commissioner to the United States representing the Commonwealth of Puerto Rico."

MILTON F. RÚA,
President.

CERTIFICATION

I certify that the preceding Resolution was passed by unanimous vote by the members of the Commission on Electoral Reform, in the executive session of May 23, 1973.

FERNANDO PICÓ,
Secretary.

Mr. BENITEZ. Thank you, sir. I may add that I have provided the statistics for the United States as well as for Puerto Rico concerning registration and elections for 1972, 1968, and 1964. It is to a large extent upon the strength of these statistics that we submit on behalf of the Government of the Commonwealth of Puerto Rico an amendment consisting of the deletion of "Commonwealth of Puerto Rico" from the definition of "State." This amendment does not deal with the merits of the bill itself, but with the demerits of making it extensive to Puerto Rico. None of the evils that the proposed legislation aims to correct prevails in Puerto Rico. Many unnecessary confusions and perplexities would be inflicted upon our electoral process if this amendment is not adopted.

The arguments in favor of the bill have been presented by Senator McGee. They appear also in the committee report submitted to the Senate and I need not read them. The bill is an effort to rectify the low voter participation in the United States as contrasted with other democratic nations throughout the world.

The situation as far as Puerto Rico is concerned is the following: Puerto Rico has the highest rate of registration anywhere under the American flag, 95.6 percent for 1972; is also has the highest voter turnout among the voting age population, 80.4 percent; and a very high voter participation among those registered to vote—85 percent.

The tables I have provided list the figures for each one of the States, and we have added the figures as certified by the Board of Elections in Puerto Rico and by the Census Bureau for Puerto Rico. I have also included with my testimony a resolution of the House of Representatives of Puerto Rico of March 29, 1973, requesting the exclusion of Puerto Rico from the bill. The House resolution lists two basic reasons. First, that if said bill is approved in the aforesaid form, the bill would create in effect two systems of voter registration, one for the election of one single official, the Resident Commissioner, and another for all other elective posts. This would create unnecessary difficulties and confusions in the electoral process, and would create great confusion.

It seems disproportionate indeed that two registration systems should exist side by side in Puerto Rico, one concerning the election of over 900 officials, and another to safeguard that of a single Resident Commissioner.

Mr. Chairman, I am not noted for my modesty, but I really think it is stretching the point to create a situation where the office which I presently discharge should be endowed with this burdensome distinction of having a registration system all to itself.

The second consideration is, of course, that this law, presented in the form in which it is, and having served an inconsequential relationship to the electoral process in Puerto Rico, would undoubtedly create confusion and would affect the basic autonomy of the Puerto Rican electoral process.

I would just like to add one explanation for the high percentage of voter participation in Puerto Rico, which is higher not only than that of my State in the Union, but also than that of most places in Europe and in Latin America. This is due primarily to a deep, overall conviction in Puerto Rico, that elections are meaningful, that elections and education provide the best possible avenues to social change, and that there exists a direct and palpable correlation between what happens at the polls and what happens later in terms of social amelioration or deterioration.

One of the advantages of a small, clearly defined, face-to-face, integrated community, and one which compensates for very many other disadvantages, lies in the high visibility of public achievements and of public failures. Assessments and evaluations by the citizenry of the impact of government upon the social fabric is a daily reality in Puerto Rico. The electoral process has become a simple and effective way of passing judgment and of effecting accountability.

In the last three elections in Puerto Rico we have had changes of government determined by the electorate. We do not try to simplify and routinize elections or registrations in order for them not to interfere with other activities or distractions of our daily life. On the contrary we want them to interfere and to take precedence over all other activities. With us, election day is, indeed, a holy day. It is a festivity but it is also a sacred duty. We hold that election day is the most important day in the life of a democracy. And the people of Puerto Rico do practice this. We try to have all public and social activities during that day converge on the priority accorded that outstanding occasion which our society appreciates comes only once every 4 years.

I take no position concerning how a system of registration or of voting, wherein the elector could take care of the process staying at home, signing a card, or punching a button, would work on the mainland. In Puerto Rico such a process might undermine our basic approaches, attitudes, safeguards, and effectiveness concerning the dignity, the solemnity, the importance of the electoral process. In our cases the system is already achieving the very same goals which this bill endeavors to achieve. Including Puerto Rico in its scope would complicate, rather than improve, our political process. In consequence we respectfully submit that Puerto Rico be excluded from the scope of the bill.

MR. DENT. Thank you very kindly, Commissioner. I am sure that the committee recognizes that there are differences to be considered when we consider the legislation for the mainland and for Puerto Rico. I have no questions. I have discussed it with you and will talk to you more about it when the opportunity presents itself when we are listening to debate on the floor. There may be questions by the committee. Mr. Chairman, do you have any questions?

MR. HAYS. No, Mr. Chairman. The only thing I would say, Mr. Commissioner, I sympathize with your position, and I am sure that if a bill is reported out by the committee, that your special problem will be taken care of. I think if you have this high a percentage of registration, you don't need any other stimulation or complication. I agree with you that setting up that kind of machinery for one office to be elected every 4 years would be probably like the old saying goes: the higher the game would be more than the candle is worth.

Mr. DENT. Gilding the lily. Thank you, Mr. Hays. Mr. Harvey.
Mr. HARVEY. Thank you.

Mr. Commissioner, I appreciate your being here today and the tremendous record that you have in Puerto Rico. I only had one question. I noted that in your statistics that you included that in 1972 when the 18-, 19-, and 20-year-olds were permitted to vote, that you achieved a 95.6-percent registration, which was greater than in 1968, 1964, or 1960.

Mr. BENITEZ. That is right.

Mr. HARVEY. Before the 18-, 19-, and 20-year-olds were permitted to vote. I didn't know if you cared to comment on that or not. They are astounding figures.

Mr. BENITEZ. Yes. The reason for this is that in 1972 there was a much greater motivation to register and to vote than there was in 1968. There were a number of issues that were very clear. Lots of people, by Puerto Rican standards, had abstained from voting in 1968, assuming it was a sure thing that the Popular Democratic Party would win easily. The other is that there had been splits in the parties and disgust with the candidates, and so only 79 percent of those of voting age actually did vote. In these last elections, however, there was a great deal of distress over the previous administration. There is now throughout Puerto Rico a profound feeling that elections are meaningful. There were clear-cut issues involved, and the people not only voted, but voted right.

Mr. HARVEY. We congratulate you in any event for stimulating the interest that you did. Thank you.

Mr. BENITEZ. Thank you, sir.

Mr. DENT. Mr. Mathis.

Mr. MATHIS. Mr. Commissioner, thank you very much for your testimony. I think we all appreciate your problem and I am prepared to tell you today that I will support your amendment if you will support a similar amendment removing Georgia.

Mr. DENT. Let's make a deal in the back room. Thank you, Mr. Mathis. Mr. Ware.

Mr. WARE. Mr. Commissioner, I join with all of my colleagues in complimenting you and your people, and I have but one question.

How do your voters register at the present time?

Mr. BENITEZ. We have regular registering forms. Once you register you are permanently registered unless you die or are canceled out for not voting in the previous election, and four times a year there is a Sunday that is taken for the purpose of registering. When a person registers in Puerto Rico it is a great event, and elections themselves are a great event. There is motivation. The parties participate, and there are always very heavy turnouts. We attribute value to the practice, to the ceremony, to the act itself, and there is of course a person-to-person canvass. The parties are active, and everybody wants to get the vote out and to prepare for it through registration. It is in the interest of the persons who are concerned. In our case this makes even the somewhat cumbersome registration forms that we have effective and significant.

Mr. WARE. Do you have to go to selected locations to register?

Mr. BENITEZ. Yes, one has to go to selected locations to register, but we establish a very, very large number of them. In Puerto Rico, there are 15,000 voting polls so that for every 10 persons there is one place where people can vote or gather, and then again this takes the significance of gathering of neighbors and of members of the community, and both registrations and elections are great occasions for Puerto Rico.

Mr. WARE. Thank you very much.

Mr. DENT. Thank you, Mr. Ware. Mr. Frenzel.

Mr. FRENZEL. Thank you, Mr. Chairman.

Mr. Commissioner, I find your testimony scary. Little red flags are going up. If postcard registration is a good thing for the country, why isn't it just as much a good thing for a high-registration jurisdiction as it is for a low-registration jurisdiction? If it is good, shouldn't it be good for all of us, maybe in approximately the same percentage; and if it is horrible for you, then is it horrible for all the rest of us? I am really concerned. They took out North Dakota because the two Senators didn't want to be in. Now you want to be out. What are the rest of us going to left with?

Mr. BENITEZ. The only thing I can do is remember my political science course, and quote Aristotle to say that justice is the equality in situations, and disequality in different situations. To apply to Puerto Rico a method which we don't need, and which would go contrary to our practices, our norms, and our established values, would be a great injustice.

Mr. FRENZEL. Excuse me, though, just a minute. Wouldn't that apply to any jurisdiction? They have got some norms and established values and practices, too.

Mr. BENITEZ. That is something you will have to judge.

Mr. FRENZEL. Why the difference?

Mr. BENITEZ. The difference is that you have a problem. We don't have a problem.

Mr. FRENZEL. Let me ask you to define your nonproblem. You say you have 95 percent of your eligible voters registered. Do you use the same definition of eligibility as is used elsewhere in the country?

Mr. BENITEZ. Yes, we do. The eligible in our case are persons 18 years old with some residence.

Mr. FRENZEL. For instance, in this country, as I understand it, eligible voters as the Census Bureau counts them, counts a lot of people who really aren't eligible, and who could never be expected to vote, aliens, people who are sick, old people, idiots.

Mr. DENT. Don't bar them.

Mr. FRENZEL. There are people who are judged mentally incapable and they are not allowed to be registered. I guess the country has a certain number of these. Are you counting those, too?

Mr. BENITEZ. Yes.

Mr. FRENZEL. Or have you a different way of counting?

Mr. BENITEZ. Everything has been counted. This percentage has been made against the total population. They are the Bureau of the Census figures for those who are 18 years old or over, and so you have here that in Puerto Rico in 1972, the population 18 years old or more is 1,627,000. and that the number of persons who were registered was 1,555,000. It might be that you have some duplications in this register because if you move or die, perhaps there are some errors involved,

but the test is the number that voted. You can waive the registration for a moment and just match the total population against the total votes, and you find that 1,308,000 voted, so if the census figures are correct, and certainly the votes are there, you find a total of over 80 percent of the people voting in Puerto Rico of voting age. This means 18 years or over.

Mr. FRENZEL. I think we may be coming closer to reality here when you take that particular figure. Have you had trouble with the census like the rest of us have? We are told that the census missed 7 percent of the people last time around. Do they do a good job in Puerto Rico?

Mr. BENITEZ. Yes, they do a good job in Puerto Rico, basically, because in our case, you have a very small island, a very compact population, and what is to a large extent a face-to-face society. But in the voting itself, to have 1,300,000 persons out of a total population of 2,700,000 voting is a tremendous number.

Mr. FRENZEL. I would agree. The other thing, the final thought, would be if indeed Puerto Rico does a much better job than the rest of the country, or maybe if North Dakota is better than the rest of the country, maybe we ought to give them a fixed amount of dollars to improve participation. Given a fixed amount of dollars, maybe we ought to hire you and throw out the postcard system or hire somebody else, but I guess that goes into the system of alternatives. Certainly we are very interested because you have a fine record. I yield to the gentleman from Pennsylvania.

Mr. WARE. I sort of have the sense at the moment that maybe the rest of the country should have election day as a national holiday.

Mr. BENITEZ. I would think so. This happens almost everywhere in the world, that the day of election is the most important day in the political world. I am oftentimes shocked when I see that in the rest of the United States, registration is taken so casually. With us, at least, it is one day when the whole community is attentive to that particular reality.

Mr. HAYS. Mr. Chairman.

Mr. DENT. Yes, Mr. Hays.

Mr. HAYS. What day of the week do you hold elections?

Mr. BENITEZ. We hold it the same time as the United States, the Tuesday after the first Monday of November.

Mr. HARVEY. Will the gentleman yield?

Mr. FRENZEL. I am all through.

Mr. HARVEY. Just one observation. In the Northern States, weather is also a factor, which I take it, it is not in Puerto Rico.

Mr. BENITEZ. That is correct.

Mr. HARVEY. But if we in November get snow or if we get inclement weather, it will control to a considerable extent the number of people who vote. I would suggest since we are considering making it a holiday, that we might also consider weather as a factor.

Mr. MATHIS. Could I ask one question?

Mr. DENT. Yes, Mr. Mathis.

Mr. MATHIS. Senator McGee in earlier testimony before the committee indicated that the high voter turnout in European countries and in Canada came about because the onus was on the Government, as it were, for registration. In Puerto Rico, do you feel that each citi-

zen takes it as a personal responsibility rather than a governmental responsibility?

Mr. BENITEZ. Yes, it is taken as a personal responsibility by the citizenry, and it is taken as a decisive responsibility by the parties. There is also a general climate of awareness of what is it that voting has done in Puerto Rico, at least in the last 30 years, and we are quite proud of that. People know that there is significance in the development of their vote and in who runs the Government.

Mr. MATHIS. Thank you.

Mr. DENT. Thank you very kindly.

Mr. BENITEZ. Thank you, sir.

Mr. DENT. The next witness is Mr. C. C. Wood, chief counsel to the secretary of state of Louisiana; with Wade O. Martin III and Robert L. Hughes, counsels to the Elections Committee of the Association of Secretaries of State. Is Mr. Martin aboard with you today?

STATEMENT OF C. C. WOOD, CHIEF COUNSEL TO THE SECRETARY OF STATE OF LOUISIANA, BATON ROUGE, LA.; ROBERT L. HUGHES AND WADE O. MARTIN III, COUNSELS TO THE ELECTIONS COMMITTEE OF THE ASSOCIATION OF SECRETARIES OF STATE

Mr. MARTIN. Mr. Chairman, I think Counsel Wood will reflect the idea of the association and uphold the position. If Mr. Hughes and I can add anything, we will be glad to do it.

Mr. DENT. He will present the position of the association.

Mr. MARTIN. Yes.

Mr. DENT. You may join the witness at the table in case any of the members decide to ask you questions.

Mr. WOOD. Mr. Chairman, I suppose it is in order to say at the outset that Mr. Martin has presented a written statement, copies of which have been filed. The statement I am about to make on his behalf we would like to have included in the record.

Mr. DENT. Without objection, it is so ordered.

Mr. WOOD. This is the statement I am to make in Mr. Martin's behalf. [Reading:]

It is difficult to reduce to a ten-minute presentation the manifold objections to Senate Bill 352. We see this bill as a deadly serious threat to the American citizen's right to the free vote.

Let me say that I am representing here Secretary of State Wade O. Martin, Jr., of Louisiana. His testimony is based on his own nearly 30 years' service as chief election official of the State of Louisiana, and his close association with all phases of the election process, including authorship of numerous election-related laws and methods. He also appears here as Chairman of both the Regular Elections Committee and the Special Elections Committee of the National Association of Secretaries of State. Because of his inability to be here today while participating in governmental affairs in Louisiana, I am acting, in turn, as his spokesman.

Now I give you the list of the NASS group's objections to Senate Bill 352:

I. The bill is obviously unconstitutional.

II. It could not but create chaos, by annoying and confusing millions of presently properly registered voters.

III. The bill is a virtual invitation to a sharp increase in fraud—in both the registration and voting processes.

IV. It would probably result in the loss to many states of millions of dollars they have invested in their present efficient registration and voting equipment.

V. It would cause millions of Americans to lose confidence in our entire election process, and decrease, rather than increase, the number of votes cast in nationwide elections.

VI. It would necessitate maintenance of at least two sets of voter registration records—one for state and local candidates or issues, and a second for Federal matters. This would require greatly increasing—possibly doubling—the present state registrars' personnel—resulting in additional millions of dollars of taxpayers' expense.

VII. It would place in a serious legal jeopardy the present smooth and efficient process of electing the President and Vice President of our nation.

Now let me take up these items individually.

I. The Federal Constitution plainly defines the selection of Presidential electors as a state function. In view of this, I cannot comprehend members of the U.S. Senate and House of Representatives proposing a *Federal* law to regulate this function. It violates principles of the State-Federal relationship as adopted in our Federal Constitution, and demonstrates fundamental disrespect for that system.

II. It is inconsistent to adopt a method which, though it might make voting easier for a relatively small number, would certainly be impractical and inconvenient for millions of citizens already duly registered. To require these people to register again every two years, and on occasion even more often than that, seems a deliberate attempt to complicate and impede the present efficient system.

Many states have adopted permanent registration procedures, which experience proves induce more persons to register to vote. Since S.B. 352 would scrap such modern systems, and require inconvenient and expensive registration, it is only reasonable to expect that many citizens would be annoyed by this to the point that they might not bother to register and vote at all, thus becoming disenfranchised. Others not yet registered might also judge the cumbersome post card method to be "too much trouble," and they would be disenfranchised in advance.

III. The language of the bill implies that registration post cards will tend to discourage fraud. To the contrary, in our opinion, the whole proposal is wide open to fraudulent practice, for it removes the necessity for the personal appearance of an applicant for registration before a state or Federal officer, as is now required.

How are the post cards' validity to be proved? Is the identity of the registrants to be established by experts in handwriting or signatures? Will registration officials go out into the field and personally verify the applicant's address? Or should prospective voters be required to appear before a person authorized to administer oaths attesting the validity of their post card registration? And what about the possibility of so-called "pranksters" getting in their quota of fraudulent post card registrations?

IV. My own State of Louisiana and many others have made heavy investment in computer equipment predicated on permanent voter registration. All this expensive equipment would be useless under the system required by S.B. 352, which directs that new and different cards be sent voting registrars at least every two years, and, additionally, that each time a special election is called for Federal officers or state Presidential electors, new post cards shall be used.

This cannot but result in widespread duplication of effort, for voting machines can be easily adjusted to enable voters to cast ballots for Federal officers, while prohibiting their vote for state or local candidates or issues. Those states unable, or unwilling, to provide funds necessary to adjust their machines for these dual elections would have only two alternatives: the purchase of additional machines, so that Federal elections could be held on some and state elections on others; or by-passing machines altogether, and returning to use of undesirable paper ballots for Federal offices.

V. As I have said, the difficulties and annoyances that would be imposed by this bill would almost certainly result in fewer re-registrations by veteran voters, and original registrations by prospective new voters. Also, it would make it extremely difficult, and in many cases impossible, for a voter to cast an absentee ballot. Therefore, S.B. 352 would tend to decrease, rather than increase, the present number of votes cast.

VI. Maintenance of at least two sets of voter registration records as this bill would require, could not but be an additional financial burden on the states. The states in our opinion should not be obligated to increase their present costs of

holding elections by greatly enlarging the personnel of their registrars' offices. And certainly the taxpayers, who must ultimately pay for this, would disapprove.

VII. Should this bill actually be enacted into Federal law, it would place the election of the President of the United States in serious legal jeopardy, especially in view of Article II, Sec. 1 of the Constitution, which gives to the states, and to the states only, the duty to establish the method of selecting Presidential electors.

Any election of Presidential electors not conducted in compliance with the method established by an individual state's Legislature, could be set aside as violative of both that state's laws and the Federal Constitution. We submit that, at least with respect to Presidential electors, the only legitimate Federal involvement would have to address itself to the protection of some right founded on the Constitution—just as was done in the enactment of the 1970 amendments to the Voting Rights Act, and to the original act itself.

Some might argue that it is not the intent of S.B. 352 to require the individual's registration under state law and this Federal one, to allow him to vote for both state and Federal officials. But a law is not interpreted as to its intent, but by the language of the law itself, unless its language is vague or ambiguous, which in this case does not apply. Subsection A, Section 404 is so written that individuals who wish to register to vote in Federal elections, for all candidates without restriction, must employ post card registration.

To summarize, this redundant registration burden on millions of American citizens who are already fully qualified to vote, cannot but result in confusion, discouragement and general disenchantment with our nation's entire election process.

We think it would be wholly unreasonable to expect registrars of voters to conduct registrations timely, accurately and efficiently, and with due regard to fraud-prevention, under S.B. 352.

Consider what their duties would be: they would be obliged to receive, screen and record, as well as re-register, every voter in the nation—all within a prescribed period for mailing and processing the registration post cards. In our judgment, even if millions of dollars were available for the recruitment and training of sufficient personnel, such a herculean task would still be virtually impossible to accomplish.

Please understand that we are fully aware of one system of "by mail" voting that is workable. I refer to military voting by mail. But this type voting is conducted under a totally different environment. Members of our armed services are granted the privilege of being certified by a superior officer, or other person to administer oaths, following which they may vote by mail or absentee ballot. Because of its certification requirement, this system is virtually fraud-proof.

Furthermore, this system was conceived and put into action as a special privilege for those who by the very nature of their service, deserve special consideration. But it is inconceivable that such a device would be considered for use by ordinary voters—if only for the reason that its safeguard against fraud would be totally absent.

To conclude, after our careful study of S.B. 352, with full consideration given all its features, it is the fervent hope of those I represent that this bill will be defeated by the House of Representatives. Or, in the unfortunate event that it might be adopted by the House, they can then only fervently pray that it will be vetoed by the President.

Thank you for giving the National Association of Secretaries of State the opportunity to present to you their considered and sincere estimate of S.B. 352.

Mr. DENT. Thank you very kindly. The only point that I would make is the testimony of the Senate sponsor, Senator McGee, time and again during the questioning this morning stated that this would not supersede a State system, nor would it be imposed upon a State. It would be voluntary, and the mailing of cards would be just another additional method by which a person could get registered for Federal elections.

Mr. WOOD. I heard the Senator's testimony in that respect.

Mr. DENT. I thought you did. You disagree with that position?

Mr. WOOD. I am afraid I do. I am afraid this is not just a matter of do this if you like. As a matter of fact, the bill says:

The Postal Service shall distribute the registration forms to registrants at least once every 2 years, not earlier than 45 days nor later than 30 days prior to the close of registration for the next Federal election in each State.

When you take the thing as a whole, it seems pretty clear that this is not just one of these do-it-if-you-like things. I think we have to recognize when we are talking about, oh, this just affects registration, it doesn't have anything to do with the qualifications for voting, well, registration is a qualification for voting in many States. In most States, I understand some of them don't have any registration procedures, but I really don't know very much about that, but I respectfully disagree with the Senator. I will put it that way.

Mr. DENT. Of course, you do call attention to the fact that somewhere along the line there would have to be some method of selecting or determining how many aren't registered or have been purged for some reason or another, rather than mailing out 140 to 150 million cards every 2 years. Now if many of the persons who are already registered re-registered, I wonder what kind of a situation that would make in a registrar's office when they come back in. I am just thinking of the physical problem.

Mr. WOOD. It would have to be an overwhelming physical problem. It would have to be an overwhelming personnel problem. In our State—I don't know very much about any of the others—it would be almost a physical impossibility for the present personnel, with present funds and appropriations available, to process two systems. I think Mr. Frenzel asked a question a while ago that I would like to lend some emphasis to. He said, suppose his 14-year-old daughter sent in one of these postcards. Well, suppose she did? It seems to me that that pretty well puts the peanut in the shell. Suppose she did? I don't know—to me that is the most compelling observation I have heard this morning, because I don't know any reason in the world why she couldn't. The Senator said well, it is just like an income tax return. I know that Mr. Frenzel's 14-year-old daughter can go to the post office or the Internal Revenue Office and get an income tax return. Personally, I think it is apples and oranges. I don't think they can be equated at all.

In the first place, the filing of a Federal income tax return is a compulsory thing, and it is a criminal offense to fail to do it.

Mr. DENT. It is awful hard to get her father to get one.

Mr. WOOD. That may be. I will let you speak for Mr. Frenzel in that connection, but I was much impressed with his question. Suppose his 14-year-old daughter sent in one of these things. Well, suppose she did. I don't find any safeguard in here about it. You say, well, she committed a criminal offense. Now who is going to prosecute his 14-year-old daughter?

Mr. DENT. The bells have rung for a quorum call, but before leaving, would you like to come back?

Mr. WOOD. No; I am finished. I would answer the chairman's question by saying we intend to come back and listen to the other testimony.

Mr. DENT. The only point I want to get an answer to before we come back is why your State is one of the lowest in the country on the number of registered voters out of the eligible voters?

Mr. WOOD. I am not a statistician, Mr. Chairman, and I don't have any theories about that. I understand that it is among the lowest, but this is a matter, I suppose, of lack of interest. I would suggest to you that sending postcards is not going to stimulate this interest. People are either interested in the election process or they aren't. If you served them scotch and water at the polls, some of them wouldn't go.

Mr. DENT. Maybe we will get into just what kind of a registration system you employ to see how it compares with some of the systems in our State. I am not too proud of mine, which is only 56 percent.

Mr. WOOD. We have what we call a personal registration system.

Mr. DENT. So do we.

Mr. WOOD. You have a precinct registrant. When you originally register, you affix your signature to that card. You are probably familiar with this.

Mr. DENT. We have the same thing.

Mr. WOOD. Every time you vote, you sign this card so it can be compared with your signature.

Mr. DENT. Some people argue the point that because of that kind of a system it is the reason for having such a low registration among our total population. It is based upon that difficulty that they claim in registering but I don't know that that is the answer.

Mr. WOOD. I would just like to make this quick observation in that connection. That is, to get overwhelming numbers is not an end in itself. You have got to prevent fraud, too, because overwhelming numbers—well, for all we know, this is not the answer at all, just to have overwhelming numbers and drop all the safeguards against fraud. I don't believe that is a valid end.

Mr. MATHIS. Mr. Chairman, might I move we adjourn until 1:15?

Mr. DENT. Motion is made to adjourn until 1:15. All in favor show their consent by saying "Yea." Those yeas have it. It is so ordered.

AFTERNOON SESSION

Mr. DENT. The House is in what you might call an upset condition. It just took the vote on the veto and the supplemental and there will be another vote up on a new supplemental bill which is being described now in the House. We got word that the President has intimated he is going to veto the continuing resolution, so it looks like the House will have to work over the weekend. I will try to take as many witnesses as I can. I am sure that the minority will not mind since the witnesses have come here from some distance, in some cases, and I certainly don't want to take away from you the opportunity to make the record. Mr. Wood was on this morning. I have no further questions for him, so I think we ought to take Mr. Clayman, at this point, of the Industrial Union Department, AFL-CIO. I am glad to see you again. Sorry about having the delay.

STATEMENT OF JACOB CLAYMAN, INDUSTRIAL UNION DEPARTMENT, AFL-CIO, WASHINGTON, D.C., ACCOMPANIED BY PHILIP J. DAUGHERTY AND MARVIN CAPLAN

Mr. CLAYMAN. Thank you very much. I think I will summarize our statement and read portions of it.

We say in our testimony that we do not know of any measure before this Congress which is so interwoven with the basic day-to-day meaning of democracy as are S. 352 and H.R. 8053. Stripped of all the political verbiage and oratory, the essence of democracy is the participation of the greatest number of citizens in the process of decision-making.

I suspect this sounds like a pretentious statement but it really isn't. We are inclined to feel that it is not so wild a dream either. Everybody that I know of at least pays lipservice, and sometimes more, to the concept that we ought to get every citizen possible to register and vote, and yet in practicality that isn't the way it works.

I am relying upon my Ohio experience simply because it is closer to me, and I want to recite a bit of my Ohio experience to indicate that, essentially we can't expect too much reform in this area from the States themselves. Ohio, incidentally, in my judgment and in my knowledge, is not the most liberal State in the area of registration, but neither is it the most conservative. The likelihood is that it is fairly representative.

That is why this experience that I want to relate, some of it past, some of it current, may have some relevancy.

First, years ago, when some of us in that State were trying to reform registration laws and election laws, which were archaic then and still remain archaic, I recall a conversation with a then State senator whom I guess was, if I am not mistaken, and I must ask Congressman Hays, was an associate, a colleague of Congressman Hays during that period, when we were trying to reform our State legislation in this area.

He made the point that Government had the responsibility to make registration and voting available, but it didn't have the responsibility to make it easy; and it didn't have the responsibility to really encourage registration and voting, and that really represents the nub of the issue that we are concerned with here today. Shall Government encourage, shall it enlist, shall it spur ordinary citizens to register and vote, or shall it just simply make the process available?

That conversation that I recited to you took place about 25 years ago, as I said, and we have not, in that State, to this day created any serious reform of registration apparatus since.

For example, the boards of elections are open from 9 to 4:30 or 5, 5 days a week, not even open on Saturday, obviously not on Sunday, one place in the city to register. For example, Cleveland or Columbus or Cincinnati, and this is true in many other cities across the country, but I am using my own experience as the touchstone, because I think it is normality in this country.

The chap who has the drive and the special urge to get down into the heart of the city between 9:30 or 9:45 and 4:30 or 5 Monday, Tuesday, Wednesday, Thursday, or Friday, he makes it. Now then, the normal citizen doesn't have this kind of drive and often even the time. Consider the ordinary worker. Let's take the city of Cleveland, the steelworker who works in the mill all day. He just simply can't get there, literally an impossibility.

In Ohio, still to this day, and it was 25 years ago, the board of elections, which is composed of two Republicans and two Democrats in a given community, have the authority, not the mandate—legal man-

date—to open area booths 1 or 2 days before an election, and there are situations in Ohio, many of them, where the two disagree. The Democrats said yea, the Republicans said nay, and then it goes to the Secretary of State, and the Secretary of State, in my time and in my recollection, and still to this day, makes the decision based upon what he conceives to be the interests of his own party. This is understandable and factual.

Let me give you a specific incident to indicate how ephemeral it is that we rely upon States to do this job in the main. Here is a case in point.

In 1966, in Cincinnati, a registration program was devised by the League of Women Voters, the NAACP, church organizations, and labor organizations and they called it Operation Rev Up the Board of Elections, and this is particularly odd in Ohio, and exceedingly odd for Cincinnati, were convinced that the best thing to do was to have precinct registration on a Sunday when everybody was home. The fact is that unfortunately on that Sunday in question, they had miserable weather, a long day of driving rainstorm. Notwithstanding, the registration results were better than normal, under the most unfavorable conditions. The mere fact that they had voting booths out in the precincts, registration booths, and it was on a Sunday, they got a result better than normal, in spite of the weather. As I say in my testimony, what effect did this result have on State legislation to reform the law? The party then in power at the earliest possible date thereafter passed a law which prohibited any registration on Sundays. Apparently the legislature didn't look kindly on success of this nature.

Now let me go quickly to the current situation in Ohio, and it is symptomatic. That is why I recite it. There is a bill in their legislature which provides door-to-door registration. There is nothing so alien about that idea, making voter registration permanent, extending registration until 10 days before election day, permitting elderly and permanently disabled to register by mail, permitting the board of elections to establish permanent branch offices, which they do not have now.

That passed the house 57 to 40, on a pure party vote basis. It went to the senate and is now in the appropriate senate committee in Ohio, and my advice is, and I am afraid my advice is exact, that it is stalled and will be effectively killed again in the committee, on a purely party basis.

I make the point that this is normality in many of the States of the Union, and that we cannot rely upon the States, short of maybe several decades, to seriously change this pattern which is essentially restrictive, and essentially—forgive me for saying it because I think it is true—essentially registers a fear of full voter participation.

My faith and hope has been enormously buoyed by the fact that the U.S. Senate did not look upon this issue as a partisan issue. Republicans and Democrats joined in approval of S. 352, even to the extent of devoting a tenacious and persistent filibuster, and that is no small achievement in the Senate, as all of you know.

I am going to bounce over these statistics that you have had recited to you many times over, but I trust they will be included in the record, Mr. Chairman.

Mr. DENT. Without objection.

Mr. CLAYMAN. All of us know the statistics in terms of other countries, both in registration and particularly in voting. Recently Richard Scammon who is a recognized authority on Democratic voting processes and director of the Election Research Center in Washington made the observation :

I think the function of registering voters ought to become automatic, as it is done by our Canadian friends and our British friends. Do not put the onus of finding the voting place or the registration booth on the individual citizen. Just do it automatically, the way you mail out his taxes.

Of course the business of sending in a card, registering by mail, is not automatic, but it at least is a way station ultimately to that road.

There is another point I want to make, and I think it is important that normally isn't made. I am referring to where we indicate that our voting habits, our registration habits in the United States depreciate the role of the disadvantaged in our society, and here are some of the vital statistics. Only 66 percent of the Nation's black citizens were registered in 1968 while the figure was 76 percent for the white population. Only 53 percent of those in families with incomes of less than \$3,000 were registered in 1968, while 82 percent of those in families with incomes between \$10,000 and \$15,000 were registered.

Only 69 percent of the Nation's manual workers were registered to vote while 83 percent of the Nation's white-collar workers were registered, and so it goes.

We believe that registration by post card is at least a sound, wholesome, rational, workable system of starting reform of our registration laws, and all the figures that you have seen and I have seen indicate that once people are registered they are more likely to vote.

I don't know whether the process is psychological or what. I don't pretend to know all the reasons why, but I know the fact, that is if you can get them to register, a climate develops which makes that voter more inclined to vote than otherwise.

In our judgment this bill in question is a modest one, and has practicality and obviously democratic principles and precepts on its side, and we trust that this committee will vote favorably on the bill in question.

That, Mr. Chairman, represents our formal presentation.

[The statement follows:]

STATEMENT OF JACOB CLAYMAN, ADMINISTRATIVE DIRECTOR, INDUSTRIAL UNION
DEPARTMENT, AFL-CIO

My name is Jacob Clayman. I am Administrative Director of the Industrial Union Department of the American Federation of Labor and Congress of Industrial Organizations. Affiliated with the Industrial Union Department are 61 international unions with membership in excess of six million. Our organization is deeply interested in standardizing and modernizing registration and voting laws and has been for many years.

I do not know of any measure before this Congress which is so interwoven with the basic day-to-day meaning of democracy as are S. 352 and H.R. 8053. Stripped of all the political verbiage and oratory, the essence of democracy is the participation of the greatest number of citizens in the process of decision making.

Well, how are we doing in this area? Let me recite an incident from my own experience which, I believe, presents the central issue. Years ago, along with others, I was involved in an earnest effort to induce the Ohio legislature to re-

form an archaic registration law which was exceedingly restrictive. I recall a discussion with an intelligent conservative state senator who made the point that the duty of government was merely to make available the opportunity to register and vote to the citizens of Ohio but that it was not the duty of the state to encourage registration and voting.

And therein lies the heart of the basic issue presented in S. 352. Shall government merely make the opportunity to register and vote physically available or shall government actively and aggressively encourage and assist its citizens to participate in the democratic process?

The conversation I described above took place approximately 25 years ago. The situation has not materially changed in Ohio since. Boards of elections offices are still open from 9 to 4:30 or 5:00; five days a week. This is the only place where a citizen may register during the average year. Every two years there may or may not be, depending on the whim of the local boards of elections, registration in local areas. Ohio county boards of elections are composed of two members from each party, designated by the party. If they are in agreement, they may permit the localized registration that I have just described. If they are not in agreement, and this happens, the Secretary of State makes the final decision. His decision is almost uniformly made on the basis of his party politics.

I have said that nothing much has changed for the better in Ohio in the area of voter registration. There is an interesting case in point of recent vintage. In 1966 in Cincinnati, Ohio, a registration program was devised by the League of Women Voters, the NAACP, church organizations and labor unions which they called Operation REVUP. The board of elections was induced to permit one day of precinct registration to take place on a Sunday. Unfortunately, the Sunday in question produced miserable weather, a day-long rainstorm. Notwithstanding, registration results were far better than normal.

What effect did this result have on state legislation to reform the law? The then party in power at the earliest possible date thereafter passed a law which prohibited any registration on Sundays! Apparently the legislature didn't look kindly on successes of this nature.

Now, let me give you a more current picture of the Ohio situation (which is accurately symptomatic of the problem among the states), which demonstrates what is now a truism—that most of the states will not reform themselves in the field of voter registration. For example, H.B. 337 in the Ohio legislature provides for: Door-to-door registration, making voter registration permanent, extending registration until ten days before election day, permitting elderly and permanently disabled to register by mail, and, permitting Board of Elections to establish permanent branch offices.

Now, these requirements are entirely reasonable and rational, achievable, doable and so the bill passed the Ohio House 57 to 40 on a straight party vote (the Democrats were in the majority) but it is stalled and effectively killed in a Ohio Senate Committee, again by a straight party determination (the Republicans were in the majority).

The obvious point this Ohio experience makes to us is that we cannot rely upon the states to modernize the registration procedure on their own. We must look to the U.S. Congress to do this because federal elections are Congress' business.

My faith and hope has been enormously buoyed by the fact that the U.S. Senate did not look upon this issue as a partisan one. Republicans and Democrats joined in approval of S. 352, even to the extent of defeating a tenacious filibuster.

And now to some of the statistics. We have just come through a political campaign in which approximately 77 million Americans voted. This may sound like a lot numerically but this figure represents only about 55% of all those who were eligible to vote. It was the lowest turnout in a Presidential year since 1948 when 52% of all eligible citizens went to the polls. Of the 139 million eligible to vote in the 1972 election, early reports suggest that about 100 million were registered. Nearly 40 million did not register at all. Of the 100 million who did, about 24 million—nearly 25%—did not go to the voting booths. If these estimates are all accurate, this means that 62 million Americans did not vote.

This is even more alarming when you compare this record with that of other democracies in recent years. For example, in Germany in 1969, 86.7% of those eligible voted; in Canada, in 1968, 75.7% of those eligible voted; in Great Britain in 1970, 72% of those eligible voted; and in Norway in 1969, 82.5% of those eligible voted.

European and American political scientists believe that the much higher voter participation abroad and in Canada is in major part attributable to the ease of registration. For example, a Gallup Poll found in 1969 that "it was not a lack

of interest, but rather the residency and other qualifications that proved to be the largest barrier to widen voter participation in our nation." Richard Scammon, a leading authority on democratic voting processes and Director of the Election Research Center in Washington, recently observed: "I think the function of registering voters ought to become automatic, as it is done by our Canadian friends and our British friends. Do not put the onus of finding the voting place or the registration booth on the individual citizen. Just do it automatically, the way you mail out his taxes."

In state after state, we see the chaos and complexity and confusion in our present registration system. Wherever we look, we find that registration is an obstacle course for the voter instead of the easy path to the polls it ought to be. The defects in the present system are not confined to any state or geographic region. I am sure the Committee is aware of the problems of early closing deadlines, unfair registration requirements, inaccessible registration offices and a host of other burdens put upon the citizen when he attempts to register. To repeat, we take the position that the government not only has the legal obligation to provide facilities and machinery for registering and voting, but also the moral obligation of enthusiastically encouraging our citizens to register and vote. We feel that too often our laws discourage, not encourage, voter participation. It is our contention that in states where you have good registration laws, the citizens will more likely respond on Election Day.

While, generally speaking, over the years only six out of ten adult Americans vote, nine out of ten of those who are registered vote. According to preliminary census data, 87% of those registering to vote in 1972 went to the polls and voted on Election Day. A comparison of the voter turnout in states where you have good registration laws, and those who don't, point out the same fact. For example: in Georgia, which had a restrictive residency requirement and closed down its registration 50 days before Election Day, had only a 37.8% voter turnout, whereas in Utah, which has a more liberal residency requirement and keeps its registration open to a few days before election, had a 69.4% voter turnout in the 1972 election. Obviously, once Americans register, they do exercise their voting rights. Also, we find most alarming that the burden of our complex and capricious registration system weighs especially heavy on disadvantaged groups in our society.

Only 66% of the nation's black citizens were registered in 1968 while the figure was 76% for the white population.

Only 53% of those in families with incomes of less than \$3,000 were registered in 1968, while 82% of those in families with incomes between \$10,000 and \$15,000 were registered.

Only 69% of the nation's manual workers were registered to vote while 83% of the nation's white collar workers were registered.

The preliminary census data for 1972 indicate that essentially the same pattern was followed last November with two additional groups at a serious disadvantage: 18 to 21 year olds of whom only about 40% went to the polls and Mexican-Americans, of whom only about 30% voted.

Clearly, on the basis of statistics like these, the burden of our present registration system falls most heavily on the poor, the black, the less educated, the blue-collar worker, the young, and the Spanish-speaking.

We believe the key to an effective election law is a simple method of national registration—the registration process as provided by Senate Bill 352, as introduced by Senator McGee. This registration process would establish with the Bureau of Census a system allowing voters to register to vote in federal elections by complying with the following procedure:

Postcard registration forms would be delivered through the mails to each postal address, preaddressed for mailing to the appropriate state or local registration office; and

By filling out and mailing this simple form back to the state official, a citizen would thus be registered.

One of the main objections to this postcard registration has been the opponent's claim that registration by mail might lead to fraud and ineligible electors being placed on the polls. This argument does not seem to prevail when you consider the facts. For example, in the state of North Dakota, there is no registration whatsoever. You simply go up and ask for your ballot and sign a book. It is your affidavit that you are legitimate. To my knowledge, there has been no vote fraud case ever to come out of North Dakota. The same could be pointed out in the state of Texas where Texans for many years have been able to register by clipping a coupon from a newspaper, completing the form and mailing it to the

county clerk. There is no evidence indicating that Texas has experienced an increase in fraudulent registration.

Finally, we are hopeful that this national voter registration proposal will become law. It is our opinion, as I have indicated before, that left to individual state actions, the comprehensive reform we need will never happen. Registration is a national problem and it demands a national solution. It would be our opinion that if you provide an easy and simple method for the citizens of this country to become registered, they will respond both to registering and to exercising their constitutional right: to vote on Election Day.

It is our hope that this is a result devoutly wished for by all good citizens in all political parties.

Mr. MATHIS. Thank you, Mr. Clayman, for your very fine testimony. Do any of the members have any questions? Mr. Ware.

Mr. WARE. Nothing at this time.

Mr. MATHIS. Mr. Frenzel.

Mr. FRENZEL. I have a couple of questions.

I thank the witness for his important contribution to our deliberations. I am a little confused by some of the material which you skipped over. At the top of page you indicate that about 25 percent of those people who register didn't go to the voting booths, and that fits the figures that I think are reasonably correct. Then somewhere later on you are talking about 13 percent of those who registered did not vote. Which do you mean?

Mr. CLAYMAN. Which page are we on?

Mr. FRENZEL. The top of page 4 is the first statement.

Mr. CLAYMAN. Yes, I see that.

Mr. FRENZEL. Then in the second paragraph on page 5 is the second statement.

Mr. CLAYMAN. The figure that I would judge to be most accurate would be the one on page 5, which indicates according to the preliminary census 87 percent of those registered to vote in 1972 went to the polls. I cannot authenticate those figures, but I assume that they are about as correct as anything that we can put our finger on.

The statement on page 4 appears to be somewhat contradictory, and I appreciate your pointing it out to me, and I would like to have the opportunity to present some additional written testimony for the record on that.

Mr. FRENZEL. I think we would appreciate that.

Mr. Chairman, I would indicate that the figures that were put into the record in the Senate debate on April 10 indicate about 73 percent of those registered actually voted, but if we can get clarification—

Mr. CLAYMAN. Yes, I would like to clarify this because you throw even another figure in that seems to make this picture even more confusing than I have made it. We will do that.

Mr. FRENZEL. I seek to clarify rather than confuse, and I will be glad to share my material with you.

Mr. MATHIS. If the gentleman will yield on that point, I think I might see where this discrepancy occurs. I believe what Mr. Clayman is saying is that 25 percent of the total registered Americans did not go to the polls in 1972, whereas on page 5 he is saying that 87 percent of those who registered to vote in 1972 did go to the polls.

Mr. FRENZEL. Great. Then we should know the source of that figure. You are saying that those who actually registered within that calendar year—

Mr. MATHIS. That is the way I read the testimony.

Mr. FRENZEL. If we can have the documentation.

Mr. CLAYMAN. Yes, Mr. Chairman. I think it does need clarification, and we shall be happy to submit that.

[The information was subsequently filed for the record.]

U.S. Department of Commerce—Social and Economic Statistics Administration—
Bureau of the Census

VOTER PARTICIPATION IN NOVEMBER 1972—(ADVANCE STATISTICS)

CURRENT POPULATION REPORTS—POPULATION CHARACTERISTICS

Young adults who were eligible to vote for the first time in 1972 did not exercise their franchise as many had expected in the election of November 1972. Among the 11.0 million persons 18 to 20 years old who were old enough to vote for President for the first time, only some 48 percent reported that they voted. Among those 21 to 24 years old, 51 percent reported that they voted. In contrast, among those 25 years of age or over, 66 percent cast their ballots in the election. The highest voter participation rate was reported by persons 45 to 64 years old, as 71 percent of the persons in this age group reported that they voted. These estimates are advance figures for the civilian noninstitutional population from the November 1972 Current Population Survey conducted by the Bureau of the Census.¹

Participation in the election varied not only by age, but also by sex and race. A smaller proportion of women than of men were reported as having voted—62 percent for women versus 64 percent for men. The proportion of voters was higher for the white population of voting age than for the Negro population of voting age. About 65 percent of the whites, and 52 percent of Negroes, reported that they voted in the November 1972 election. About 38 percent of persons of Spanish origin reported that they voted.² Overall voter participation rates in the election of November 1972 were about 5 percentage points lower than in the November 1968 Presidential election.

The survey results show that 98.5 million persons, or 72 percent of those eligible on the basis of age, were reported as registered to vote. Of those registered, 87 percent reported that they voted. The proportion of persons of voting age who were not registered was highest for persons in the youngest age groups, those 18 to 24 years old. Among persons of this age, 41 percent reported that they were not registered.

¹ The civilian noninstitutional population in the United States as of November 1, 1972, was 136,203,000. The resident population including Armed Forces in each State and the District of Columbia and inmates of institutions was 139,642,000, as published in *Current Population Reports*, Series P-25, No. 479.

² Persons of Spanish origin may be of any race but most are classified as white.

TABLE A.—REPORTED VOTER PARTICIPATION RATES, BY REGION AND RACE: NOVEMBER 1972, 1970, 1968, AND 1966

Region, race, and origin	Percent of the population of voting age who reported that they voted			
	1972	1970	1968	1966
[Civilian noninstitutional population]				
United States:				
All races.....	63.0	54.6	67.8	55.4
White.....	64.5	56.0	69.1	57.1
Negro.....	52.1	43.5	57.6	41.8
Spanish origin.....	37.5	NA	NA	NA
North and West:				
All races.....	66.4	59.0	71.0	60.9
White.....	67.5	59.8	71.8	61.8
Negro.....	56.6	51.4	64.8	52.1
South:				
All races.....	55.4	44.7	60.1	43.0
White.....	57.0	46.4	61.9	45.2
Negro.....	47.8	36.8	51.6	32.9

NA—Not available.

TABLE B.—REPORTED REGISTRATION RATES, BY REGION AND RACE: NOVEMBER 1972, 1970, 1968, AND 1966
[Civilian noninstitutional population]

Region, race, and origin	Percent of the population of voting age who reported that they were registered			
	1972	1970	1968	1966
United States:				
All races.....	72.3	68.1	74.3	70.3
White.....	73.4	69.1	75.4	71.7
Negro.....	65.5	60.8	66.2	60.2
Spanish origin.....	44.4	NA	NA	NA
North and West:				
All races.....	73.9	70.0	76.5	73.8
White.....	74.9	70.8	77.2	74.6
Negro.....	67.0	64.5	71.8	68.8
South:				
All races.....	68.7	63.8	69.2	62.2
White.....	69.8	65.1	70.8	64.3
Negro.....	64.0	57.5	61.6	52.9

NA—Not available.

Approximately 73 percent of the white population of voting age reported that they registered, as compared with 66 percent of the Negro population and 44 percent of the persons of Spanish origin. Of these registered persons, about 88 percent of the whites and 80 percent of the Negroes reported that they voted. The percent of registered persons of Spanish origin who voted is estimated at around 84 percent. Because of small sample size, the estimates of voting rates among registered persons of Spanish origin may vary by plus or minus 5 percentage points and, therefore, may not differ from the rates for the other groups.

Among persons 18 to 24 years old in November 1972, 52 percent of whites and 35 percent of Negroes, reported that they voted; also 61 percent of whites and 48 percent of Negroes reported that they were registered.

TABLE C.—REPORTED REGISTRATION AND VOTER PARTICIPATION RATES, BY AGE AND RACE:
NOVEMBER 1972

[Civilian noninstitutional population]

Age and race	Percent reported registered	Percent reported voted
All races.....	72.3	63.0
18 to 24 years old.....	58.9	49.6
25 years old and over.....	75.3	65.9
White.....	73.4	64.5
18 to 24 years old.....	60.6	51.9
25 years old and over.....	76.1	67.2
Negro.....	65.5	52.1
18 to 24 years old.....	47.7	34.7
25 years old and over.....	70.5	57.1
Spanish.....	44.4	37.5

Statistics presented in this report are based on answers to a series of questions asked of a sample of persons of voting age 2 weeks after the elections of November 7. The questions were designed to provide information on voting behavior of the various segments of the population of voting age.

Official counts of the number of votes cast in the 1972 elections are not yet available for comparison with the figures from the Current Population Survey. However, previous Current Population Survey estimates of the number of persons voting have been somewhat higher than the official counts. This type of difference has also been noted in other surveys of voting behavior in which people are asked to report on whether they had voted. Despite this limitation, which may introduce some unknown biases in the results, the data presented in this report can be regarded as providing useful measures of differences in voting behavior among classes of the population. A detailed discussion of factors which may account for differences between figures from the CPS and official

counts was published in the report "Voting and Registration in the Election of November 1970," Series P-20, No. 228.

Since the data are based on a sample of the population, they are, of course, also subject to sampling errors. Confidence limits of 95 percent probability were applied to all statements of this report. This means that the chances are at least 19 in 20 that a difference identified in the text indicates a true difference in the population rather than the chance variations arising from the use of samples. Estimates of the size of the sampling errors will be included in a forthcoming detailed report.

TABLE 1.—REPORTED VOTING AND REGISTRATION OF THE POPULATION OF VOTING AGE AND SEX: NOVEMBER 1972

[Numbers in thousands; civilian noninstitutional population]

Age and sex	All persons	Reported that they were registered			Reported not registered ²
		Total	Voted	Did not vote ¹	
Both sexes.....	136, 203	98, 480	85, 765	12, 713	37, 723
18 to 20 yrs.....	11, 022	6, 404	5, 318	1, 086	4, 618
21 to 24 yrs.....	13, 590	8, 086	6, 896	1, 190	5, 504
25 to 29 yrs.....	14, 750	9, 752	8, 530	1, 222	4, 999
30 to 34 yrs.....	12, 183	8, 671	7, 542	1, 129	3, 511
35 to 44 yrs.....	22, 240	16, 638	14, 747	1, 891	5, 602
45 to 54 yrs.....	23, 375	18, 548	16, 577	1, 971	4, 827
55 to 64 yrs.....	18, 969	15, 209	13, 414	1, 794	3, 760
65 to 74 yrs.....	12, 608	9, 891	8, 590	1, 301	2, 717
75 yrs and over.....	7, 466	5, 281	4, 151	1, 129	2, 185
Male.....	68, 834	46, 682	40, 906	5, 774	17, 152
18 to 20 yrs.....	5, 291	3, 066	2, 524	541	2, 226
21 to 24 yrs.....	6, 434	3, 771	3, 197	574	2, 662
25 to 29 yrs.....	7, 118	4, 698	4, 103	594	2, 420
30 to 34 yrs.....	5, 873	4, 206	3, 647	559	1, 667
35 to 44 yrs.....	10, 679	7, 950	7, 038	912	2, 729
45 to 54 yrs.....	11, 195	8, 944	8, 059	885	2, 251
55 to 64 yrs.....	8, 896	7, 212	6, 440	772	1, 684
65 to 74 yrs.....	5, 470	4, 534	4, 001	533	936
75 yrs and over.....	2, 878	2, 301	1, 897	404	577
Female.....	72, 369	51, 797	44, 858	6, 940	20, 571
18 to 20 yrs.....	5, 731	3, 338	2, 794	545	2, 392
21 to 24 yrs.....	7, 156	4, 315	3, 699	616	2, 841
25 to 29 yrs.....	7, 633	5, 054	4, 427	627	2, 579
30 to 34 yrs.....	6, 310	4, 465	3, 895	570	1, 845
35 to 44 yrs.....	11, 560	8, 687	7, 708	979	2, 873
45 to 54 yrs.....	12, 180	9, 604	8, 517	1, 087	2, 576
55 to 64 yrs.....	10, 073	7, 997	6, 974	1, 023	2, 076
65 to 74 yrs.....	7, 138	5, 357	4, 589	768	1, 781
75 yrs and over.....	4, 588	2, 980	2, 255	725	1, 608
PERCENT DISTRIBUTION					
Both sexes.....	100.0	72.3	63.0	9.3	27.7
18 to 20 yrs.....	100.0	58.1	48.3	9.9	41.9
21 to 24 yrs.....	100.0	59.5	50.7	8.8	40.5
25 to 29 yrs.....	100.0	66.1	57.8	8.3	33.9
30 to 34 yrs.....	100.0	71.2	61.9	9.3	28.8
35 to 44 yrs.....	100.0	74.8	66.3	8.5	25.2
45 to 54 yrs.....	100.0	79.3	70.9	8.4	20.7
55 to 64 yrs.....	100.0	80.2	70.7	8.5	19.8
65 to 74 yrs.....	100.0	78.5	68.1	10.3	21.5
75 yrs and over.....	100.0	70.7	55.6	15.1	29.3
Male.....	100.0	73.1	64.1	9.0	26.9
18 to 20 yrs.....	100.0	57.9	47.7	10.2	42.1
21 to 24 yrs.....	100.0	58.6	49.7	8.9	41.4
25 to 29 yrs.....	100.0	65.0	57.6	8.3	34.0
30 to 34 yrs.....	100.0	71.6	62.1	9.5	28.4
35 to 44 yrs.....	100.0	74.4	65.9	8.5	25.6
45 to 54 yrs.....	100.0	79.9	72.0	7.9	20.1
55 to 64 yrs.....	100.0	81.1	72.4	8.7	18.9
65 to 74 yrs.....	100.0	82.9	73.2	9.7	17.1
75 yrs and over.....	100.0	80.0	65.9	14.1	20.0

See footnote at end of table.

TABLE 1.—REPORTED VOTING AND REGISTRATION OF THE POPULATION OF VOTING AGE AND SEX: NOVEMBER 1972—Continued

[Numbers in thousands; civilian noninstitutional population]

Age and sex	All persons	Reported that they were registered			Reported not registered ²
		Total	Voted	Did not vote ¹	
Female.....	100.0	71.6	62.0	9.6	28.4
18 to 20 yrs.....	100.0	58.3	48.8	9.5	41.7
21 to 24 yrs.....	100.0	60.3	51.7	8.6	39.7
25 to 29 yrs.....	100.0	66.2	58.0	8.2	33.8
30 to 34 yrs.....	100.0	70.8	61.7	9.0	29.2
35 to 44 yrs.....	100.0	75.1	66.7	8.5	24.9
45 to 54 yrs.....	100.0	78.9	69.9	8.9	21.1
55 to 64 yrs.....	100.0	79.4	69.2	10.2	20.6
65 to 74 yrs.....	100.0	75.1	64.3	10.8	24.9
75 yrs and over.....	100.0	64.9	49.1	15.8	35.1

¹ Includes persons who were recorded as "do not know" and "not reported" on voting.² Includes persons who were recorded as "do not know" and "not reported" on registration.

Mr. FRENZEL. Then, Mr. Chairman, if I might continue, I notice you stated Georgia, and Utah, and indicated that you took the highest and the lowest turnout States, and indicated that one was bad because it had restrictive residency requirement, and one was good because it has a more liberal residency requirement, and I feel that is a very effective demonstration, but the registration requirements may be only a part of the picture.

Texas, as we discussed a little earlier, has a system similar to post card registration. You clip it out of the newspaper. It is the same as we are talking about here, and Texas has the 44th worst participation record of all of the States.

Earlier this morning we talked about North Dakota and South Dakota, North Dakota being the ultimate in liberal registration operations because it has none in fact, and South Dakota having some, and the bill's sponsor over in Wyoming having some, and yet both of those participating better than North Dakota.

I think the point you are making may be a valid one, but I think it is being sort of overdemstrated by the figures you have presented.

Mr. CLAYMAN. In the main I accept your observation that the point is valid. You may be able to reach out and find a situation which may demonstrate a somewhat different result, but as you look down the roll of States, there is almost in every situation a direct relationship between ease of registration and the size of the vote.

Mr. FRENZEL. I guess I am waiting for somebody to show me that and to explain the Texas situation and explain the North Dakota situation.

Mr. CLAYMAN. Here we have in North Dakota—

Mr. FRENZEL. Let me explain it a different way. In Southern States during the mid-sixties all sorts of barriers to registration fell, poll taxes, literacy test, and so forth, and despite that I don't find enormous increases in participation. Therefore, I am wondering whether registration is the key to participation. It is one of them, and I certainly don't deny that.

Mr. CLAYMAN. I don't have the statistics at hand. I am sure they are available, but I think you will discover that in the South there has been a percentage increase of participation in the election process, and the greater ease of registration in our judgment is one of the answers.

Also in the South, I must not profess to be an expert on that part of the world, you have got to remember that what has been done there is a relatively recent and new idea, new phenomenon, and it may take a decade or so before finally the new laws, or relatively new laws, become fully operative. I would say that the results so far are very satisfying, although they are not phenomenal, because in some of the Southern States you still have a smaller percentage of the electorate voting than in some of the Northern States, but there are all kinds of reasons, cultural, historical, and what-not, and so I would laud the results of change in the electoral system, the election systems in the South.

Mr. MATHIS. Would the gentleman yield on that point?

Mr. FRENZEL. Sure.

Mr. MATHIS. In line with that statement, Mr. Clayman, in spite of all the multiplicity of reasons that you give that say may have caused low voter participation in the South, the ability of any citizen in any one of the Southern States to register and vote has not been a part of this reason for not voting, has it?

Mr. CLAYMAN. Oh, yes. I know this is not an easy problem to tackle and explain. You see, the voting system and the registration system was part of the barrier to voter participation.

Mr. MATHIS. It was?

Mr. CLAYMAN. Sure, and there are other barriers, as I suspect you would know. Barriers are implicit fears, they were, a whole history of repression of one form or another, subtle and overt, and when you take all of this package together, we got very little voter participation on the part of a proportion of the population of the South.

Now then, the removal of some of the barriers, both psychological and also mechanical, and I would not ignore the mechanical barriers, the elimination of both of these in part has opened up somewhat the whole election process in the South as I see it.

Mr. MATHIS. My question was though the barrier of not being allowed to register and to vote no longer exists. That is what I am asking you. Is that a part now of why we have low voter turnout in parts of the South and in my State of Georgia.

Mr. CLAYMAN. Oh, no. I am saying insofar—if I understand you—as we have modernized some of the mechanics of registration and voting, and insofar as there have been some psychological changes in the South, we have built up a larger electorate than theretofore.

Mr. MATHIS. I understand that, but you still have not answered my question.

Mr. CLAYMAN. I am sorry.

Mr. MATHIS. Which is today—let me see if I can phrase this in such a way that I am sure we can have a mutual understanding—there are no laws on the books in any one of the Southern States that fall under the jurisdiction of the Civil Rights Act of 1965, the Voting Rights Act of 1965, in which a citizen may be denied the right to register and vote, is that correct?

Mr. CLAYMAN. That is right.

Mr. MATHIS. Thank you.

Mr. FRENZEL. Over in the Senate testimony there was a statement by Mr. Scammon, whom you have quoted today, indicating that while registration was being liberalized in the Northern States between 1960 and 1972, turnout of registered voters dropped by 10 to 15 percent, depending on the State. Can you explain that?

Mr. CLAYMAN. I don't recall that Scammon analysis.

Mr. FRENZEL. I will try it a different way. It is the same question.

In the Post of January 28 this year there was reference to a University of Michigan study on voting. Their survey showed that last fall 44 percent of those with family incomes between \$8,000 and \$15,000 did not vote compared to a similar survey in 1960 showing 26 percent did. What I am getting at is that people are not voting today at least whose economic class or area class voted before. We want to get those people to vote. Nobody has shown yet, and we may have other testimony, how postcards are going to get them to vote. Can you tell us why they aren't voting, and further expand as to how a postcard is going to lure them to the polls?

Mr. CLAYMAN. They are not voting for a variety of reasons, and they go far beyond registration, but registration is one of them.

Mr. FRENZEL. Remember you have got a declining participation at the time you got an easing of registration.

Mr. CLAYMAN. I am not prepared to say that registration has become that much easier in the North or the South, and I am simply indicating that registration is one of the obstacles. I think it is a big one but it is one of the obstacles. There are all kinds of other obstacles.

Mr. FRENZEL. That leads me to another question. You have had a lot of experience in registration. Have you run registration drives, and so on?

Mr. CLAYMAN. I have had some experience of that nature, yes, in the past.

Mr. FRENZEL. Have you actually physically registered people?

Mr. CLAYMAN. Have I physically registered? No.

Mr. FRENZEL. Have you been involved at that level?

Mr. CLAYMAN. You see, the physical registration in Ohio, where I had my State experience, there it is not done by individuals or deputized people. It is done by the board of elections.

Mr. FRENZEL. I wasn't trying to establish noncredibility. What I was trying to say is with your experience as someone active in registration, do you find other ways that encourage people to register and vote that the committee might consider, or do you feel that postcard is the one best first way?

Mr. CLAYMAN. There are other ways, of course. The Canadians have been apparently very successful with door-to-door registration. The English do very much the same as I understand it. Some countries automatically, as Senator McGee explained this morning, automatically, just the business of reaching a certain age you immediately become registered. Frankly, I would prefer that.

Whether door-to-door registration is better than postcard is very difficult to know, but that isn't our choice. The Senate has acted. This is the bill that will go or won't go. It is here before us in a very practical way. Searching for alternatives at this stage of the game may be the road to a failure to pass this legislation, and this is one device. I am sure it will make it easier for the parties to work, because they will be going around encouraging people to do the job of sending in a card and collecting the card, both parties. I am sure it will encourage other organizations that have some political interests to do the same. I think it will seriously jack up the results of registration in the United States,

and if this comes to pass, then I think in a meaningful way it will be reflected in more people voting on election day. I think it is as simple and direct and uncomplicated as that.

I must say, and I don't mean to be political because I don't think the Senate was political on this issue, I discovered too many evidences in the States, and it is North and South, that parties and individuals are acting on the basis of their judgment of how the new voters are likely to vote, for them or against them, and it is as practical and as factual and indeed as small as that. This is the reality of our political action out in the States. This is why we are saying that this Congress at least in terms of Federal elections should assume the responsibility of getting the most people registered and therefore in our judgment the most people voting. I must say again that in all my work in this area, in the one State, really people don't disagree with what I have said in my analysis. The problem is one of fudging up the issue so we do next to nothing. I am rambling now, but I am talking to you in a sincere fashion based on my own experience.

Mr. FRENZEL. Your editorial is well received. I wouldn't have asked you if I didn't want to hear what you said.

Your union does a good deal of registration activity.

Mr. CLAYMAN. The Industrial Union Department is the central body of the industrial unions. We don't have a political action department. We work through COPE.

Mr. FRENZEL. Do you have any idea what COPE spends nationally registering people?

Mr. CLAYMAN. I don't have the exact figure, but it wouldn't surprise me in an election year that it might be \$1.5 million or so.

Mr. FRENZEL. Would you feel that you could recede from those efforts if this thing was in operation, or would you still feel the need to see it?

Mr. CLAYMAN. My judgment is that political parties, both on the State and the local and national levels, as well as chamber of commerce and the Association of Manufacturers and COPE, would continue the process of educating and urging people in one form or another to see to it that they are registered. I don't think the parties will recede from this kind of activity.

The activities of the parties and other interested political organizations will be more successful because it will be much easier to get people registered.

Mr. FRENZEL. Thank you, Mr. Chairman. I yield.

Mr. MATHIS. Mr. Chairman.

Mr. DENT. I don't have many questions to ask, but an observation. One of the problems that we face, Mr. Clayman, is that we know that if we accept this legislation now and put it through and have it signed, that if it does not do the job, it will take many years to get it changed. That is one of the bad things about making a decision on such an important issue without some experience, and that is why we had a representative from the State of Minnesota to see how they are getting along and what they anticipate.

There is a way that we ought to have controlled a long time ago, Federal elections on the registration part of it. It was suggested that

we had no power to do it because it was on a State level. It is strictly a national situation. The easiest and most efficient way to get registrations on the books in my humble opinion is instead of having the census taken every 10 years you take it maybe every 5, which is almost necessary anyway because of the one-man, one-vote rule can become all out of line in a 10-year period, and the census takers register everybody who is counted in the census. They know the address, the person, ages, affiliations, party affiliations. Write it on a card and all they do is drop it in. There isn't one cent of extra expense. You have a vast body of census takers all over the country. For Federal purposes I believe it would be ideal, because the question of opening the registration books like we do in our State so many days before, and then closing them so many days before, that is a physical problem. That is why they have to do it that way, up until recently you know there were no computers used in our registration of voters. It was all handwork with limited help, because they don't carry four or five extra clerks in the registration office that has a flash of activity for a very short period, but one of the faults in this legislation, as I see it, is this mandate to mail out 130 million to 150 million automatically, or to send out for every eligible voter regardless of the fact that 80 percent of them or 60 percent of them in some cases, 40 percent or 50 percent are already registered on permanent registration rolls.

Somehow or other we have got to figure out, a way that we will be reaching that number of voters who are new voters coming into the place, the kind of movement change that you may have on a percentage basis, and give consideration for the millions of voters who are already registered and have been for years and years, and are still on the books, this is going to be a tremendous load. Someone said that if our mail service doesn't improve a little between now and when we start this, if we do, that you will probably have to send them out 2 years before the election, and by that time it would be antiquated and they would have to get new rolls started.

There is a lot of merit in this postal registration, but if the States don't take it and use it jointly with the Federal elections, it is going to be a failure, because the States will have to somehow dovetail their registration drives, their registration activities, into the so-called Federal postal registration law. If they don't do that, I think it is going to get to be an awfully expensive procedure, a cumbersome procedure, and create a great deal of work for in some instances a very small number of voters connected with the situation.

We have now almost a static congressional district insofar as numbers of bodies are counted. We could do many things with that kind of an operation. In the old days when maybe one district had 900,000, like Danny Fascell's and another district had 60,000, it was hard to get any kind of legislation that would be equitable all over the country. I still think some thought should be given before we put a permanent law on the books, and create a bureaucracy to run it. It isn't a law is good or bad. It continues the law on the books.

It is the size of the bureaucracy that depends upon it. If we build it up big enough, you will never take it off, even if the darn thing

works negatively and it doesn't do you any good at all. That is what worries me, because I think that we have to go very, very slow and get as much information as we can. The Texas plan works but it isn't anywhere near the type of plan this is. The North Dakota plan is supposed to be working but it is automatic. I prefer the North Dakota plan myself with some kind of identification, your social security card or your own registration card. You go into a different precinct, but you can't do it unless you get States to concur in our feelings, don't you think?

Mr. CLAYMAN. One quick response, and I appreciate much your views. We have been for how long now that Congress hasn't moved on this enormously vital issue.

Mr. DENT. That is right. We moved last year, Mr. Clayman, under pressure from people who said it was a matter of life or death. We have got to get this reform through. Now, good God, the thing that needs reform more than anything else in the world is the reformer.

Mr. CLAYMAN. But Congressman, this bill in our judgment is a sound step forward to generalize, and it is doable, politically doable. That is the problem.

I was impressed with what Senator McGee had to say this morning. Why don't we go to some other system that maybe in the long run will be better. It is the sort of thing that you are emphasizing. I understand, but in the long run all of us are dead, and we have got to do something quickly while there is a mood for change.

Mr. DENT. Then why don't we do it on a sampling basis, not as a permanent structure. I cannot honestly say, and we have looked at it, we have been reading and talking about it in our subcommittee, I can't honestly say that I would be able to guarantee that this would work as you want it to and as I want it to, but I say that it ought to be tried, but can't we try it in such a manner that we don't create that monster that keeps it rolling, because I can see not three men operating this. I can see thousands of workers in this field. I don't care what anybody says. You are going to be dealing with 140 million registered voters.

Mr. WARE. Will the chairman yield, just to be certain that the record is clear. I believe Mr. Clayman has some material he wants to submit, and without objection we should keep the record open.

Mr. DENT. We will go over and vote and come right back. We will come back to you if you want us to.

Mr. CLAYMAN. It is your prerogative.

Mr. DENT. We will take a 10-minute recess.

[Recess.]

AFTER RECESS

Mr. DENT. The next witness is the Honorable Donald M. Fraser, a distinguished Member of the Congress from the State of Minnesota. We are very happy to have our colleague with us, and inasmuch as they have already played around with this idea of post card registration in Minnesota as well as some other refinements, we are very fortunate in having Don with us today to give us a briefing on his situation up there.

STATEMENT OF HON. DONALD M. FRASER, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF MINNESOTA

Mr. FRASER. Thank you very much, Mr. Chairman and members of the committee.

I would like to submit my statement for the record.

Mr. DENT. Without objection, it is so ordered.

[The statement follows:]

TESTIMONY OF HON. DONALD M. FRASER, MEMBER OF CONGRESS

Mr. Chairman, I am happy to know your committee is examining the issue of voter registration. I think we must make it easier to vote in the United States. I am convinced that the difficult registration procedures limits the turnout on election day. Among the world's democracies the United States has the worst record of voter participation in elections. This country is the only one that puts the burden of registering on the citizen instead of on the government. We must remedy this situation.

I know there have been bills introduced in the House—I am not prepared to talk about them but I want to thank you for the opportunity to report on the voter registration reform law passed recently by the Minnesota State Legislature. The law will take effect on October 1, 1973 and will make registration much easier and more convenient by establishing postcard registration, election day registration and a statewide uniform system.

Concern about fraud or easy voting can be answered by the experience in North Dakota and rural Minnesota, where no pre-registration is required. No significant fraud has been found. Voter turnouts of 80% are recorded in counties with no registration but goes down to 62% in counties requiring voters to register. Most fraud which does exist has involved collusion with election officials rather than multiple voting by individuals. The present system affords little protection against the determined voter who is willing to travel from one municipality to another. There is currently no cross checking between municipalities.

I would like to tell you the highlights of the new law. A chain of command is established from the Secretary of State to the County Auditor to the Municipal Clerk. The Secretary of State sets up uniform regulations and forms, and can handle administrative appeals before legal action becomes necessary. He is also charged with insuring that automatic data processing systems used for registration are compatible. A permanent system of registration by the county is established. The County Auditor will be the chief registrar and chief custodian of registration records in each county. He will keep countywide alphabetical files. Precinct files and current precinct lists are required. Lists must be available at a reasonable cost of reproduction for purposes related either to elections or law enforcement so that election violations can be prosecuted and registration can be verified. Cross-county checking will be greatly facilitated and available in all areas of the state so that duplicate registrations within a county will automatically be exposed.

Most of the registration work itself can be delegated to the municipal clerk. Postcard registration with verification by mail will be available up to 20 days before each election in present registration areas. Postcards can be circulated by mail or by volunteers and must be stocked in public places. A non-forwardable receipt will be mailed to each registrant advising him of his polling place and the failure of delivery of any receipt will trigger a challenge to the registration. The law allows rural areas without pre-registration to continue without pre-registrations, but requires officials to establish permanent registration records—thereby establishing statewide permanent registration without inconvenience to rural voters.

The penalty for fraudulent registration is a felony—up to 5 years in prison and/or a \$5,000 fine.

All areas of the state will have election day registration for anyone who can prove residence in the precinct by a valid drivers license or through a witness who is already registered in that precinct and who will swear that he knows that the registrant lives in the precinct. The Secretary of State is empowered to specify

other acceptable proofs of residence. An additional election judge will be hired to handle election day registration.

Registration card sample:

VOTERS REGISTRATION CARD
(Please print or type)

Date: _____

Name: _____
Last First Middle Initial

Address: _____
Street or Route No. (do not use P.O. Box)

City (or Township) County Zip

Male Female Birthdate: _____

Social Security Number, if available: _____

Telephone number, if available: _____

Most Recent Prior Residence: _____
Street or Route No.

City or Township Zip

Most Recent Prior Registration: _____
Street or Route No.

City or Township Zip

I certify that the above facts are correct and I understand that giving false information to procure a registration is a felony punishable by not more than 5 years imprisonment and a fine of not more than \$5,000 or both.

Signature of Voter

No registration is faulty if it contains the voters name, address, prior residence, prior registration (if any) and signature.

Change of residence information gained from the registration card is passed to the County Auditor of the voter's last registration and the voter's name is deleted from the registration lists.

Officials are to report deaths, marriages, divorces and guardianships monthly to the County Auditor. The officials must also report the names of all persons who have had their civil rights restored. Files must be purged annually to remove anyone who has failed to vote for four years. The original registration file kept by the County Auditor will be an alphabetical file; the duplicate file kept by the delegated office will be kept by precinct, known as the precinct list. On the 80th day before the election the County Auditor will deliver to the council of the

municipalities current copies of the precinct list. Paper lists can be purchased by any registered voter.

An appropriation of \$200,000 for the biennium was allocated to defray local costs.

I think the new Minnesota law is workable and very much needed.

A copy of the bill and other materials are attached for your consideration. Thank you.

Mr. FRASER. I am delighted that we have our secretary of state with us today. He will be able to provide the committee with more detailed information about the Minnesota law than I can, but let me just summarize some of the provisions of that law that will take effect in October. It provides a single statewide uniform system of registration using the post-card concept.

As I understand the law, and I have read it, there is no provision for mailing the post card out. It would become available and could be duplicated as I understand it by the parties and by nonpartisan civic groups such as the League of Women Voters, and upon sending the post card in, it becomes the source of registration information.

We have one other feature in this bill, and that is the possibility of registering on election day. That can be accomplished by producing a driver's license or by producing somebody who lives in the precinct who can swear that the prospective voter is known to him to be a resident of the precinct, or any other system of proof that may be authorized.

I would just like to say this, Mr. Chairman. I think the Minnesota system is a good one, and has some features in it that I would expect over time will be adopted by an increasing number of States as it is proven to be workable, but what it doesn't do, and what is provided for in the Federal legislation, is the mailing out of the postcards.

Let me make a point here, if I may? One of the difficulties, I think, with requiring parties to take around post cards is the question of where the post card gets returned. If you have got post cards that are marked to be returned to the county auditor of one county and somehow those cards fall into another county group's hands and they are distributed or used, then you are going to begin to get some substantial confusion.

One of the values of the Federal bill, which is before the committee, is that it would make sure that through mailing, the card that fell into the voters' hand was properly marked with respect to the correct return address. Assuming the Federal Government does its job well, it would have the proper return on the post card so that the amount of confusion would be minimal.

I think that is a fairly important feature of the Federal law. Other than that, it might be enough to simply provide for a post-card system, but let parties and other groups distribute them, but the value of mailing is that it goes to the right house with the right return address, and will minimize the difficulties.

Mr. Chairman, I come here really to endorse what we have done in our State, but with the hope that our State action will be complemented by the Federal action. If the Federal bill passes, it will tie in very nicely to what we have done in the State. We have got the machinery, but we don't have the money, the funds, or the mechanisms to

put it out through the mail. This is what the Federal bill would provide. I would certainly hope that the committee could give strong consideration to some form of the bill that is presently pending before the committee that has been passed by the other body. I will be glad to try to answer any questions that the committee might have, Mr. Chairman.

Mr. DENT. Do you see any virtue to the suggestion that we do not just mail out boxes of cards all over the place equal to the number of registered voters, because that is exactly what the bill calls for in essence. I think somewhere along the line we must work out something to give credit to millions of voters who are registered already, permanently so in States. I don't understand that.

Mr. FRASER. Mr. Chairman, if I may say, one of the difficulties is that in every household, even though you may think that they are registered because they voted in the last election or they are thought to be registered for some other reason, there may well turn out to be somebody else in that household who now is an eligible voter. It may be a young person in the family who has turned 18. It might be somebody who has come to live with the family. There is no good way of knowing in advance that there is nobody in the household, there is no way of knowing in advance that everybody in the household is already registered. I can't think of any device that would enable you with confidence to separate out certain households and say these people are registered. You don't need to send them anything, but those over here you do need to.

Mr. DENT. Even in taking the census they worked out some kind of a block occupancy ratio, and they didn't get anywhere near. In fact, the city of Philadelphia still contends that they lose a Member of the Congress because of the fact that in certain areas of the town they didn't count the living bodies but took sort of a square area ratio as to how many should be there, and in the particular districts they did that, they were, of course, more densely populated by far than what they gave credit to on their returns, and I think that that is what is going to happen with this thing. They will say, well, in this precinct so many hundred voters are registered and we will send so many hundred cards in there. I may not be able to picture it at this moment, and I hope I can a little better than I am at this time, but I find we can get a pretty good guide if we start using our registrations on these census, as we suggested in 1960, that when the census was being taken, that we register each eligible voter at that time. They know the precincts, and they mail them right into that particular registration office, and we would have had a more nearly perfect count on all of the eligible voters within the area. They have never done that, and here the money is being spent. The workers are there. We may have to tie this into something like a census at some time or other.

Mr. FRASER. Mr. Chairman, one of the difficulties with using the census—

Mr. DENT. Not solely.

Mr. FRASER. It is an idea worth using, but the statistics show that, in a given year, 20 percent of the people change residence.

Mr. DENT. There is no question about that.

Mr. FRASER. And if anybody has tried, as we all have tried, to keep up mailing lists, you know the enormous rate of turnover.

Mr. DENT. Impossible.

Mr. FRASER. Even with a 5-year census, 2 years later there is a potential of up to 40 percent no longer being at their old address. I say potential because some of the 20 percent are from year to year the same people, but even so, it would very quickly become out of date. The problem is, as long as people have to, in a sense, be registered at their correct address, and this is the key, unless you make it easy for them to be registered, we must be one of the most mobile populations in the world. Unless we make it easy through a repetitive device, we are going to continue to have the 35 to 40 percent unregistered.

Mr. DENT. That is why I like the other portion of your election law in Minnesota. As long as you have an identification that is reliable, walk into the polling place, and you take an affidavit that what you are saying is the truth and you are liable and you are subject to a fine and arrest, and maybe imprisoned for it, but a postcard registration can allow multiple voting. It can allow floaters. There is nothing in the world can stop a person if he so desires to take and mail into five different precincts from his home address. The precinct, if it checks back, can call up, "Yes, he lives there," and the first precinct calls, "Yes, he lives there," but there is no cooperation between the first, second, third and fourth precincts in a city as to who is on their rolls. They don't check back with each other and say, "Do you have a Fraser on your roll in the fifth. I have got one here." They will all be at the same address. Sooner or later he will get caught but it took about 40 years to catch up with the tombstones.

Mr. FRASER. I don't think that is related to the question of postcard registration.

Mr. DENT. Why not?

Mr. FRASER. Because if a community now maintains its files only precinct by precinct, and doesn't do it either countywide or municipal-wide—

Mr. DENT. It does countywide, but in the county's files they are also by page and book, precinct by precinct. That is the only way they can have any rhyme or reason.

Mr. FRASER. In our State we maintain the files in two ways. One is on a precinct level, and then there is a master list right now at the municipal level. If I remember, I think it is alphabetical for the whole city. We maintain that, but we expand it at the county level. What is provided in our State law and is also provided in these Federal bills, is provision for computerizing these lists, so that if all the names go in alphabetically into a computer list, as it will in our State, and as provided for in the Federal law—there are grants for computer systems—at least within a county you can eliminate duplication.

In our State we have never had a means of detecting duplicate voting between municipalities, because of the municipal system. You can be in the central city and go out and register in three or four municipalities or townships. Under our system it goes to a county level and that will no longer be possible because within the total county there will be one uniform computerized list that will prevent people from multiple voting.

Mr. DENT. But you yourself say there is a 20-percent change within a year.

Mr. FRASER. That is right.

Mr. DENT. To a computer it would be 20 percent in error before the year is over, and how could you cross-check on a situation like that?

Mr. FRASER. As Mr. Erdahl, because he will be in charge of the whole system, but it will be continuously updated and the parties will get—

Mr. DENT. With all of these expenses, won't it be predictable that if you get 10 percent, they won't vote. We have a purge list. If you don't vote in 2 years, you are automatically purged. They don't write and tell you you are purged. You don't know about it and you may go and try to vote after 2 years and you have been purged, so we go get the list, political organizations, and so we go into the same grind every year, because there are always 25,000 or 30,000 thrown off every year. We have found people that have been carried in and gotten them registered for 20 years on every 2-year basis, and they have never voted yet. This is not uncommon. It is just that way. They just won't vote, and of course a long time ago, they figured that the workers in the mines would like to go hunting, so our election day, the primary is always on the first day of trout season, and the general is always on the first day of deer season—so we have a beautiful setup in our State. You could always count on about 60 percent as our average vote, and it will be when this is over. That is my prediction, although we have to give it a try maybe, but I don't see it helping. The only way you can do it is like in Australia. If you don't vote, they fine you, and if you don't vote twice, they put you in jail. If you don't vote three times, they send you out of the country. They do, and that is true, all but sending you out of the country. Mr. Ware.

Mr. WARE. I, too, want to thank our colleague for appearing today. I share some of the same concerns that Chairman Dent does. I don't believe you were present earlier when I indicated that I have had considerable experience in endeavoring to get people to register, having been a junior block captain, committeeman, and area chairman. I think without reservation I can say the most discouraging part of my experience in that line has been the people who have either refused to register or, having registered, they won't vote, and that is something you know I cannot understand in our system, but possibly that is my fault.

I am interested in your registration on election day, and I think the post card system, too, presents some problems, at least in my congressional district, in that I am told—I have seven colleges and universities—that the student, many of whom are commuters to other congressional districts in the city of Philadelphia where there are four congressional districts, vote at the situs of the college and also their home residence.

If you use drivers' licenses, for example, and here again this is hearsay, but the number of Delaware State tags on motor vehicles in my district leads me to believe there is some substance to it. In a portion of the district which borders on a portion of the State of Delaware, there is no income tax, or rather sales tax, in the State of Delaware, with the result—many residents of the district are employed in the State of Delaware—using their business address, they purchase motor vehicles in the State of Delaware, register them in the State of

Delaware, and secure drivers' licenses from the State of Delaware, in order to avoid the 6-percent sales tax in the Commonwealth of Pennsylvania. I suppose that would afford an opportunity to vote twice in an election, once in the State of Delaware and once in the State of Pennsylvania.

I suspect it is proper to add I don't know how you would stop that sort of thing when people are determined, other than the possible use of computers and interchange of printouts in the several States. Since my district also borders the State of Maryland, there is a similar problem there because the sales tax is less than that in the Commonwealth of Pennsylvania. I understand that occurs in other areas where border States are involved. While we like our system and think it is the best form of government, I suppose there is no way to counteract those who would seek to subvert it in some fashion or other.

Your testimony, I suppose, suffers from the fact that you really haven't operated under this system up to date, and I think we are fortunate that your State has made this move. It may be a guide for the future. I don't think I have any specific questions. You have been very patient listening to my comments. You may have some responses.

Mr. FRASER. I found them interesting, but the thought that occurred to me was the difficulties you describe, which I am sure exist, must exist today. That is if somebody wants to register in two separate States, there is no means now of preventing that from happening, so that adding these means of registering I don't think adds to the problem, and may offer some solutions if we do get to a computerized system, but I don't want to overstate that, because an exchange of statewide computer lists may be just too formidable an undertaking.

Mr. WARE. Forgive me for interrupting, but it seemed to me that by mailing a card to "John Smith" in the State of Delaware, and a card to "John Smith" in the Commonwealth of Pennsylvania, may be somewhat encouraging to him to register twice. At least as far as I know no one is approaching these people, or it would be a rarity that their office or place of business, whether Hercules, Chrysler, or General Motors, to register in that State.

Another thing I should have mentioned is this. As you know, we were recently reapportioned. My district includes areas heretofore not where others were discontinued. In my second newsletter for this year, I still am not able to get from local postmasters the number of people in that post office who belong in my district or Congressman Williams' or Congressman Coughlin's or Congressman Biester's or Congressman Eshleman's or Congressman Johnson's.

Because of the desire to approach closely the one-man-one-vote rule, Coatesville, Pa., R.F.D. route or any other route is not based upon the congressional district. It is selected for other reasons. We have had as many discrepancies as 4,500, so that makes me wonder whether you can mail post cards and have the correct return address. I don't believe you could. Apparently as of this moment I think you would have a substantial margin of error.

Mr. FRASER. I would make the point though that I share your concern about post offices not making these divisions within their routes, but normally registration does not follow congressional district lines.

It would be either municipal or county. My impression is, although it must vary from place to place, that postal routes there isn't so much difficulty in identifying which routes fall into which county or municipality.

Mr. WARE. I should have gone further to say that a portion of the local political subdivision may be in another congressional district and another portion in my congressional district.

Mr. FRASER. That is right, but that has no relevance to vote registration. They don't need to know which congressional district for purposes of voter registration.

Mr. WARE. Yes, I think you are correct.

Mr. DENT. Mr. Frenzel.

Mr. FRENZEL. It is a pleasure to greet my colleague from Minnesota. In your statement, Don, you indicated that if we passed the bill before us, that it would be compatible to Minnesota law, but as I read the Minnesota act, which becomes effective August 1, I believe—

Mr. FRASER. October, I think.

Mr. FRENZEL. There would be some things that would have to be changed. I think some of the times are different. The Minnesota law specifically prescribes the postcard which has to be sent out. In the Federal act the Voter Registration Administration prescribes what will go on the card and prescribes certain rules. Obviously accommodations would have to be made. Even in a State where the system has already been set up, I think the inspiration for the Minnesota law was this Kennedy-McGee-Stevens, et cetera, proposal. I think we have a little trouble putting it into operation.

Mr. FRASER. There obviously has to be some reconciliation but the concepts are the same. I don't think the times present any problem. My understanding is that we have not altered the 20-day provision for preregistration.

Mr. FRENZEL. Right. The Federal law says you will send them out 45 days.

Mr. FRASER. Yes, and return within 30.

Mr. FRENZEL. Minnesota closes its registration under this law 20 days prior. That isn't near enough time.

Mr. FRASER. The Federal law is you mail them out not less than 45 days ahead, and they are to be returned not later than 30 days before the election, which would mean that under the Federal law they would be returned 10 days earlier than they would need to be returned under State law, so in that sense it is not incompatible.

Mr. FRENZEL. It doesn't fit very well either.

Mr. FRASER. If they are returned within the Federal period they come within the permissible period of registration under State law. That was the only point I made.

Mr. FRENZEL. But of course the effective date of this act—

Mr. FRASER. The Federal law?

Mr. FRENZEL. Yes. I don't find an effective date and I suppose there is some pending. Our State may be readier than others. I wonder whether some of the others would be able to make the changes quickly?

Mr. FRASER. If you do work on this bill I would think you would want to look at the question of effective date. I would also suggest you look at the term caucus, characterizing one of the Federal elections

that would precipitate a mailing. Normally in most States you should not need to send registration forms in advance of party caucuses, because being a registered voter is not normally a requirement to participate in a caucus. I am not really trying to settle this. I just think it is something you should look at when you come to mark up this bill and I would think you would want to look at the effective date, and I would think also to introduce a modicum of additional flexibility so that you could contour with State systems that do essentially carry out or permit this kind of a system, because a number of States, if they accept this system, will still perhaps want to retain their own time periods, and so I would make these sort of minimal, but I would expand it in relation to State law.

Mr. FRENZEL. I thank you, Mr. Chairman, I am through.

Mr. DENT. Thank you very kindly, Don.

Mr. FRASER. Thank you, Mr. Chairman.

Mr. DENT. The next witness, and I apologize to Mr. Erdahl, we are glad to have you, Mr. Secretary. I am sure you know why we tried to keep you deliberately to the end until we could see what the pros and cons were, and then ask you some questions as to what you think. You have the baby to play with right now. We are happy to have you.

STATEMENT OF ARLEN ERDAHL, MINNESOTA SECRETARY OF STATE

Mr. ERDAHL. Thank you. It is really a pleasure to be here today and talk about our experiences in Minnesota that we have had and maybe some experiences that we haven't had, because the new postcard law becomes effective on August 1, and some other operable dates are later on in the session.

Also it is a real pleasure to be here with my good friend Bill Frenzel. Mr. Frenzel and I were sworn into the State Legislature in Minnesota on the same day. It is good to be with you and also Congressman Fraser who also has had the distinction of being a part of the Minnesota Legislature.

I have a prepared statement. I will just submit that for the record, and if I could speak extemporaneously, perhaps it is a bit easier for all of us.

Mr. DENT. Without objection, it is so ordered.

[The statement follows:]

STATEMENT OF ARLEN ERDAHL, MINNESOTA SECRETARY OF STATE

Mr. Chairman, members of the committee, my name is Arlen Erdahl, and I am secretary of state for the State of Minnesota. In this capacity I serve as the state's chief election official. It is from this perspective, along with four terms in our state legislature, that I welcome this opportunity to share some observations with you.

It is apparent that there is a resurgence of interest within the congress and state legislatures pertaining to the field of elections. Two of the main ones are disclosure of campaign expenditures and changes in voter registration. This emphasis was evident during the recent legislative session in Minnesota.

One of the main bills passed was Chapter 676, Laws of Minnesota 1973. This makes sweeping changes in both the procedures and administration of election registration laws. I hope that our experience might prove helpful to you as you deal with this basic facet of a self-governing society, voting.

We in Minnesota pride ourselves on a citizenry active in the election process and a voting system unencumbered by unnecessary restrictions and requirements. The goal of the legislature, others and myself who worked with them, was to continue the integrity of an election system that has been remarkably fraud free—and at the same time further extend and open the registration and voting process.

The law ultimately passed, Chapter 676, does some of these things, but I feel it was too hastily drafted and acted upon. Other alternatives could have been considered. The new law becomes effective August 1, 1973.

At the present time, prior voter registration is a requisite for voting in municipalities over 10,000 population, communities within 15 miles of our first-class cities of Minneapolis, St. Paul and Duluth, and in any other municipality where the governing body may so ordain. Minnesota does not have party registration. In other parts of the state, no prior registration is needed in order for an eligible citizen to vote. The various city clerks function as commissioners of election and their administrative powers, along with the dual registration system, does make for some inconsistencies.

The new law designates the Secretary of State as the commissioner of elections and shifts the local administration from the municipal clerks to the county auditors. It provides for statewide registration by post card, election day registration, and a requirement that local units supply lists of registered voters upon request at cost to anyone wanting this information.

Perhaps the most controversial facet of the act is election day registration. I personally have grave reservations about potential fraud and confused congestion in the urban areas where we already have long lines at the polls. For these reasons, I opposed this feature in committee and unsuccessfully urged the Governor to veto the bill.

Guidelines for the post cards as to information required on them is in the act, along with the authority for the Secretary of State to promulgate rules and regulations regarding them and the implementation of the entire act. My staff and I are now working on this.

The post cards will be in addition to registration at county and municipal offices. New registration will not be required for those already registered. These forms will be widely distributed and if they are identical, we tentatively plan to let them be reproduced by the political parties and concerned citizen groups such as the League of Women Voters.

Information on the registration post cards in addition to the usual name, address and date of birth, includes social security number, telephone number, and last previous address.

The cost of this new system is difficult to accurately estimate, but the legislature appropriated \$200,000 to be used to reimburse local levels of government for their costs. With additional staffing in at least some of our 87 counties, more paid judges on election day to take care of election day registration (the same election judge may not register a voter and receive his ballot), and other administrative and recordkeeping costs, the actual figure could well be twice the funds appropriated. Minnesota had about 1,700,000 voters in the last election.

The priorities of my office in administering this and other election laws is to strive for a uniform and consistent operation statewide; make registration and voting as simple and available as possible; and at the same time insure its honesty and integrity.

I trust that these are also your goals, and my present thinking would urge the congress to allow registration and voting to continue to be administered by the several states. This should be combined with standards to extend and open the registration and election process. Incentives of federal costsharing, as embodied in several measures before you, seem a logical manner in which to accomplish this.

Mr. ERDAHL. I will limit at least my initial responses to chapter 676, which is a law which makes rather sweeping changes in the Minnesota election laws, perhaps the most dramatic changes that have happened for a long time. It provides for, among other things, postcard registration, and at the present time, sir, we are working in my office on the rules and regulations that names the Secretary of State as the commis-

sioner of elections, and we are working on rules and regulations dealing with not only the postcards but also all facets of the bill.

The postcard system in a sense is not really new or novel to Minnesota because we have a rather progressive or maybe one could call it a liberal policy as far as absentee voting, and also absentee registrations, so people have been able, in the past, in Minnesota, and under our present law, to register by mail, though it is more of a cumbersome process. It involves the notary signature and this type of thing that is commonly done, but postcards, which are prescribed by my office, and a sample of them or a guideline is provided for in the chapter, I think as Congressman Fraser indicated and as he included in his testimony, and these will be distributed rather widely. We are not really finalizing this, but our interpretation is that, perhaps not only can the official cards be used that will be distributed through the county auditors who, under this act, become the local administrators of the election, while in the past it has been done by the city municipal clerks. It can be reproduced by them, I also think the law is broad enough to say it can be reproduced by anybody, in other words, any group, or a political party. A political action group such as the League of Women Voters could reproduce these lists. The Senate author told me he will see every person in his district receives a copy because he will canvass the district and give it to them personally.

At the present time the registration law, I think, in Minnesota is a progressive one. We utilize deputies widely. Various groups—again, I mention the League of Women Voters as an example—establish deputy points at shopping centers and other key places, and people are registered. It is a permanent registration.

Our present law is not by party. If one has voted within 4 years your name automatically stays on the list. If you fail to vote you are purged from the list.

Moving to another area, as far as the postcards are concerned, I think they will be very widely distributed. I think one of our requirements will be they have to be identical to the ones that are the official copy, so that they can be utilized for the files, and so forth.

At the present time there is a cutoff of 20 days before an election, where registration is cut off. This pertains to the areas of the State where there is present registration required, which basically are cities over 10,000 population; any municipality within 15 miles of a city of first class which in Minnesota are St. Paul, Minneapolis, and Duluth, and any municipality whereby local ordinance they may so ordain. We have a hodge-podge of prior registration required. In the area of the State which I come from, a rural area, you really don't register. You go in and are enrolled or just go in and vote on the theory that everybody knows you. This perhaps would be somewhat like the North Dakota law.

I, incidentally, support the postcard registration feature, at least as one looking at it down the distance with a little apprehension, though I do not support the concept of having a new Federal bureaucracy set up. I think if individual States want to, so to speak, make registration easier, and I think this in my mind seems to be the intent of this committee, they should do several things: (1) To make the

franchise more available to any eligible citizen; (2) to keep it simple and uncumbered, and (3) to maintain the integrity and sanctity of what is perhaps most important to our type of representative democracy; namely, voting.

I sense as I have listened to the interesting testimony, the frustrating part—and I suppose as one who has survived a few elections as all of you have I share it with you—are those who are apathetic. Working with a segment of the population who, by their lack of activity show they really don't care, and to try to motivate them is a very difficult thing. Maybe the post cards, while not a motivating device, it is a little device to make it easier for them. I think the motivating is perhaps more important.

Mr. WARE. If you will excuse the interruption.

Mr. ERDAHL. Yes, sir; I don't consider it an interruption.

Mr. WARE. We might have door prizes put on the card.

Mr. ERDAHL. That was not considered in Minnesota though perhaps it may be at the next session of the legislature. The one part of the bill I found rather strong exception to and testified against it in committee and, in fact urged the Governor to veto the bill for that reason, he didn't take my good advice, incidentally, is the procedure or the device—

Mr. DENT. You should have come to Washington. They do it before they get in the door.

Mr. ERDAHL. I understand. Anyway, for election day registration it seems to me that one of the purposes for registration is to insure the integrity of the system. If you have election day registration without some very sophisticated computerized system to check on it, it really becomes rather meaningless.

The new law provides that the registration will still cut out 20 days before the election, and the post card registration, incidentally—I want to make very clear—is not to replace the present system but rather to supplant it. In other words, there still will be registration by the county auditors. There still will be registration points, I am sure, by deputies. There still will be registration drives by the political parties, League of Women Voters, and so forth. This is to supplant that, but after the 20 days, if one has not registered, he can still come in, or this person can still come in on registration day and register and vote.

My information really is perhaps not so much from the fraud that will or could result, because mine really has been remarkably fraud free. Incidentally we had maybe one of the closest elections in the country several years ago when Governor Rolvaag defeated the then Governor Andersen by 91 votes in a statewide contest. Obviously this was a recount, but to my knowledge, and Congressman Fraser was more active in politics than I was at that time, there was no hint even of any fraudulent voting. There may have been some honest mistakes made, transposition of numbers and so forth. However, as far as I know there was no indication of fraud. We rather pride ourselves. Maybe we are not too bright but at least we are honest up in Minnesota.

Mr. FRASER. For a year after it was said the difference between the Swedish and Norwegians was 91 votes.

Mr. ERDAHL. A point well taken, sir. Anyway this does permit election-day registration, so while I don't really fear the fraud I do have apprehensions about the congestion and the confusion that is bound to result especially in the metropolitan areas, because we already have voting precincts where there are long lines.

The State of Minnesota has approximately 3,800 voting precincts, and you can divide that up with our population, which is about 3.78 million. It is about one precinct to every thousand people, and some of the metropolitan areas are considerably more and the rural areas considerably less. So, I see this as a discouragement in some areas to voting because as people come down to vote there is a long line, and the same judge cannot register a person as he takes his ballots. We have to have more judges involved. I think this is a real danger of the election-day registration. The people that were supporting this really countered that argument on my part saying we will make an effort ahead of time to see as candidates and political parties and interested citizen groups that we do distribute these post cards to see that these lines don't occur and the congestion won't happen.

I don't know if Congressman Fraser mentioned this but one of the things that I think is a reasonable safeguard in the postcard registration system as provided for in Minnesota is to have that once the county auditors receive the post card, that there is a return address on it and he acknowledges this by return address mail, and then if this comes back address unknown or whatever the Post Office Department stamps on the envelope this then becomes a contested registrant and he will have to move his residency as he comes in to vote.

Mr. DENT. Will you wait for us. We are going over to vote.

[Short recess.]

Mr. FRENZEL. The subcommittee will come to order.

Mr. Ware, do you have any questions you wish to address to the witness?

Mr. WARE. No. I yield to you.

Mr. FRENZEL. Mr. Secretary, when the bill was passed in the Minnesota Legislature, did county and municipal officials testify, and can you tell us something about their testimony?

Mr. ERDAHL. Yes, Mr. Chairman, they did testify. To my knowledge, no municipal officials—these would be the people who really are administering the present law—were in accord with the election day registration feature. I think this is the part that they were most apprehensive about. I don't think they got in as I recollect, and I did attend many of the committee hearings, I don't recall they got so much involved in the post card registration other than the fact that they were concerned about having a uniform system rather than the one like in Texas, where you send in a coupon or the bottom of a grocery bag or something. That here at least would be a uniform system just for filing purposes.

The other thing, if I might expand on a bit, that brings up another point that we will be dealing with administratively because the legislature didn't include it in the bill because I think it was too hastily proposed, voted on, and passed, was the fact there is a dual signature required. In other words, the signature is to be held by the county

auditors, and another signature is to be at the precinct so a judge can check a registrant as he comes in, while the card only provides for one. What we will do very likely is devise a card that can be perforated or a dual compartment card so there can be two signatures retained.

Mr. FRENZEL. Thank you.

You talked about election day registration. How did the municipal officials feel about the post card part?

Mr. ERDAHL. Probably not quite so apprehensive, though I think here they felt mechanically a couple of things concerned them. One would be—and this concerned me and other members and other people who testified—when the new cards contain additional information that is not on the present registration card. In other words, in most of Minnesota the municipalities and large cities, we already have people who are registered to vote. These people will not have to register again under the new law, but the old cards do not contain some of the information that at least the people who were the proponents of this bill were very interested in; namely, a telephone number, a last previous address, and a driver's license. Probably the one they are most concerned about for political contact is a telephone number.

The other thing that concerned them, and I think this is a legitimate problem that this committee should be aware of too, and probably even more so under the proposed McGee bill, would be that many people who are already registered, and with the publicity that, jeepers. I'm not registered; I have got to send in my card—they would be flooded with cards which really they didn't need and that the people didn't need to send in.

I think this would happen in Minnesota, and we are hoping we can deal with it. I think it would even happen more extensively under a proposal such as the McGee bill where everyone was sent a card, and you and I, who get stuff in the mail, either we throw it away or file it or send it in if it doesn't cost anything. This they see as a legitimate administrative problem of waiting for the list, cards that either are dual cards, and the other problem that comes to mind, Bill, would be that cards would not be accurately completed. In other words, they would leave some information out, and the person then would have to be contacted or the local official would have to contact this person and say, "You didn't put in your age, date of birth, or address," or something like that.

Mr. FRENZEL. On the cost, as I understand it, Minneapolis appropriated \$200,000, of which you get \$100,000?

Mr. ERDAHL. No, \$200,000 was appropriated to the Secretary of State to reimburse counties for their costs. Again it is very hard to ascertain just what this actual cost might be, because we haven't had the experience with it.

The largest county in Minnesota is Hennepin County, where Minneapolis is located, and the county auditor from that county estimates that they could spend \$100,000 to \$125,000 of this to set up a registration system, and to provide for the judges who will be needed at the precincts, because the law provides that, and I think I mentioned this before, that on election day the person who accepts your registration

cannot also be the judge who accepts your ballot, so you will have to have additional staff persons to put on.

As you well know, Bill, in Minnesota, there are 87 counties, and so the actual cost I estimate probably to be double the amount that the legislature appropriated. For the State of Minnesota, with about 3.7 or 3.8 million people, it could well cost \$500,000.

Mr. FRENZEL. If you have 3,000 precincts and you have got to pay election clerks \$25 a day—

Mr. ERDAHL. Almost 4,000 precincts—3,800.

Mr. FRENZEL. Of course that doesn't relate again to post cards. Let's get back. If you have to have the costs of handling these cards, which is a specific registration adventure, and because the reimbursement in the case of your State is less than the cost of handling these cards, does that mean that the municipal county clerks or officials might say, "We are not going to do some other things that we have been doing to maintain registrations"?

Is this going to discourage the tradition that we have of putting registrars into the high schools, of opening our registration stations at night, of sending them into the nursing homes, of putting them out in shopping centers with the League of Women Voters?

Mr. ERDAHL. I would hope not, Mr. Frenzel. I think that these activities will still continue. For example, last time, because of a question of law, there were attorney general rulings required wherein librarians could be deputized who were previously employed, say, in the city of St. Paul. We really had a rather accessible and—as you have indicated—I think an open system of making registration available. In many, many other places, I think the people who testified from the union were from Ohio, and I think I heard the man say in Cincinnati there was one place you had to go. In Minnesota, there are literally thousands of places where people can go register. I hope that will continue, but that the post card would be really a supplement to that, to the people who do find it difficult to get to one of these places, that they can register by mail.

Mr. FRENZEL. If you had your preference, what would you say is the best way to stimulate registration and, well, ultimately we are looking for the greatest voter participation?

Mr. ERDAHL. Two main avenues; maybe I could be more specific on this. One is to try to make the registration system and the voting system as open and as available as possible, by various methods.

The second, I suppose, is for the political parties to be progressive and responsive, and field attractive candidates because I think people are attracted to politics by the type of candidates rather than by the method or the system.

Mr. FRENZEL. As long as Minnesota is going to be involved in this thing, would you recommend that the Federal Government restrain its activities until they see how it works someplace?

Mr. ERDAHL. I would think that would be a reasonable alternative, because here, at least, we have some willing guinea pigs who are going to be doing this very thing that is probably the fundamental concept of the McGee bill, and even though, as I have told the Governor and some of the people in the legislature, that I testified against the bill,

urged him to veto it, my staff and I are going to do the best we can to see that it is administered properly.

Mr. FRENZEL. You weren't testifying against the postcard part?

Mr. ERDAHL. No.

Mr. FRENZEL. You supported that?

Mr. ERDAHL. Yes.

Mr. FRENZEL. Do you have an estimate of the anticipated impact of this system? Was there testimony before committees, or has your office estimated or did anyone estimate the increase in eligible registered, in the registration of eligible voters through this system?

Mr. ERDAHL. As I recall, some of the figures that were presented to the legislature were the same as Senator McGee and the people that earlier came from the Federal figures I think, that tended to show a much higher percentage of people who were registered actually voted. Whether those are accurate figures or statistics one could question because I suppose there is the whole question of motivation. Just because you register someone, even if done automatically, doesn't mean he is going to vote. I think it is very hard to ascertain that.

Also, in Minnesota we pride ourselves, as you well know, with being an active State politically. In recent elections, we ranged near or at the top of voter turnout. In the last election, it was 70 percent or so. We have been consistent in our voter participation.

Mr. FRENZEL. Do you believe, or was there testimony before the legislature, that this system will increase voter participation?

Mr. ERDAHL. I think that was the incentive in passing it; yes.

Mr. FRENZEL. Do you think it will happen?

Mr. ERDAHL. I think there will probably be some increase, but it probably will not be as great as some of the advocates claim, because I think our system has been open, that the registration where it takes place in the State is a simple process. There are many places persons can register. We, in a sense, as I mentioned, already have had a mail registration that is rather simple and easy, so I think that just because you get people, and maybe you could canvass and get people to register, I think it is going to be another question to get them to vote.

If I might make another point on a bill that did not pass—it really was, in a sense, kind of a tag-along or companion to this—there was a bill to change our present law, where it is prohibited to haul people to the polls.

An attempt was made to change that. That bill did not pass the legislature. I think people thought once you have got people to register, and then you hauled them to the polls, you would probably get them to vote. I didn't agree with that bill, either.

Mr. FRENZEL. It did not pass?

Mr. ERDAHL. It did not pass.

Mr. FRENZEL. Are there further questions?

[No response.]

Mr. FRENZEL. Secretary Erdahl, thank you very much for appearing. We especially thank you for your patience through the day when we were visited by many interruptions. I am sorry that you were the last one and had to wait around, but we greatly appreciate your testimony and found it most helpful.

Mr. ERDAHL. Mr. Chairman, I appreciate the opportunity to have been with you today. Really, I am also appreciative of the diligence that I have observed among you and your colleagues.

Mr. FRENZEL. Thank you.

Before adjourning, we will call on Mr. Mathis. Do you have any questions?

Mr. MATHIS. I move we now adjourn.

Mr. FRENZEL. Without objection, the subcommittee is adjourned.

[Whereupon, at 5 p.m., the subcommittee adjourned, to reconvene at 9:30 a.m., Thursday, June 28, 1973.]

THE VOTER REGISTRATION ACT AND RELATED LEGISLATION

THURSDAY, JUNE 28, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ELECTIONS OF THE
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, D.C.

The subcommittee met, pursuant to adjournment, at 9:30 a.m., in room 2175, Rayburn House Office Building, Hon. Dawson Mathis presiding.

Present: Representatives Mathis, Gray, Mollohan, Harvey, Ware, and Frenzel.

Also present: John G. Blair, assistant to the staff director; Eric Honick, clerk, and Miss Barbara Giaimo, assistant clerk, Subcommittee on Elections; Ralph Smith, minority counsel, Committee on House Administration.

Mr. MATHIS. The committee will come to order.

We began receiving testimony yesterday on the bill, H.R. 8053, the Voter Registration Act. We are privileged this morning to have with us Andrew J. Biemiller, who is the legislative director of the American Federation of Labor and CIO. We will be glad to hear from you at this time.

STATEMENT OF ANDREW J. BIEMILLER, DIRECTOR, DEPARTMENT OF LEGISLATION, AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS, ACCOMPANIED BY KENNETH A. MEIKLEJOHN, LEGISLATIVE REPRESENTATIVE, AFL-CIO

Mr. BIEMILLER. We are delighted to be before the committee this morning.

I am accompanied by Kenneth A. Meiklejohn, legislative representative, AFL-CIO, and I request that he be permitted to join me in my statement.

My name is Andrew J. Biemiller. I am director of the Legislative Department of the American Federation of Labor and Congress of Industrial Organizations. I appreciate the opportunity to appear before this committee.

The labor movement has always been deeply interested in standardizing and modernizing registration and voting laws. Time after time AFL-CIO conventions by resolution and the AFL-CIO Executive Council in public statements of policy, have urged revision of

election laws and the adoption of Federal standards for same. While recent years have seen considerable improvement in the situation, registration and voting requirements still present obstacles to the exercise of the right to vote in many States.

We view such obstacles as both unfair and undemocratic. Too often they have been deliberately designed to circumscribe rather than expand the voting opportunities of American citizens. Even recent developments, like the 18-year-old vote constitutional amendment and the Supreme Court's decision outlawing durational residence requirements for registration and voting (*Dunn v. Blumstein*, 92 S. Ct. 995, Mar. 21, 1972) which actually encourage voter participation, tend only to highlight the situation in all too many States where obstacles to voting still produce a disadvantaged electorate.

Let us concede that all too many Americans, through apathy alone, are dropouts from democracy. Perhaps they wouldn't cast a ballot even if the voting booth were carted into their homes.

But there are millions who would vote but don't because they are, in effect, locked out of the voting booth by voting laws as obsolete as the 12-hour day. Indeed, many voting laws still on the books were written in that unlamented era and should have been revised decades ago.

Some figures shed light on the problems of registration and voting in America and suggest that there is indeed far more than apathy limiting participation of our citizens in the electoral process.

In 1968, 116 million Americans were over 21 years of age and eligible to vote in the Presidential election that year. Approximately 40 percent of these—some 47 million eligible citizens—did not vote; 27 million were not even registered. In 1972 the situation was even more shocking. In that year the eligible electorate was composed of 139.6 million persons 18 years of age and older. Of these, 44.6 percent—62 million persons—did not vote; 40 million eligible individuals were not registered. In 1968 election experts have estimated some 10 million of those who were not registered could have, but did not register. In 1972, some 17 million of the unregistered could have registered, but failed to do so due largely to the same conditions that served as obstacles to registration in 1968. This is, of course, the result of many factors, but the principal ones were the difficulty of meeting the various State residency requirements and absence during periods for registration, relative inaccessibility of places of registration for many people, and limited periods of time for registration—a very effective barrier for many working people.

It is a shocking fact that in 1968 there were 20 million persons—in 1972, the number was even higher, some 22 million—who would have registered but were prevented from registering by arbitrary and restrictive residency requirements and by other voting laws designed to inhibit rather than encourage use of the franchise. No one can accurately guess how many would have registered and voted if the barriers to doing so had not existed, but it is reasonable to assume millions would have, and many of those who did would have been members of our unions.

In our view, guessing at numbers is unimportant. What is important, we feel, is the prevention of any eligible citizen from voting by an unfair law or regulation in any election.

Obviously in recent years there has been progress toward more rational and more equitable election laws. The Voting Rights Act of 1965, extended for 5 more years in 1970, has brought about a dramatic increase in voting participation by black and other minority group Americans, and it has eased residency requirements for voting in Presidential elections. The United States Supreme Court's decision in the *Dunn* case has also helped tremendously in opening up registration and voting to more people.

Extension of the franchise to 18-year-olds by reason of adoption of the 26th amendment made possible the addition of large numbers to the voting rolls, even though the pattern of registration and voting of young people does not seem thus far to differ substantially from that of their elders. Some States have also made sincere, if belated, efforts to clear away some of the barriers that have stood between citizens and the voting booth for years.

But still, the laws of many States and localities continue to stifle voter participation. It is time, we believe, to wipe the books clean and to cease playing around piecemeal with our election laws. It is time to enact national registration and voting standards.

Such national registration and voting standards are, we believe, included in S. 352, recently passed by the Senate after defeat of an effort to kill the bill by a filibuster in the Senate.

That bill is now before this subcommittee, as are a number of similar bills introduced by Members of the House, including H.R. 6278, introduced by Representative Frank Thompson of New Jersey; H.R. 6700, introduced by Representative Phillip Burton of California, and H.R. 8053, introduced by Representative John Dent of Pennsylvania, the chairman of this subcommittee, and other Members of the House of Representatives.

H.R. 8053 is identical with S. 352. We strongly urge that S. 352 be promptly reported with the committee's approval.

S. 352, as passed by the Senate, would establish a national system of voter registration for Presidential, senatorial, and congressional elections, administered by a Voter Registration Administration in the Bureau of the Census. Post card registration forms would be delivered through the mail to every postal address in the country preaddressed for mailing when filled out, to the appropriate State or local registration officials. The bill establishes a 30-day residency requirement for voting in all Federal elections and would provide financial inducements to the States to adopt the post card registration system and the proposed 30-day residency requirements for voting in State and local elections, as well as Federal elections. Strong fraud prevention provisions are included in the bill to work with local election officials in preventing and punishing fraud in registration and voting.

The McGee-Dent bill, while providing Federal machinery to encourage and assist voter registration is designed, as we see it, to build upon and improve the State and local registration and voting laws. Substantial changes in the direction of facilitating voter registration and lifting unreasonable and arbitrary restrictions on the right to vote have been made in the laws of many States in the last 2 years. While the Congress by constitutional amendment and the courts by their decisions have given great encouragement to this development,

the work the States have done themselves along these lines should not go unnoticed. The bill expressly recognizes these developments, and rightly so. This is the right approach, we believe, and you are to be congratulated for adopting such an approach.

The bill includes provisions to guarantee that the residency requirement for registration shall be no longer than 30 days prior to voting in Federal elections and to encourage adoption of residency requirements no longer than 30 days for voting in State and local elections.

Extending a residency requirement of no more than 30 days to congressional elections, and providing financial assistance to States which bring their laws into line with Federal residency requirements would make sure that the franchise is broadened for many who still are denied the vote by arbitrary State restrictions on registration. We believe provisions along these lines are of great importance and should be included in the bill.

It has been argued that the mail voter registration provided for in S. 352 may result in substantial amounts of fraud in registration and voting. It should be pointed out, however, that S. 352 does not relax State laws to prevent fraud but on the contrary adds substantial protection against fraud. For example, local election offices must send a non-forwardable registration voter verification for all registrants by mail. If the return address does not exist or no such person attempting to register resides at the address given, the verification form would be returned to the local election officials for investigation. The Voter Registration Administration would be authorized to provide assistance to State and local officials in fraud investigations, and the Attorney General would be authorized to bring civil actions to enjoin fraudulent registration and other illegal acts. Thus, to the sanctions provided for under local law the Voter Registration Act would lend the additional assistance of Federal penalties and enforcement.

The adoption of the 26th Amendment providing the right to vote for persons 18 years of age or older has apparently given rise to fear on the part of some persons that registration by mail might result in a large volume of registrations by college students desiring to vote in their college towns. In this respect, however, S. 352, the proposed Voter Registration Act, does not change existing law. Insofar as the qualification of college students to vote in the communities where they go to college rather than at home is concerned, this depends on State law and S. 352 would not change such laws. The 1972 election, when students for the first time had the benefit of the 18-year-old vote resulted in no extraordinary numbers of registrants among college students despite the fact that vigorous attempts were made by several groups representing both political parties, and other organizations to obtain large numbers of registrations by college students.

As a matter of fact, postcard registration should make it easier for college students to register and vote back home rather than where they go to college. The inaccessibility of the county clerk's office which inhibits registration by young people, as well as older people, will be replaced by the nearby post box. This should encourage registration at home rather than in the college community.

Another area where voting restrictions should be scrutinized is that of absentee registration and voting. Under the Voting Rights Act

of 1970, applications for absentee ballots in Presidential elections must be accepted up to 7 days before the election, and ballots must be accepted up to the time the polls close. In 1970 nine States had more restrictive deadlines for absentee ballot requests, ranging from 8 to 30 days before the election. Eleven States provided that absentee ballots must be received the day before the election. In this area, too, some improvements have been made, but we still have the problem of different standards applying in Federal elections, on the one hand, and State and local elections on the other. We think uniform standards are needed not only for registration practices and residency requirements, but also for absentee registration and voting.

We also feel there is a need to improve current administrative practices, particularly in recordkeeping and the printing of election data. Cumbersome ledger books have been replaced by magnetic tapes in many areas and States, allowing records to be kept current through vital statistical data provided by various agencies. On the basis of the data in the computer files, official lists of registered voters can be made readily available to local election officials, and with less expense and a higher degree of accuracy.

Such standardized and centralized computer systems have facilitated the later closing dates for registration which, as we have urged above, should be provided for and, we believe, have substantially reduced the opportunities for illegal and fraudulent practices in registration and voting. Data processing can be the watchdog to prevent the legally unqualified from voting.

Where laws encourage voter participation, make registration easy and permit registration close to election day, registration and voter participation can be increased substantially. Where laws inhibit voter participation, make registration inconvenient, and shut off registration long before election day—as many do—registration and voter participation tend to be low.

We believe it is essential for the Congress to initiate now a truly serious national effort to establish standards that make registration and voting easy in all elections. The AFL-CIO believes that in our democracy all citizens should have the opportunity and should, in fact, take part in selection of the public officials who make the decisions that affect their lives. This process of selection is performed in the voting booth. Citizens of every State should have equal and easy access to the voting booth.

It is the right of vote that most distinguishes democracy from dictatorship. Whatever limits it blurs this most important distinction.

Mr. MATHIS. Thank you for a very helpful statement.

Are there any questions from the committee?

Mr. MOLLOHAN. I notice you projected a figure here of 139,600,000 that were eligible for registration, but that 40 million did not register, which would suggest that there were 99,600,000 registered.

What percentage of that 99,600,000 voted last year if you have these additional figures?

Mr. BIEMILLER. Percentage of registered voters who voted.

1972, 87.5 percent of all registered voters.

Mr. MOLLOHAN. Do you mean 87.5 percent of those who were registered to vote did vote?

Mr. BIEMILLER. That is right.

Mr. MOLLOHAN. That is a startling and highly satisfactory voting record.

Mr. BIEMILLER. In the previous election in 1968, 91.2 percent voted of those registered.

Mr. MOLLOHAN. I did not expect a figure like that at all.

Yesterday in some testimony which was presented here to us it was indicated that in Texas we have the postcard, even coupon registration law, where anybody may send in a postcard and register, or even clip a coupon out of the newspapers and register. But also there were only 44 percent of those who were registered who actually voted there. Is that a correct figure?

Mr. BIEMILLER. I have those figures here somewhere also.

Texas, 45 percent.

Mr. MOLLOHAN. Here is a State where you have the easiest and most successful—that isn't quite true either because I understand North Dakota has a law whereby you may go in and register at the very precise time that you are going to vote in North Dakota.

Mr. BIEMILLER. Mr. Mollohan, forgive me. I must correct that statement. I gave you the figure of eligible voters who voted in Texas. That is potentially eligible voters, the percentage of those over 18 who participated. There is no figure in the column that I have available as to the percentage of registered voters. There are about 12 States—

Mr. MOLLOHAN. That is all right. That is even a better figure for my purpose, trying to get a more clear picture of this. What is the percentage of those who are eligible to vote but did not register or did not vote nationally in the 1972 election?

Mr. BIEMILLER. 55 percent of those eligible to vote or register.

Mr. MOLLOHAN. That would tend to suggest that you have a better voting percentage of those who are eligible to register and to vote where you then have the customary and varied, but firmly established in our local communities and States, registration process rather than this somewhat new—

Mr. BIEMILLER. While Texas, in our opinion, has liberalized its registration laws considerably, particularly by allowing post card registration, they still have one very bad restriction: You cannot register after January 31 in a Presidential year.

Mr. MOLLOHAN. That is within about 90 days of their primary though.

Mr. BIEMILLER. Yes, but they don't open it up again.

Mr. MOLLOHAN. This would tend to suggest to me that the nonpost card/noncoupon process are actually more productive of the percentages at the voting place than that where it is very simple and easy to register and become eligible to vote.

Mr. BIEMILLER. These States vary considerably. For example, one of the highest registrations consistently over the years is in the State of Idaho where you can register up until the Saturday night before election and where furthermore deputized registrars can go house to house and register people.

Now, in the last election Idaho had about 65 percent registered, which is 10 above the national average. Furthermore, the turnout in

Idaho has always also been very high of those who were eligible to vote—that is, who were registered; 78 percent.

Mr. MOLLOHAN. Now yesterday also, in our testimony which was presented to the committee—and the reason I am repeating this, I look upon you as a very fine source of information on this. I know that you and those who are associated with you have done a very exhaustive and extensive study of this question so I am really asking for your reaction to testimony which we have had previously.

I don't think any of us would expect two States to be any more similar than North and South Dakota. Now, North Dakota has a very easy process of becoming eligible to vote.

Mr. BIEMILLER. They have no registration.

Mr. MOLLOHAN. They do have registration, but it is a sort of register-and-vote situation.

Mr. BIEMILLER. You just walk in.

Mr. MOLLOHAN. On election day you go in and if you are not registered, you present justification for being eligible. If you are not registered you can become registered and can move on 10 seconds later and automatically vote.

That is North Dakota. In South Dakota they have the old traditional processes of prior registration. As I understand it, as it was suggested to us yesterday, the voting percentages are almost identical. I think possibly one point variation.

Mr. BIEMILLER. South Dakota is just about one point ahead of North Dakota.

Mr. MOLLOHAN. South Dakota has the old traditional process of registration.

All of this suggests that the post card process is not going to be of any assistance whatsoever. I say "suggest" it. I am just wondering if you can't make things too easy. I know in 1968 in my campaign I felt it was necessary for me to have some awareness of where the voting patterns were.

What percentage and what age groups that were eligible to vote really voted and I found in the 21 to 25 range there was a very, very low percentage of those who actually voted. You had to get up to the 35- or 40-year range. These things are very interesting but I wonder if we are not sometimes trying to take on the burden ourselves of something initially citizens ought to take upon themselves. They don't want somebody to do these things for them.

We have talked about Texas in relation to nationwide, and the North Dakota and South Dakota processes. These suggest that the post card and the ease of registration is not the answer.

Mr. BIEMILLER. I repeat, in North Dakota they have no registration except, as you say, you automatically register by saying "I am coming to vote." That is all you have to do. That is true, by the way, in some rural areas of Wisconsin, also: there is no registration. You just go in and vote. That is all that happens.

North Dakota, until 1951, did have a system of registration roughly comparable to other States. When they dropped it, their percentage of voters went up considerably since that time.

Mr. MOLLOHAN. The geography and the distribution of population in South Dakota and North Dakota, isn't this—I ask you this question from a lack of information—isn't this pretty much identical?

Mr. BIEMILLER. Fairly comparable. There is a heavier Germanic element in North Dakota than in South Dakota. Both have large Scandinavian groups and so on.

Mr. MOLLOHAN. I have the concern that you are expressing here today and that is, trying to encourage a greater percentage of our people to exercise the right of franchise and vote at the polls. We are trying to make it easy for them and encourage them in every way. But it seems to me the easiest way in the world for a person to become eligible to vote who really wanted to vote, regardless of whether he was there 30 or 60 days, the criteria of eligibility is something to be determined later down the road somewhere, but it seems the easiest way for a person who is really eligible to vote but had not registered—that is, he had all the requirements—the easiest way would be for him to go in on election day and present himself, identify himself, register and move on to voting immediately. This would be even easier than the prior use of the post card, or any other process.

If we were to look toward that which would satisfy our purpose and our desires, would you look upon the North Dakota process as being more desirable than the post card, or would you look upon the post card as being more desirable and why would you choose one over the other?

Mr. BIEMILLER. I think in populous areas——

Mr. MOLLOHAN. You can't make that distinction. We are talking about a national registration program here. We can't make that distinction.

Mr. BIEMILLER. I want to make a point there where you would run into opposition to the North Dakota system. In populous areas people believe they want the registration rolls available and available for checking.

Let me talk about the city I obviously know best, Milwaukee. There the polling lists are put in several places in every precinct. The precinct list is put on a telephone pole so that anyone may go and check that list. Furthermore, that list has been previously checked by the police force, going house to house and finding out whether the people still live there.

In addition to this situation, Milwaukee has a partial kind of post card registration. If you have moved from the last location in which you voted, all you have to do is send a post card to the election commission and say, "I moved from Brown Street to Black Street." That is all you have to do, put the address on it and your signature.

The first time I ran for the legislature I had a tough fight and won it, but we produced over 3,500 such cards out of a total electorate of about 17,000. That is electorate that voted. I don't say all of those 3,500 voted, but we did produce that much. The population of the district then was about 48,000. There were 3,500 people we picked up on this postcard registration system.

I am willing to admit I think you can make a strong case for the North Dakota system, but I have a feeling that in some areas the Republicans would object to it on the grounds they think there is a better Democratic machine than there is a Republican machine. In some areas I think the Democrats would object to it because they are fearful. I don't share the fear, I hasten to add.

Mr. MOLLOHAN. This is a valid point and I think what we are all looking for is good and wholesome across-the-board cooperation and acceptance on the part of everyone at all levels, State, county, and local, as well as Federal, but what we are talking about primarily in this legislation is the Federal election process, the Congress and the Presidential race.

It wouldn't make any difference as far as our legislative process is concerned here, whether this which we are developing and talking about today was acceptable to them or not. What we are doing is establishing a process for Federal registration and it need not apply—although we are building in some incentives, some encouragements here, to cause local authorities to accept it, but still this isn't mandatory. It is mandatory that this registration method be accepted for the purposes of voting in Federal elections, so I don't think that this point that you have made has validity. It is interesting and I think it is important, but in the making of the final decision as to which course we will pursue and which way we will go in establishing a registration process for Federal elections, this is a point of no moment.

Mr. Chairman, that is all.

Thank you very much.

Mr. MATHIS. Mr. Harvey?

Mr. HARVEY. Mr. Biemiller, yesterday a representative of Puerto Rico was in here asking that that country be excused from the act and stating the fact that they have had accomplished tremendous results in getting people registered and to the polls, so much so that in the last election they had 95 and some tenths percent of all their population vote and they did so not by postcards, but by making election day a national holiday. A very festive occasion, when everybody felt they had the duty to vote.

My question to you is, would you favor this?

Mr. BIEMILLER. This reference, of course, was to the last election, where they had one of the most spirited fights for Governor and for the legislature that ever took place in that State.

I can see a good reason why Puerto Rico would like to be exempted. They don't vote for President. They have exactly one elective office in the entire island who would be affected. That is not the situation in most States where you have a number of Congressmen and a Senator as well as a presidential vote. I think you must recognize Puerto Rico has this peculiar problem. You certainly don't have it in Michigan. You have 19 Congressmen. You are covering a great many people who are affected by this situation in that many districts, as well as electing a Senator.

Mr. HARVEY. I still did not get the answer to the question. Would you favor making election day a national holiday?

Mr. BIEMILLER. We are very skeptical. Unless you change the election day to a Monday. We have a feeling that in many States if you had a Tuesday election holiday—and, remember, in many States this comes in the hunting season, when it is just opening. You might find a tremendous amount of people who would take the weekend, Monday and Tuesday, to go hunting and would not vote. We are skeptical on this.

The Senate yesterday voted to make election day a holiday. They put a rider on a bill that was dealing with some other aspects of the election machinery.

Mr. HARVEY. Was this in committee?

Mr. BIEMILLER. No, on the floor; 67 to 29 is my recollection. Don't hold me to those figures, but I think that is what it was.

Mr. HARVEY. The mail that I am getting from my county clerks, city clerks, village clerks, and the people charged with the duty of registering people and to whom I sent a copy of S. 352, together with a report of the Senate, and so forth, is thus far overwhelmingly opposed to it and most of them fear the dual registration that is likely to come out of it.

Do you see any way to overcome this dual registration?

Mr. BIEMILLER. I would assume that what would happen, if the Federal registration system was put into effect, that the States would conform their registration system because I agree that the appearance of dual registration lists could be a very awkward situation and I think you will find in most States they would accept the Federal registration as a registration for State and local officers as well. That is, the Federal form.

Now, remember that Federal form is handled by the clerk, as you say. That is what worries them at the moment. You would have both a list under State law and under Federal. But it goes to him and doesn't come back here to Washington.

Mr. HARVEY. I have no further questions, Mr. Chairman.

Mr. MATHIS. Mr. Ware?

Mr. WARE. I think we should note there are factors which make some of our percentages of registration of voters inaccurate and that is to the degree that you have certain religious groups who oppose voting; you have other religious groups where the females do not vote and then, of course, we have restrictions with regard to mental capacity, et cetera.

Mr. BIEMILLER. I agree, of course. Everyone knows we have that. But this thing is checked constantly against the records that are there and this is what we would expect to be continued. I don't see where your point is taken.

For example, you talk about people who don't want to vote because of religious holidays. I remember vividly one time when I was in the Wisconsin Legislature I suddenly woke up to the fact that our spring election, which covers a lot of local offices, was falling on a Jewish holiday and, believe it or not, in 24 hours I got a bill passed making that a new proviso for obtaining an absentee ballot so they could vote in advance. There are ways this can be handled.

Mr. WARE. I am speaking about religious groups who, because of a matter of religion, do not vote and do not register. It does not have to be a religious holiday.

Mr. BIEMILLER. That isn't a very large number.

Mr. WARE. No; but I am suggesting there are factors which make these figures inaccurate and our objective—

Mr. BIEMILLER. A very small margin of that. A handful of Amish here and there, and so on.

Mr. WARE. In the Pennsylvania 16th District that is a substantial factor.

Mr. BIEMILLER. I agree, whether you have national registration, local registration, or any other thing, those folks aren't going to vote.

You may be right; there is a district here and there, but I am talking about nationally it is not a great problem.

As far as women are concerned, that is just their own feeling.

Actually, the worst turnout among older people is women over 75. There you get a very poor turnout, relatively speaking. If my memory serves me right, in almost every age category when these things are broken down there is a larger percentage of eligible men voting than there is women. Sometimes it gets awfully close; it will be an infinitesimal variation.

Mr. WARE. I didn't intend to prolong this. I was merely pointing out you cannot take a percentage of a population of certain age groups and say we ought to get 100 percent of that, as much as we would like to.

I notice your comment with regard to the vote in Puerto Rico and the fact that they are really only voting for one candidate.

Mr. BIEMILLER. National.

Mr. WARE. The same thing is true in six of our States on those election years when only a Federal election is being held for the U.S. House of Representatives, since six States—

Mr. BIEMILLER. And if there is no Senator up in that given election.

Mr. WARE. That is correct.

In those cases the turnout is far below that of Puerto Rico. So there apparently is another factor involved in Puerto Rico.

I assumed yesterday that a national holiday had some bearing on it. I don't know whether that is true or not.

Mr. BIEMILLER. There are other folks you know who—along that line, the national holiday line—are arguing that we ought to put the elections on Sunday because this is how the Europeans get their big turnout. They vote on Sundays in Europe. Not everywhere in Europe, but in many parts of Europe they vote on Sunday. France votes on Sunday, for example. Again I am not sure you could sell that idea.

Mr. WARE. It would probably be simpler to sell a holiday on a different date other than Sunday or even Saturday.

That is all, Mr. Chairman.

Mr. MATHIS. Mr. Frenzel?

Mr. FRENZEL. In your testimony you indicated that in 1972, 40 million eligible individuals were not registered. Do you get that data from the Department of Commerce?

Mr. BIEMILLER. The Census Bureau in the Department of Commerce.

Mr. FRENZEL. In the next paragraph, you say 20 million persons, and in 1972 the number was even higher; 22 million would have registered but were prevented by arbitrary and restrictive residency requirements.

Can you tell me where that figure comes from?

Mr. MEIKLEJOHN. That comes from the same source, Mr. Congressman.

Mr. FRENZEL. Do you have a particular publication or sheet of paper to which you can refer? The reason I was asking is, I have a 1968 statement from the Department of Commerce and I can see where the 27 million figure comes from, 26,942,000, but when I look at their quiz which says, "Why didn't you register?" I find those who said they were unable to register, at 13.4 percent, which seems to be closer to 5 million the way I do mathematics, which is crude, of course—slightly over 5 million.

I am wondering where that 20 million and 22 million figure came from.

Mr. MEIKLEJOHN. We will check that.

Mr. BIEMILLER. We will check our records and give you the actual citation.

Mr. FRENZEL. I presume also the Department will have that survey which they quadrennially produce after the election, which says how many people thought they were unable to register and how many didn't for other reasons.

I do note in 1968 that they indicated that those who weren't interested amounted to more than half of those who did not register. I presume there is no anticipation that post-card registration is going to pick up any of them.

Mr. MEIKLEJOHN. There are a lot of factors affecting the matter of interest, and among those factors is the difficulty of registration. Various impediments to it, the inaccessibility of registration places, time of registration, and so on. These all have a great deal to do with the matter of interest.

Mr. FRENZEL. Fine, but in the 1972 election, of course, the residence shouldn't have been much of a qualification for Presidential election registration, should it have been?

Mr. MEIKLEJOHN. Residence?

Mr. FRENZEL. Yes. Because we were on a national 30-day residence rule. If you couldn't make that in the new jurisdiction, you had the option of voting absentee in your old jurisdiction.

Mr. MEIKLEJOHN. I wasn't citing time as much as I was accessibility of registration places, and so on. You still had to go down to the courthouse to register in most places. You didn't have the registrar going out to the prospective voter and registering him as you do in some places. Most of the time he had to go to the courthouse, and often he had to go to the courthouse only during the time when he was at work. Those people do not have the overwhelming interest that would make them take time off to go down to register. That is how the factor of interest gets involved in some of these other data.

Mr. FRENZEL. We were talking yesterday about the ways to excite interest in registration, and some of them were these things you are raising today. The face-to-face registration. In my State, we sent registrars into the high schools to pick up the newly enfranchised voters; we have people moving through shopping centers; we have night registration, and so on. In each case, of those suggestions, there is the face-to-face confrontation, meeting the voter, acquainting him with his duties of citizenship, and I was asking some of the witnesses yesterday whether these aren't better ways to insure an ultimately larger voter participation than the post-card method. I didn't ask this idly.

Since we have a lot of criticism of the post-card system, and since it overlays some State systems and the criticism seems to come from the States, municipalities, and counties that have to do it, are there better ways to insure broad registration, and more importantly, are there better ways which will ultimately assure better voter participation, particularly for a given amount of money? You people are supposed to be experts in registration techniques, so I would like to have your opinion on this.

Mr. BIEMILLER. Our electoral people think that the most feasible immediate improvement would come through the post-card registration system. There are other systems we would prefer, but I haven't yet found anybody in the Congress interested.

For example, last fall I was visiting my son who is on the faculty of the University of Toronto. They were about to have a municipal election. As I am sitting in his home visiting with him, the registrar comes to the home. The official registrar. Not a deputized person. They do this for every election in Canada. They send their registrars around for a Provincial election.

Mr. FRENZEL. I understand they have 98 percent registration in Canada. I further understand it costs—if we were to use the same process at the same cost, and I don't know if we could—\$100 million in the United States to do that. We have had estimates for post-card registration that run up to and even above \$100 million.

Would we not be better advised to invest our registration money in face-to-face registration?

Mr. BIEMILLER. Yes, but your problem is, in part, that you would have to work through a State system. You are thinking then in terms of the subsidy type of thing we have in here being made greater for that sort of thing. Actually, our estimate is about \$40 million on the post-card registration, not \$100 million. I am not at all sure you could do the other one for \$100 million. I don't know. We will be glad to get our experts' opinion on this and get it to you. Obviously, if we could get the Canadian system, we would be the happiest people in the world. It solves everything.

As you say, for all practical purposes, it is 100 percent. The 98 percent means there's a few people they never did find at home or who had moved since they registered.

Mr. FRENZEL. They have their same problems in their figures we do. Our figures contain aliens and non compos mentis types. There is no 100 percent. I agree with you, I like that particular system.

Mr. BIEMILLER. I may say I was impressed when I saw this happening. My son tells me they do it before every election regardless of what the election is; whether municipal, Provincial, or Federal.

Mr. MATHIS. Thank you, Mr. Frenzel.

Mr. Biemiller, I have heard yesterday and today, this subcommittee has heard from several different witnesses and invariably it seems we have gotten different figures reported to us on what the total percentage of eligible voters actually was in 1972. I wonder if you would share with the committee again those figures that you—

Mr. BIEMILLER. I didn't get the end of your statement.

Mr. MATHIS. The percentage of actual voters who were eligible who participated in the Presidential election in 1972.

Mr. BIEMILLER. The figure that we have from the Census—you are talking about those who were eligible to vote regardless of registration?

Mr. MATHIS. Yes, the percentage of eligible voters who participated in the election.

Mr. BIEMILLER. These are Bureau of the Census figures. There were 139,642,000 eligible to vote, and 77,684,000 voted—55.6 percent.

Mr. MATHIS. What was the turnout of registered voters, percentage-wise?

Mr. BIEMILLER. That I do have. The percentage of registered voters that voted I gave earlier; 87.5 percent of all registered voters.

Mr. FRENZEL. We discussed that figure yesterday. Those are 1968 figures.

Mr. BIEMILLER. These are 1972 figures; 87.5 percent is what we have from the Census Bureau.

Mr. FRENZEL. It is 73 percent. You can't add NA's in there where you don't have registration.

Mr. BIEMILLER. There is one State that has no registration at all and a few others that in the rural areas have no registration.

Before you came in we had a little colloquy on that.

Mr. FRENZEL. You have no registration and a lot of votes and you pour that in and it raises the percentage of registered voters actually voting, but it also occurred in a number of other States. So we are actually figuring 73 percent and you are showing 87. It is a minor inaccuracy, but it is an inaccuracy.

Mr. BIEMILLER. These are Census figures we are giving you.

Mr. FRENZEL. Not the 87 percent. You added that up.

Mr. BIEMILLER. As we said earlier, we are very happy and will produce in a statement to the committee our basis for our figures.

Mr. MATHIS. This is the point I was trying to make, that we have received a number of figures being the actual percentage of registered voters who participated in the 1972 election, but I would call to your attention from the committee hearings in the Senate on page 29 of that transcript they have a column listed as turnout of registered voters by percent in the 1972 Presidential election and the highest total that we see on this chart is 88.5 percent, which was the State of Massachusetts, and it goes down much beyond that, even to my State of Georgia where the percentage was 48.8, and I think if we average out those percentages, it is far less than the 87.5 percent figure that you have used.

One other question that came to my mind, knowing of the total commitment that you have, Mr. Biemiller, and that the Labor movement has in this country to registration and full participation on behalf of all our citizens, has a contract ever been negotiated by all the unions, the jurisdiction of AFL-CIO, that would provide for a holiday for workers to go and register and to vote?

Mr. BIEMILLER. I am not aware of any such.

Mr. MATHIS. I wonder why that has not been done?

Mr. BIEMILLER. Because they generally want their own holidays off and most of our contracts carry anywhere from 9 to 15 holidays.

Mr. MATHIS. One more for the purpose of participating in this democratic process—

Mr. BIEMILLER. You have got to get management to consent, don't forget, on a thing like that. Just because we want it doesn't mean we are going to get it.

Mr. MATHIS. You have been pretty successful in getting some other things and something that I hope management would be interested in too, would be this process of democracy and I think it is something that might be considered by union leadership in the future.

Mr. HARVEY. Mr. Chairman, I have one other question.

Mr. Biemiller, when Senator McGee was here yesterday, he stated to us that in his judgment the post-card registration system was satisfactory for the urban areas of the country, but it was unsatisfactory for the rural areas of the country. I questioned this at the time because it appeared to me that just the reverse was true; that in his State of Wyoming, for example, where a rancher might have to drive 100 miles to register, the post-card registration would be much better. Nevertheless, he stood on his statement and said that he felt it was effective in the urban areas but ineffective in the rural areas.

Having in mind that the Supreme Court recently ruled on the Hatch Act and ruled it to be unconstitutional, as I was reading section 404 (b), it appears that there is considerable discretion vested in the Federal Government and in the employees of the Federal Government, where they shall render this aid to State and local officials upon their request.

My question to you is, does it bother you that we are turning over somewhat of a political decision to Department of the Census employees to determine what areas in the country shall receive this aid and whether they be urban areas or rural areas? Would you care to comment on that?

Mr. BIEMILLER. In the first place, I don't regard registration as political in the sense that it is going to necessarily elect anybody. I mean registration simply means you are eligible to vote. It doesn't say you can go beyond that.

If you talk about these other areas, as I read that they can only do it at the request of a State official. They are not going to superimpose themselves on the State system.

Mr. HARVEY. Certainly you would agree if they decided to do it only in the urban areas, in most of the cities of the United States, that would be a political decision. The practical facts of life are the votes for one party come from the urban areas and the votes for the other party come from out-State areas. In some areas of the country, at least. There are patterns to all this is what I am trying to say so these become very political decisions and my question to you is whether this bothered you at all?

Mr. BIEMILLER. I don't see it as a practical problem. I would assume no State would come in with a request for just part of the State. It is on the request of the State official, not on the request of Cook County or Wayne County, or any such thing as that.

Mr. HARVEY. Do you feel it ought to be administered in that fashion, that it ought to be administered on the basis of either the entire State or no portion of that State?

Mr. BIEMILLER. That is the way I read the law and I think that is the way it should be.

I was a little taken aback, Congressman, by what you said Senator McGee said here. I wasn't here so I don't know about the discussion, but I would agree with you that I think the postcard registration is valuable in many rural areas as well as in metropolitan areas.

Mr. HARVEY. He was quite firm yesterday on that point.

Mr. BIEMILLER. He has never raised that with me and I have had many discussions with the Senator on this bill, both formal and informal.

Mr. HARVEY. I have no further questions, Mr. Chairman.

Mr. MATHIS. Mr. Biemiller, thank you very much for a very fine and helpful presentation to the committee. We appreciate very much your coming, as well as the presence of Mr. Meiklejohn.

Mr. BIEMILLER. Thank you, Mr. Chairman. We appreciate being here.

Mr. MATHIS. Our next witness this morning is our friend and colleague from New York, the Honorable Charles Rangel, who I believe would be an advocate of the bill before us.

STATEMENT OF HON. CHARLES B. RANGEL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. RANGEL. Thank you for this opportunity.

My office has prepared what they believe to be a scholarly presentation of the facts. I would ask permission at this time to have the entire statement entered into the record and I would like to speak to my personal feelings about this as it relates to my district and the city of New York.

Mr. MATHIS. Without objection, the statement will be made a part of the record and we will be glad to hear from you.

[The statement follows:]

PREPARED STATEMENT OF HON. CHARLES B. RANGEL, MEMBER OF CONGRESS

Mr. Chairman and distinguished members of the Subcommittee on Elections of the Committee on House Administration, I am pleased to be able to have the opportunity to come before this Subcommittee to voice my enthusiastic support for H.R. 8053, a bill that is of compelling importance to the American democratic and political processes.

At this point in time in the American experience, we enjoy the reputation of a people involved in the process of a thriving participatory democracy. But the rate of participation of the American electorate in recent elections shows that this is merely an illusion.

Nationally in 1960, 64 percent of those eligible to vote in that exciting Presidential election actually voted. In 1968, another election that was closely contested, the figure dropped to 60.6 percent. In last November's Presidential election, the figure plummeted to a dismal 55 percent.

Local elections across the country are far worse. On June 4th, three weeks ago, just 29 percent of the eligible voters went to the polls in my home city of New York to cast their vote for the Democratic Party's candidate for Mayor. Recently 9.1 percent of the eligible voters turned out for local elections in Dallas, Texas. In Oklahoma City, Oklahoma, there was a 4.4 percent turnout. When we look to our neighbors in Europe, the illusion becomes all the more clear. Countries such as Germany, Denmark and England consistently achieve 80 percent voter turnout and occasionally approach the 90th percentile.

It is quite evident from these depressing statistics that the great majority of Americans are *not* participating in our electoral process. The pivotal question is why. The very obvious answer is voter registration.

The general but very steady decline in voter participation in the U.S. is paralleled by the advent of a system to register voters. In 1876, more than 8 out of every 10 eligible Americans voted. It was at this point that the states began adopting complex registration systems. The fear of corruption and the mass immigrations to the country were the primary stimulants for the enactment of these laws designed solely to keep people out of the system and away from participation in the democratic process.

In the major elections since 1876 and the arrival of voter registration, participation in Federal elections has dropped over 30 percent. Conversely, the state of North Dakota has experienced a 14 percent rise in voter turnout ever since they abolished registration in 1951.

A widely held but extremely shortsighted view is that most Americans do not register and vote because they are disinterested and generally lazy. This is simply not true.

In 1960, Stanley Kelley, Jr. and associates at Princeton University analyzed the rates of registration in 104 of the nation's largest cities. The study concluded that "registration requirements are a more effective deterrent to voting than anything that normally operates to deter citizens from voting once they have registered."

Idaho, which keeps its registration rolls open until the Saturday night before the election, had approximately 90 percent of its eligible citizens registered to vote in the last election. This is extremely significant when we consider that 80 percent of persons who register—do vote.

On the other end of the scale is the state of Mississippi. In last November's election, the registration rolls were closed shut by early July. Come election day, barely half of the state's eligible citizens were registered.

Mr. Chairman, from my own experiences in New York City and from what I have heard and read about in other parts of our country, individual states and localities are simply not equipped or able to conduct voter registration in a fair, open and progressive manner. Whether state election officers are underfinanced or understaffed or are suffering from simple laziness, citizens all across the country are being denied a fair opportunity to participate in the workings of our democracy.

A 1972 study by the National League of Women Voters found that "Millions of American citizens fail to vote not because they are disinterested but because they are disenfranchised by the present election system." Three-quarters of our election jurisdictions have no Saturday or evening registration in non-election months. Nearly half have no additional registration hours during the pre-election period. Many jurisdictions across the country have only one location for registration.

Distinguished election officials such as David Dinkins of New York City and H. A. Boucher in Alaska, academicians such as Penn Kimball of Columbia University and various organizations such as the National Urban League, Frontlash and the AFL-CIO all fully comprehend the depressing realization that our system of voter registration is leading us, ultimately, into the mire that is Watergate and an electorate that simply does not care.

President Kennedy's 1963 Commission on Registration and Voter Participation starkly concluded that "Restrictive legal and administrative procedures for registration and voting are a major reason for low participation."

Mr. Chairman, I would not have painted this bleak picture if I did not believe that there is an effective and reasonable tonic for the disease. For in H.R. 8053 lies the medicine to cure the ailing patient. There is no doubt in my mind but that this proposal to establish a system of postcard voter registration for Federal elections will bring non-voters into our participatory process. By offering financial incentives to the States to adopt the postcard system for State and local elections, I believe that there will no longer be a 4 percent voter turnout in Oklahoma City and a 29 percent turnout in New York. H.R. 8053 will also greatly strengthen efforts to prevent the occurrence of fraud and corruption.

Upon the passage of H.R. 8053, no longer will the farmer have to travel hundreds of miles to the courthouse to register. No longer will an inner-city resident need to board two buses or the subway for the tiring and expensive trek downtown.

Long lines and short hours at the courthouse will no longer stifle participation. Imposing, threatening and, often, discriminating election officials will no longer

be able to step on the constitutional right of every American to register and vote.

Rather than citizens having to seek out the registrar, the postcard will allow the registrar to seek out and find the citizen.

H.R. 8053 represents the greatest ideals and goals that our nation was founded upon—an equal and fair chance for every citizen to participate in the making of our future.

Mr. Chairman, there are those who maintain that H.R. 8053 will not have a significant effect on registration and voting. Soon after the enactment of the Voting Rights Act of 1965, the registration of Black Mississippians zoomed from 6.7 percent to 59.8 percent. The registration of Mississippi's eligible White population jumped over 20 percent. Alabama, Georgia, Louisiana and other States also experienced similar increased registration and participation after Federal intervention to liberalize the registration laws of these States.

It is my belief that the bill before us today can have just as great an effect on voter participation nationwide, if only we in the House will enact it.

There is one important but usually overlooked reason why H.R. 8053 should be approved in Congress and signed by the President. The political parties, candidates and civic organizations that expend so much time, money, and effort attempting to register individuals should be dedicating themselves to voter *education* drives and raising the standard of political dialogue. By enacting these vigorous new registration procedures, we can see to it that this will be possible.

It is essential that we, in this hearing room today, fully comprehend the reason why a small minority of our colleagues in the Senate attempted to filibuster the legislation before us into extermination. The primary reason was *not* that they felt that the program would induce voter fraud and corruption or cost an excessive amount of money. The opposition to S. 352 and H.R. 8053 is essentially motivated by fear—a fear of change in the status-quo or possibly a change in the result of the next election campaign if every citizen is afforded a fair opportunity to register and vote.

Mr. Chairman, I believe that Congress learned its lesson well during the Vietnam years. We cannot afford to act or fail to act out of fear. We must always proceed with caution, but also with decisiveness. We must act carefully but with courage.

During the great civil rights efforts down South in the 1960's, thousands upon thousands of young Americans worked and struggled and put their lives on the line in the cause of freedom and a better democracy. Many of these Americans worked in voter registration drives. In a letter home, one young civil rights worker wrote, "The voter registration program, despite its shortcomings, is a beautiful thing to watch. . . . The voter registration classes are slightly tense, but what is more present is hope, positiveness."

By passing H.R. 8053, we, in the 93rd Congress, can restore hope and positiveness to the American spirit. We can move towards our 200th anniversary knowing full well that we have the opportunity of putting real meaning into the words, "We, the people."

Mr. RANGEL. I suppose this subcommittee has received enough statistical data to show there is a very close relationship between the method in which people are registered and their turnout and participation in primary and general elections.

I represent what had been a very poor district before reapportionment and now a middle-income area has been attached to this district. It is almost tragic that I can determine voter turnout, not by totally ethnic lines, but by the degrees of poverty that exist in my district.

What relationship does this have to registration? It is a close relationship between poverty and lack of educational opportunities.

We have a system in the city of New York where we send out so-called employees of the board of elections once a month to go into the various communities in order to register. Year round, however, one could go to the central board of elections in order to register. I can't tell you where that board of elections is actually located in the city of New York because it is so difficult to get there that one might sus-

pect it was placed in this location to cause people to be diverted from getting to where it is located. It is right off of the Hudson River. You have to take two or three subways to get to it. It is almost an impossible task for a New Yorker even to find it.

Now, when we get to our so-called decentralized registration, what do we have?

Part-time employees of the board of elections who are hired for the specific purpose who, generally speaking, are unemployable because the salaries are so low—the top salary for this type of thing on an annual basis would come to \$6,000, but they are only working on a seasonal basis—that is, for the 2 or 3 weeks that we have an open registration.

We have tried to bring the registrations outside of just the school system, placed in the firehouses and yet the people who came to attempt to register are faced with this person who has no political knowledge asking all of these personal questions, many times having to stand in this line 3, 4 and 5 hours merely to register and participate.

The result has been on the very local level it has become possible for the district leaders to actually personally identify that very small number of registered voters that can make or break any election and the majority of the people not participating in that election because of the effort it takes in order to register people. That is, to wait until the board comes to your community, to try to get time off from your job in order to register there, or to try to find this God-forsaken place for the centralized registration.

I have had long and serious discussions with the commissioner of registration, the commissioner of the board of elections in the city of New York, David Dinkins. He has testified before Senator McGee's committee. I do hope he has the opportunity to testify before your committee. Basically in the city of New York we recognize we have reached the point where a handful of politicians should not be able to control the outcome of any given local election merely because they can identify that very small number of people who are not only registered, but the people who turn out 80 percent of the time to participate in each and every election.

We have rules in our State books which say if you don't vote within a 2-year period you are dropped. Many people are not even notified they are dropped from the voter registration lists.

It seems to me that the legislation this committee is studying is something that is absolutely necessary in our urban communities. I have no personal experience to the problems that some people may face in the rural areas, but it certainly makes it easier for someone to participate. I can't think of any issue that is more important to me than to get the maximum number of people to be able to participate in our political process. I think that this allows one the opportunity to give vent to his feelings, to show how he is concerned about local issues. I think if we looked at our statistical data we would be able to find "Show me the community that relaxes registration and I show you a community that has started to participate in not only primary elections but general elections."

It seems even as we start looking at Presidential elections we see now a steady decrease in the percentage of people who are eligible to

vote but are not participating because they have not climbed that first hurdle, which is registration.

I think the postcard registration is an ideal method. I have introduced legislation that would complement this, but I am ready to accept any relaxation or any entry by the Federal Government to make the job easier for the citizen to participate in the election. It just seems to me there should not be a Federal building located in any community in these United States where one could not come forward and register. When one goes to the Veterans' Administration, it seems to me that registration should be made available. The social security office. So that there would be a general feeling that this country wants people to participate rather than provide the hurdle for them to have to jump over in order to decide whether or not they can participate.

I will be pleased to attempt to answer any question, but I speak not only for my own office and my own constituents, but as the result of hearings that I have held myself in the city of New York. Most all of the elected officials think the time has come, especially in the city of New York, that if the Federal Government doesn't give assistance we are going to have to change our ways to get maximum participation in the electoral process.

Mr. MATHEIS. Congressman, thank you for a very eloquent and very articulate statement relating to the problems that you have in New York City.

I wonder if you have available the percentage of eligible voters who voted and did not vote in the last election in New York City? Are those figures available?

Mr. RANGEL. We have it broken down. Only this morning I met with a gentleman who represents a computer firm, and they go to the board of elections and get the names of registered people, which makes it easy for me as a Congressman to relate to those people that politically can get me back into office.

I was really disappointed to find out that only 30 percent of those people who are eligible to vote within my congressional district are actively participating. This is my overall congressional district.

You move over to the more sophisticated part of my district and you will find 80 percent of the eligible voters registered and over 80 percent of that number actually participating in every election.

In other words, we are now, in the city of New York, able to discover on a computer who is participating and who is not, and we have had local elections where only 9 percent of the eligible voters have participated and made the difference as to who will be sent to the State legislature and who will not be sent to the State legislature.

We find a very close relationship between poverty—not being registered, and not participating in any local or national elections. Yet we have found with every effort we have made to bring that registration system closer to the voter, we find in that given community a higher participation in general elections and certainly in the primary election.

We have tried mobile registration. That is, just to have vehicles on the street, stopping people in the street, asking them to take time to fill out the form. We had hoped in other legislation, that is before our New York Legislature, that we can take the board of elections per-

sonnel out of one office and have them knocking on doors, and instead of just getting paid for sitting in an empty schoolroom, perhaps they could get paid on the basis of the number of people they have registered, similar to the census.

Of course, we had a bad count there, but here you would have somebody eligible to vote, is able to participate, and is able to feel they are part of the system.

Mr. HARVEY. I am not sure that I understood you. Did you say you did use mobile offices or you wanted to?

Mr. RANGEL. We did use it. We were able to get special permission to send vehicles into the street, using card tables.

Mr. HARVEY. Did that not increase registration?

Mr. RANGEL. There is no question.

My point is, in every effort we have made in the city of New York, we have been able not only to see the increase in registration, but the increase, which is more important, in participation.

I am just saying it is a drop in the bucket for me to stand on the street—and this is where we have to use our politicians—because our job is not just making the machinery available, but getting the politicians out to educate the voters as to the importance of being registered.

Yes, Congressman Harvey, when we were able to not only use the school but to use the firehouses, with the volunteer firemen off duty who came to assist us, we saw an increase in registration. When we were able to bring the mobile units out, we saw an increase in registration; and in our last registration effort, we were able to have card tables out with an official from the board of elections monitoring the registration.

Mr. HARVEY. Of course, none of our districts are the same. I think no district is similar to New York, but we use those methods in my area, in Michigan. We use the fire stations; we use mobile offices; we keep all of our offices open afterhours in the evening. They are open on a Saturday before the election; they are open during hours when people can get out and register, and we have none of the long lines where people are waiting, or delayed in registering.

It is made very simple for them.

Mr. RANGEL. That is not simple, Congressman, for someone to have to make any effort to participate.

It just seems to me if a person is over 18, it should be presumptive that he is able to participate in this Government. We should not have to ask people to wait in line.

The privilege should be given to them; there shouldn't be opportunity for them just to fill out the application. Certainly when someone wants to participate to defend this Government against our enemies, it is made very easy for them. The President sends them the greetings, and they know they are eligible for the draft.

It seems to me if we can identify those to participate in a war, we should be able to identify those over 18 to participate in a peace.

I know that various communities make it easier than others. I am saying it should not just be a privilege, it should be a right; and if we can just say, when you are over 18, you should be eligible—unless the U.S. Government can find reasons why this person should not participate.

So that, yes, we have done a lot of exciting things in the city of New York to increase the registration. We haven't made a dent in the eligible voters in the poor communities. Not a dent. There are many people in the city of New York who don't want us to make a dent because they can control what they know and the majority of the people that are eligible are not participating.

Mr. MATHIS. Are you suggesting the political machine is in control in the city of New York now that controls the election process—

Mr. RANGEL. No, if that was so, I would not be here today. The machine has broken down in the city of New York. But there are people at the local level that because there are merely a handful of people that participate in one given election district, that they don't even have to deal with the rest of the people in that given community, so we still have pockets of almost controlled voters because that is the known as opposed to what we would like to see, and that is the unknown, the people who haven't their names on the books.

I think in communities where the machine is still in existence—and I am not against machines, I think that machines are good if they function properly, for the benefit of all the people, but we should have at least that machine servicing all of the people rather than the handful they can identify because of the difficulty there is in getting people to register.

Mr. MATHIS. What you are saying is, you don't have a citywide problem in New York; you have problems in pockets in New York.

Mr. RANGEL. The pockets that I was talking about is where certain local politicians are able to identify the known registered voters. so that in campaigns it is only an appeal to him rather than an appeal to the general community.

The problem we have in New York generally is that we have a very, very low registration compared to the eligible voters.

You will be able to see clearly and distinctly where you have the affluent, where many of them participate merely by absentee ballot, and they participate because it is not embarrassing for them to fill out the papers and to have the interview and to take the test or whatever is necessary to vote.

I am saying as we find more and more people, poor people, coming to the city of New York, many of them just don't want to be embarrassed by a lot of questions; they work hard, they are tired; they don't want to stand in line. If they are going shopping, they don't want to be stopped by a politician asking them to fill out papers. They have problems with creditors and they just can't tell one guy from the next and people just don't like to sign lots of papers and go through the hassle which we find government requiring people to do.

These people understand the issues and would participate if we could just make it easier for them to join the system.

Mr. HARVEY. I have no further questions.

Mr. MATHIS. Mr. Ware?

Mr. WARE. I have no questions. We appreciate your being here, Mr. Rangel.

Mr. MATHIS. Mr. Frenzel?

Mr. FRENZEL. Congressman, thank you for your testimony.

First, I ought to make a short editorial where I would say when I heard this committee was going to take up this bill, had I been obliged

to write a statement, I would have written exactly the one you have written, or something very close to it. However, having been exposed to some of these numbers, I have great question on what we thought was conventional wisdom in the area of voter registration and actual vote and voter registration potential.

You indicated there was a great correlation between voter turnout and registration barriers and indeed, I think there has been and still is, but in light of the figures we have seen, it doesn't seem to be anywhere near the most significant factor.

You have indicated there is a correlation between income and registration in voting and I would agree that there is, but it seems to be becoming less and less significant. You indicated North Dakota has experienced a 14 percent rise in voter turnout since they abolished voter registration and you will be interested to know we have beaten North Dakota to death here over the last couple of days, analyzed it up and down and sideways and one of the things that came to our attention is, since 1960 their voter turnout in percent of eligible voters has declined every election since 1960.

Mr. RANGEL. Normally when the quality of candidates declines, the participation of the electorate declines as well.

We have had that in local and sometimes in statewide elections. You have to give the voter something to come out for.

Mr. FRENZEL. I am not going to agree that the quality of our candidates has been declining since 1960. I think we have had some good ones. I guess I would agree that people have been less interested in some of our candidates each year, but I think that is probably the point I am trying to make, that where registration barriers have fallen, primarily in the South, we have seen modest increases in registration and voting.

At the same time, we have seen, according to the Washington Post, national decline by 9 percentage points since 1960 and the decline has been in the large Northern States where fewer barriers occur. So I guess we are chasing here I think a bigger animal than we started out to pursue.

Mr. RANGEL. I would like to say this, in trying to see how an increase in registration really increases participation; we have seen in the local elections that when we have the national election that the local figure that is running, we can use him to gage as to how many more people. We have a steady increase in people participating where we have had voter registration drives. This is unusual, because normally it is the top of the ticket, just because of the location on our ballot which is on a machine, it is the top of the ticket that gets the attention and, as the voter goes down the machine, he starts losing interest.

We have found the reverse to be true. So therefore, in compiling our statistics, we would have to show what happened with all of the candidates. We have found local candidates running for party office, which is nonvalid, just a district leader within the Democratic Party, running ahead of the person that is running for President of the United States within the Democratic primary. So that our statistical data is sometimes misleading because there are other factors that cause a decline in participation in a national election, but that factor was not indicated as relates to local elections.

The tragic thing is when you can find just a handful of people determining who is going to sit on your city council or in your State legislative bodies, it means that government has not provided a way for these people to participate. We are trying in the city of New York, but this legislation would enable us to do a much better job and I just hope that other communities could benefit from it so that they can get behind this bill and support it so that becomes law.

Mr. FRENZEL. Thank you, Mr. Chairman.

Thank you, Charlie.

Mr. MATHIS. Thank you.

One final question: Has an effort been made in the New York Legislature to change the registration process in New York City?

Mr. RANGEL. No. The answer to that question is "No." This has not been because New York City has not been a prime mover in each and every legislative session with a package to bring about, first, drastic reform, and then in many cases just minor reform. It is tragic and unfortunate that historically our legislative bodies have been controlled by the noncity interests. These communities can more readily identify their voters.

This was the factor that I was relating to earlier, they know what they got, they do not want to change the status quo. We have never been able to influence our State legislature to make the changes that we need in the city of New York, even though we received support from the other five major cities. We have just never been able to get the votes.

Mr. MATHIS. Election officials in New York City you think want to maintain the status quo?

Mr. RANGEL. No, sir.

You see, we have a State legislature that controls what we are able to do in the city of New York. We have to get special permission from the State legislature in order to change our electoral process. The city of New York does not want to maintain the status quo. They have been the advocate of legislative registration reform. They have not been successful because our State legislative bodies are controlled politically and historically by the noncity representatives. So we have never been successful, even when I was a member of that august body, in bringing about the changes that the cities have been begging for.

Mr. MATHIS. How would the prospect of a national holiday for elections affect the voter turnout, do you think, in your district?

Mr. RANGEL. For the election as opposed to the registration—

Mr. MATHIS. Let's take them both; how would a holiday for registration affect it?

Mr. RANGEL. I just do not know. I think if someone finds they have a holiday, there may be a tendency to take off and enjoy it, rather than to stand in line and to vote.

I do believe that compensatory time or anything that we can do to make certain that the people do not lose money as a result of voting, but New York being what it is, I do not know whether you need a full day to get your vote in.

Mr. MATHIS. From what your mayor had said, I thought every day was a holiday in New York City anyway.

Mr. RANGEL. It is when you are away from it.

Mr. MATHIS. Thank you very much for a very fine statement. If there are no further questions, we do appreciate your coming, Congressman.

Mr. RANGEL. Thank you for the opportunity.

Mr. MATHIS. Our next witness is Mr. Paul R. Squires, the Associate Director of Data Processing and Collection.

Mr. Squires, the committee would be delighted to hear from you at this time, sir.

STATEMENT OF PAUL SQUIRES, ASSOCIATE DIRECTOR OF DATA PROCESSING AND COLLECTION, BUREAU OF THE CENSUS, ACCOMPANIED BY DANIEL B. LEVINE, ASSOCIATE DIRECTOR FOR DEMOGRAPHIC FIELDS, BUREAU OF THE CENSUS

Mr. SQUIRES. Mr. Chairman, I have with me, Mr. Daniel B. Levine, Associate Director for Demographic Fields.

Mr. MATHIS. We welcome you, too, Mr. Levine, before the committee.

Mr. SQUIRES. Mr. Chairman, we appreciate the opportunity to appear before this committee to speak on the pending legislation, S. 352, which would establish a Voter Registration Administration within the Bureau of the Census. I shall try to be brief and avoid repeating at length the statements and discussions at the hearings before the Senate Post Office and Civil Service Committee. I will concentrate on the bill's impact on the Census Bureau.

I wish to make clear that our objections to this bill are essentially technical. We do not speak of the need for such action—we hold no view nor are we influenced by any political judgment that this legislation would benefit one party more than another. From what little we have learned in our own surveys about where people live and why people do not vote or register to vote, there is no clear evidence that the location or characteristics of people weigh as heavily on the reasons for nonregistration as other factors, including lack of interest.

It would seem that further research is necessary to determine the causes for nonregistration. This would appear to be the kind of matter which an independent bipartisan Federal elections commission, such as I understand would be established under Senate Joint Resolution 110, could study and report on.

We oppose enactment of S. 352. The bill would establish a function we consider improper for the Census Bureau, it appears to provide no policy authority for the Bureau over the activities of the new administration, it contains vague and impractical administrative provisions, and it seems to conflict with other provisions of title 13.

The Bureau of the Census, as you know, is a general purpose statistical gathering agency, charged with collecting data on many diverse subjects from many sources. It issues objective and unbiased reports on the statistics it gathers. This role is expressed in title 13, United States Code. Historically, we have performed only this role since our establishment.

Our success is dependent on our reputation for confidentiality, accuracy, and objectivity. We have the confidence of the public that our activities are proper and our reports are unbiased. We extend every necessary effort to maintain this confidence. Placing the Voter Registration Administration or any other administrative or regulatory

function within the Bureau of the Census, we believe, will impair and compromise this record. Without the credibility we have worked so hard to achieve, we cannot expect to obtain public cooperation and publish accurate statistics.

In short, we endorse the view of Senator Fong, that this bill "would politicize the Bureau of the Census, which up to now has been one of the most respected statistical-gathering agencies in the world, free from partisan politics" (Senate Report No. 93-91, part 2, March 29, 1973).

Section 402 of this bill, which establishes the Voter Registration Administration, provides that the President shall appoint, by and with the advice and consent of the Senate, an administrator and two associate administrators for terms of 4 years each, and that the administrator shall be the chief executive officer of the administration (402.b). The bill nowhere provides that this officer will be responsible to the Director of the Bureau of the Census, who is also appointed by the President. The Census Bureau would have all the responsibility for the activities of this administration, and no clear policy authority whatever over it.

The administrator would be a Presidential appointee, with a fixed term of office. We see no way the Census Director could exercise effective supervisory control. The administration would, in effect, be operating as an independent agency. If this is what is desired by the Congress, it seems to us that the agency should be set up that way, rather than have the Bureau of the Census nominally involved.

The bill is vague and, in our view, impractical. Section 403 provides for "assistance to State officials concerning voter registration by mail and election problems generally" (403.3). That covers the entire electoral process, going well beyond the registration of voters. Section 404 provides that the administration may, upon the request of any State official, furnish such assistance as the administration and the State official may agree upon to assist State officials in the registration of individuals applying to register in that State under the provisions of this chapter (404.b). Essentially, we feel that guidelines are lacking as to the intent of the Congress in establishing boundaries for the functions of the proposed administration.

I might note one point that has not been mentioned before. A "State" is defined by the legislation to include Puerto Rico and two of the U.S. territories, Guam and the Virgin Islands. From our experience in conducting censuses in these areas, we are very much aware of their sensitivities with regard to the Federal role and presence. We have no doubt that the enactment of this legislation would raise legal and other issues, just as it would with the States, with respect to local prerogatives. This would be especially true in Puerto Rico, which has a unique and complex legal relationship to the United States.

Under section 406, forms would be provided in ample quantities for delivery to all postal addresses, for public distribution at any post office, substation, contract station, or rural or star route, and to military installations. Just about anyone could pick up this form and use it, whether under age, not a citizen, or otherwise unqualified. We cannot conceive of a detection system which would discover all such improprieties, let alone a pattern of fraud, in time to affect the outcome of a close election.

On the other side of the ledger, people are going to receive or walk into the post office and find, not a simple post card, but a rather formidable form with much printed matter on it.

In order to carry out the purposes of S. 352, a very complicated system would be required. There is no way we can estimate the cost of the bill as it now reads. Estimates of \$50 million, \$100 million, and \$200 million are all within the realm of possibility, and there is little basis for deciding which is closer.

Finally, we turn to title 13 itself, which this bill would amend by inserting a new chapter 2 after chapter 1. Virtually all of the censuses and surveys, and related activities performed by the Bureau of the Census, are now conducted in accordance with stringent protections for individual privacy that are contained in title 13. The information provided by individuals on the voter registration form would not be subject to such confidential treatment. The completed forms could be seen by any number of State officials—the bill defines “State officials” as including officials of lesser jurisdictions in the State—by officials of the Voter Registration Administration, and by the Attorney General. Indeed, the bill contains no limitations on who could see the forms or how they might be used.

The only safeguard is in section 403, which provides that publications based on completed forms shall not disclose any information which permits the identification of individual voters. However, the bill contemplates that a good deal of information will come and go here and there and be made available to all kinds of persons for purposes other than statistical publications.

Some of this information is identical to information the Bureau collects in the course of its regular work, but which is protected from disclosure by the very law this bill would amend. Section 9 of title 13 is the general protection provision covering all other chapters. It provides that:

Neither the Secretary, nor any other officer or employee of the Department of Commerce or bureau or agency thereof, may, except as provided in Section 8 of this title—

(1) use the information furnished under the provisions of this title for any other purposes for which it is supplied; or

(2) make any publication whereby the data furnished by any particular establishment or individual under this title can be identified; or

(3) permit any one other than sworn officers and employees of the Department or bureau or agency thereof to examine the individual reports. (Section 9, Chapter 1, title 13).

However, under this bill, we will receive information about individuals from State or local officials who think fraud may have occurred. We are supposed to use this information to prepare and issue reports on findings of fraud, to ask the Attorney General to bring civil actions, and to assist the States on election problems generally.

We can conceive of no quicker way to destroy the credibility of the Bureau of the Census and its statistics than for the public to gain the impression that information furnished to us under title 13 has been used for nonstatistical and regulatory purposes. It is in this area that we fear the reputation of the Bureau of the Census for preserving confidentiality can be endangered.

In short, title 13 now provides safeguards to protect the individual privacy of persons about whom we possess information. This has been

the law for many years; indeed, when a respondent keeps a copy of his census return, even that copy is immune from legal process. Accordingly, the provisions of this bill do not, in our judgment, belong in title 13: they threaten the privacy of information we are sworn to uphold, and the Bureau's credibility for gathering and protecting information, which is universally recognized.

In summary, Mr. Chairman, this bill assigns an improper mission to the Bureau of the Census; it provides no clear authority to the Bureau to control the activities of the Voter Registration Administration; it establishes investigative and regulatory functions with which we are unfamiliar and which are incompatible with respect to statistical work; it calls for procedures which we see as impractical; it involves large but unknown expenditures to obtain unforeseeable results, and it poses sharp potential conflicts with existing provisions of title 13 that protect individuals from the disclosure of information they provide to us in confidence.

Mr. Levine and I will be happy to attempt to respond to any questions the committee may have.

Mr. MATHIS. Thank you for a very informative statement.

Mr. Ware, you have questions?

Mr. WARE. I would only thank Mr. Squires and his colleagues for being here this morning and to highlight, what seems to me, is a very serious deficiency in this bill. Not that I question the ability of the Bureau to assume some of these duties, but I would completely agree with you that this would only serve to diminish the confidentiality which we are now ascribing to the Census Bureau, and I think would ultimately permit citizens to raise questions as to its integrity.

It seems to me if we are to have this type of legislation we have to have suitable amendments in S. 352.

Thank you again.

Mr. MATHIS. Mr. Frenzel?

Mr. FRENZEL. Thank you, Mr. Chairman, and thank you, Mr. Squires.

I have been interested in your testimony, too, the privacy-of-information aspect. It seems to me that is important; more important, I guess, is the thought that everybody who does not have to carry out the duties that would be imposed under this bill seems to be violently in favor, and all of those who are charged with some duties under this bill seem to feel it is horribly unmanageable.

You talk about the Bureau's credibility over the years. I guess that has come into some question from time to time. I agree with you it would be nice if we could restore that reputation to its previous high degree.

I recall that during the previous administration one of the gentlemen in command down there, whose good words have been spread on our record, a chap by the name of Scammon, was accused of—not by me but by others—of manipulating data in defense of the administration.

Now I notice that Senator Proxmire has made the same kind of allegations about your operation.

Mr. SQUIRES. I think he has expressed a concern.

Mr. FRENZEL. Pardon me?

Mr. SQUIRES. I think he has expressed a concern with it.

Mr. FRENZEL. Not an allegation?

Mr. SQUIRES. I do not think so.

Mr. FRENZEL. Simply a concern. And you would like to be above allegations and above concern and you feel that if you did not have this particular duty you would be?

Mr. SQUIRES. Right.

Mr. FRENZEL. And you would conduct your operations in such a way that it would restore or maintain the public confidence?

Mr. SQUIRES. I prefer the word "maintain," yes, sir.

Mr. FRENZEL. You do not want to comment, necessarily, on the workings of the bill, simply as it relates to your duties?

Mr. SQUIRES. I think it would be presumptuous to go beyond the relationship to the Bureau.

Mr. FRENZEL. One of your complaints, however, was that you were supposed to assist generally in registration by mail and other election problems. That language, of course, I guess makes you expert in election law and I presume that is something you would like to resist.

Mr. SQUIRES. Well, we are not so expert. It would pose new difficulties for us. We are not in that kind of business.

Mr. FRENZEL. OK.

I have a question on section 405 (c) of the bill which Senator McGee answered in a way that did not enlighten me yesterday. I wondered if any of this expertise we are seeking to crown you with would enable you to answer.

The thing that disturbs me is that this bill would seem to say that all voters can vote in all elections once they hold one of these post card registration cards. Of course many States have State laws that say in certain primaries only Republicans may vote and in certain primaries only Democrats may vote. The Senator indicated that that is the way he wanted to keep it. Yet that is not what the bill says.

I wonder if you have an opinion on that.

Mr. SQUIRES. In reading this, it seemed to me that the intent of the Congress would have to be determined on this section because I do not know what this section means. Only the hearings by the two Houses would bring forth the intent.

Mr. FRENZEL. If you go back into section 401, you get the possibility of having us Republicans take over Democratic caucuses as long as we have a registration card, because an election is defined to include caucuses. But you do not know what the bill means in that respect?

Mr. SQUIRES. No.

I think in fairness, there are several sections here which we do not fully understand. If the legislation were adopted, of course, one would have to go back to the testimony and the hearings and the report to attempt to determine the true intent of the Congress.

Mr. FRENZEL. Is it fair to categorize your testimony by saying that you are not necessarily taking a position on whether post card registration is good or bad; you are saying that this bill as it applies to your department is inappropriate?

Mr. SQUIRES. That is correct.

Mr. FRENZEL. Thank you.

For the 1968 election, you published figures followed up by a survey asking people why they did not vote or why those who—why you did

not register, I guess. You took the 26.9 million-odd who did not register and asked them questions and developed a survey. I understand that you are going to, or have made such a survey.

Mr. SQUIRES. That is correct.

Mr. FRENZEL. Can you reveal to us today what those figures were?

Mr. SQUIRES. Mr. Levine will speak to that point, sir.

Mr. LEVINE. Which specific figures would you like, sir?

Mr. FRENZEL. I believe last year you had the following categories; not a citizen, residence requirement not satisfied, not interested, dislike politics, unable to register, which is the key figure for us, other reasons, and person did not know or did not report.

If you are prepared to give us those percentages, plus the total number of unregistered, but otherwise eligible, voters, it would help the committee.

Mr. LEVINE. I do have some preliminary figures from that survey, sir.

Mr. MATHIS. Do you have those available in print form?

Mr. LEVINE. We have some statistics available in print form, Mr. Chairman. A preliminary report of our 1972 survey was issued by the Department in December of last year.

Mr. FRENZEL. We have those, but they do not include what I am asking.

Mr. LEVINE. The statistics which I was about to give are preliminary statistics which we have just obtained in fact, and we will have the report available for publication, we hope, by September of this year.

Mr. MATHIS. Is there a possibility that this committee might receive those figures prior to that time?

Mr. LEVINE. I certainly think it is possible, sir. I would be glad to check into it and make them available.

TABLE 1.—REASON NOT REGISTERED AND NOT VOTING, FOR PERSONS 18 YEARS OLD AND OVER:
NOVEMBER 1972

[Numbers in thousands. Civilian noninstitutional population]

Reason not registered	Number not registered	Percent
Total reported not registered.....	1 33, 242	100. 0
Not a citizen.....	3, 530	10. 6
Residence requirement not satisfied.....	1, 988	6. 0
Not interested.....	14, 256	42. 9
Dislikes politics.....	2, 513	7. 6
Unable to register.....	4, 203	12. 6
Other reasons.....	4, 977	15. 0
Do not know and not reported.....	1, 775	5. 3
Reason not voted	Number registered but not voting	Percent
Total reported registered but not voting.....	12, 714	100. 0
Not interested.....	1, 898	14. 9
Dislikes politics.....	1, 511	11. 9
Unable to go to polls.....	4, 419	34. 8
Machines not working, lines too long.....	269	2. 1
Out of town or away from home.....	1, 464	11. 5
Other reasons.....	1, 567	12. 3
Do not know and not reported.....	1, 586	12. 5

¹ This figure excludes 4,481,000 persons for whom registration was not known or not reported.

Mr. MATHIS. Please proceed.

Mr. FRENZEL. Can you read—

Mr. LEVINE. The percentages, if they are acceptable.

Mr. FRENZEL. Yes.

Mr. LEVINE. The 1972 figures show that approximately 11 percent of those not registered did not register because they were aliens, approximately 6 percent did not register because of residence requirements, 43 percent indicated that they were not interested, approximately 8 percent indicated they disliked politics in general, 13 percent indicated they were unable to register, and 15 percent gave a miscellany of reasons which we categorized as other.

Mr. FRENZEL. Thank you. Was the total figure estimated to be about 40 million?

Mr. LEVINE. The number who were not registered?

Mr. FRENZEL. Not registered, but otherwise thought to be over 18 but not registered.

Mr. LEVINE. Of the 136.2 million persons who were of age 18-plus, approximately 37.723 million were reported as not registered.

Mr. FRENZEL. Thank you very much.

Mr. MATHIS. Did you say of the 136.2 million who were 18 and over?

Mr. LEVINE. That is right.

Mr. MATHIS. Repeat those figures, if you will.

Mr. LEVINE. The population of voting age according to the Census Bureau as of the time of the November election was 136.203 million.

Mr. MATHIS. We had figures earlier that were printed as part of the Senate hearing that indicated we had 139.642 million eligible voters.

Mr. LEVINE. The difference between those two figures, Mr. Chairman, is that I am reporting the figures of the civilian-noninstitutional population. I am excluding the Armed Forces and people nonresident in the United States, American citizens overseas.

Our surveys which we conducted here in the United States cover only the civilian noninstitutional population. That is the difference between the two figures.

Mr. MATHIS. I see. Thank you very much, Mr. Levine.

Mr. Squires, thank you very much for appearing before the subcommittee.

Mr. FRENZEL. May I ask another question?

Mr. MATHIS. One more time.

Mr. FRENZEL. What kind of a survey was this? Is this a statistical sample, and could you describe the sample?

Mr. LEVINE. We feel it is a statistical sample, sir. This is conducted as part of an ongoing sample survey which the Census Bureau conducts monthly, called the Monthly Population Survey, a national survey of some 50,000 households throughout the United States, which has as its basic objective providing the employment and unemployment statistics which we collect each month and which are published by the Department of Labor.

From time to time we add questions to this national survey.

In November of 1972 the questions on voting and registration were added to that survey.

Mr. FRENZEL. Fifty thousand sample?

Mr. LEVINE. Fifty thousand household sample throughout the United States.

Mr. FRENZEL. How did you pick the household?

Mr. LEVINE. The households are picked by the application of statistical techniques, random probability techniques. It is a fairly long explanation.

Mr. FRENZEL. Fine. What kind of response of the 50,000?

Mr. LEVINE. From the 50,000 households, on the average we get approximately a 96 percent, 95 to 97 percent response rate month after month. The little variation depends on the summertime, you have a little less response because it is more difficult to find people at home.

Mr. FRENZEL. Is this a face-to-face sample?

Mr. LEVINE. This is a personal interview. We also use the telephone to some extent in this survey.

Mr. FRENZEL. Is it fair to say that the results of that questionnaire are very similar to the ones that you got in 1968?

Mr. LEVINE. They are very similar. The same sample survey was used in 1968. This sample survey has been conducted by the Bureau since 1942.

Mr. MATHIS. I am interested in one other thing. In the not-interested category which you say was roughly 43 percent in these preliminary figures, were these people not interested in voting because they had to stand in line or because they had to travel 100 miles, as Senator McGee indicated in his testimony yesterday, or were they just not interested in politics?

Were you able, or did you try to make that kind of distinction?

Mr. LEVINE. It is very difficult to get specific with all of the respondents who answer the question.

Basically, the category, as we defined it, was "not interested" or "just never got around to it."

We try to train our interviewers to take the answers as given in response to the question:

What was the main reason you were not registered to vote?

And place them into these categories. It is very difficult, of course, to know exactly the degree to which a respondent is intimidated or feels to any extent they have some other reason they do not want to give you. But these seem to be broad categories into which the answers fell on a fairly standard basis.

Mr. MATHIS. You think then that generally this 43 percent figure might be construed to indicate apathy on the part of these people more than—

Mr. LEVINE. It is expressed as apathy, that is the best I can answer. I cannot tell you what the motivations are. We have not done a very exhaustive study. There are other groups who have done more exhaustive studies such as Survey Research Center in Michigan and other places.

We have not gone into probing very deeply. It is very difficult in this area, where people feel a public pressure, the idea that they should indicate a reason for not participating in this process.

Mr. MATHIS. It would be safe to say you think it would tend to indicate apathy, but would not necessarily demonstrate it?

Mr. LEVINE. Yes, I think that is the best way of putting it, Mr. Chairman.

Mr. MATHIS. Thank you very much.

Are we all through?

Thank you, Mr. Squires and Mr. Levine, for appearing before the committee. Your testimony has been very helpful.

Our next witness is Mr. Whitaker, executive director, The Student Vote, Trenton, N.J. Is he here? Apparently he is not.

Maybe Mr. Whitaker has been delayed.

Mr. Shull, we will be delighted to hear from you at this time.

Mr. Shull, do you have prepared copies of your statement there?

Mr. SHULL. Yes.

Shall I proceed, Mr. Chairman?

Mr. MATHIS. Please do.

**STATEMENT OF LEON SHULL, NATIONAL DIRECTOR, AMERICANS
FOR DEMOCRATIC ACTION, WASHINGTON, D.C.**

Mr. SHULL. Mr. Chairman, members of the committee, I would like to thank you for the opportunity to testify before this subcommittee on the subject of voter registration. My name is Leon Shull and I am the national director of Americans for Democratic Action, a national volunteer organization.

In 6 days our Nation will celebrate its 197th birthday. Despite its various problems, many Americans presently view their country rather uncritically. And there is much to be said for a Nation which continues to be guided successfully by a document two centuries old, a document which is still the world's best blueprint in the application of representative government. But recurring problems and crises have pointed up shortcomings in our own application, and it is difficult to believe that today anyone would simply ignore these shortcomings.

Nevertheless, both an overly critical and an uncritical attitude reduce the number of people who participate in the electoral process. In the overly critical view political participation is considered as necessarily either dirty or futile, while the uncritical lack motivation. In both instances, the rights and responsibilities of citizens are abdicated.

Many within Government resent and feel threatened by those who criticize their performance, and willingly allow them to fall by the political wayside, and those citizens whom apathy and lack of motivation keep silent are cited then as a supportive "silent majority."

But democracy is a dynamic, ongoing process which, to remain viable, requires constant citizen input. A strong Constitution and high hopes are not enough. Democracy is, at its very least, a periodic process warranting an individual's participation each election day. And yet in recent years, on the first Tuesday after the first Monday of November, an ever-increasing percentage of Americans remains outside the political system. In a nation such as ours which prides itself on the consent of the governed, this diminishing participation is both frightening and dangerous.

In the 18 Presidential elections before 1900, voter participation maintained an average level of 73.8 percent. In the 19 Presidential elections since 1900, which would be both during and after the introduction of voter registration, only 59.7 percent of all eligible voters have been going to the polls. In 1960, the best voter turnout since 1908, 64 percent of those eligible went to the polls. Eight years later, only

60.6 percent voted. And just this last year, only 55.5 percent of the eligible electorate cast their ballots.

It is not inconceivable that in the Presidential election of our bicentennial year, and for the third time in this century, less than half of the potential will vote. Assuming a close two-way race, not to mention the possibility of third or fourth party candidates, the next President of the United States could be the choice of only one-quarter of all U.S. citizens eligible to vote. Yet whether the President is the choice of 51 percent or 25 percent of the people, he or she still will govern 100 percent of the people.

All the patriotic pontification a bicentennial can muster cannot make this statistic consistent with our self-image as the world's foremost democracy. It appears clear that in the absence of remedial legislation, the United States may well join the dozen States and the District of Columbia with turnouts of less than 50 percent in the last national election.

It is only when one considers that 80 to 90 percent of those registered do regularly vote, that one realizes the limiting effect of registration requirements. And yet many people, including many distinguished Members of the House and Senate, consider our uneven and inequitable registration procedures to be a kind of moral obstacle course, and its completion to be proof that a citizen is deserving of the right to vote. In fact, registration discriminates against men and women who must work from 9 to 5, 5 days a week, precisely the time when most election boards are open. It discriminates against the sick and the elderly who find it difficult to travel to the polls. It discriminates against the poor who still must pay a poll tax of sorts in transportation costs. It discriminates against the poorly educated who don't know where or when to register in person and are too proud to inquire. And it discriminates against those most alienated from society, to whom personal registration means a confrontation with authority, which they fear and wish to avoid. The registration system is filled with obstacles of one kind or another. More basically, the entire premise of such obstacles is constitutionally unfounded. It is based on the concept of the vote as a privilege to be earned rather than a right which is guaranteed. It is easy for those in government, confronted with statistics of low voter participation, to shake their heads over the apathy of the American people, but, in fact, it is the Government's obligation to insure that every American really has the right to vote.

The most glaring and unjust effect of the present registration system is its denial of voting to those for whom registration, for whatever reason, is an insurmountable obstacle. Registration, as it is presently conceived and executed, also serves to limit voting by those disaffected people who can but won't register except under the easiest of circumstances. We must face the hard fact that we are living in a time of apathy and resentment, rooted in an unprecedented cynicism about our Government and its institutions.

The trend in American history has been to expand the franchise, to include not just a privileged and powerful elite but as many elements of American society as possible. Throughout history, there have been those who would have limited voting to white males of property. But such an attitude represents neither the promise nor the performance

of America. We have eliminated eligibility distinctions on the basis of sex, race, station, and age. And so it would appear both inconsistent and indefensible to maintain technical procedures which discriminate against anyone who qualifies.

In six of the last 12 constitutional amendments, we established higher standards for the United States, in terms of a broader franchise. It is now up to the Government to expedite registration procedures so that those ideals can become a reality.

ADA supports the concept of post card registration as embodied in Congressman Dent's legislation. We feel it is the most effective way to increase registration and thus participation in Federal elections. Hopefully, the incentives included in this bill also will help to increase participation in both State and local elections. We hope that this committee will report favorably on H.R. 8053, a bill already passed by the Senate.

ADA also finds much that is praiseworthy in Congressman Burton's legislation, H.R. 6700. It is not limited to post card registration and thus allows States to use Federal money in whatever registration effort they feel would be most effective. But the voluntary aspect of this legislation concerns us. Local election officials—whether for political reasons or simply from apathy—often as not are themselves serious obstacles to registration, rather than expediting agents. It is hard to imagine these local officials actively seeking, using, or cooperating with the use of Federal funds to remedy voter registration problems when, according to a 1972 League of Women Voters survey, 75 percent of those officials did not perceive any registration problems in their own communities. It is difficult enough to make some of these officials fully utilize their present prerogatives for expanding voter registration. For this reason, ADA feels the Burton legislation should be used as a supplement to post-card registration.

During Senate hearings on post-card registration, Senator Hiram Fong, the lone opposition on the committee, stressed the high cost of such a program. In his opinion, registration is not a major obstacle to voting. He cited North Dakota, which does not use registration, and where 30.1 percent of the people nevertheless did not vote in the 1972 Presidential election. But 69.9 percent of the North Dakota eligibles did vote, almost 15 percent above the national average and the second best record in the Nation. It seems to ADA that the cost of this program would not be too great if it raised the national average even 10 percent.

It is our hope at ADA that, in this time of national crisis, the Congress of the United States can unite behind a bill that will bring new meaning to the American system, and electoral power to millions of disenfranchised Americans.

Thank you very much, Mr. Chairman.

Mr. MATHIS. Thank you very much, Mr. Shull.

Mr. Frenzel, any questions?

Mr. FRENZEL. I have a couple of questions, Mr. Chairman.

Thank you for your testimony, Mr. Shull.

I note that you are again perpetuating the statistic that Mr. Bie-miller and his colleagues yesterday gave us, that 80 to 90 percent of those registered do vote.

I think the census people have established that figure at 73 percent in 1972, I merely wanted to point that out.

In the Burton bill you are talking about the same as the Kennedy-Stevens bill in the Senate?

Mr. SHULL. I think that is right, sir.

Mr. FRENZEL. Is it identical or similar?

Mr. SHULL. I do not know that it is actually identical. It is probably similar.

Mr. FRENZEL. As I understand it, you like both bills.

Mr. SHULL. Yes, sir.

Mr. FRENZEL. And that you think the very best bill would be an amalgamation of the two.

Mr. SHULL. Yes, I think so. We would like to see the postcard registration applied and we also think that as the Federal Government does in other programs, there is now reason why we should not give additional help to State and local communities in this area.

Mr. FRENZEL. Over in the Senate, the American Civil Liberties Union testified, and I am quoting the Senate record here:

We entertain serious doubts that any Federal registration system could achieve its principal goal of facilitating wider voter participation. For essentially the same reasons, we doubt whether the proposed system could accomplish the traditional purposes of registration, namely, prevention of fraud and double voting.

Obviously you do not agree with the ACLU position. Do you have evidence that this bill would increase voter turnout and do you have some suggestions of how we are going to prevent possibilities of fraud?

Mr. SHULL. Well, sir, I, of course, have no proof that this would actually increase registration, except that I think it stands to reason that whenever it is—and I think there is proof of this—whenever there is a possibility of making it easier for people to register, more of them do.

Mr. FRENZEL. Could I interrupt there a minute?

Mr. SHULL. Yes, sir.

Mr. FRENZEL. We have had testimony that indicates that, over the last 5 or 6 years, poll taxes have fallen and other kinds of registration barriers have fallen, there have been unprecedented efforts to raise registration. Yet overall voting participation has fallen during this whole process and it has fallen faster in those areas where registration is most liberal. I guess that is what is confusing us.

The rationale of the proponents of this bill seems to be based on conditions that existed either in 1960 or prior, and that is disturbing to me because I would like to be friendly to the concept.

Mr. SHULL. Sure. I appreciate what you are saying and I do not think there are any immutable truths on all sides of this.

Let me tell you that in my own experience in politics, which is relatively extensive, practical politics before I came to Washington some years ago, I worked in Pennsylvania, Philadelphia mostly, but throughout the State. We were constantly faced with the problem of registration there. Now we did not do what is being suggested here.

The only point I want to make is that whenever we were able to convince our local registration board—and believe me it was hard, be they Democrats or Republicans: the resistance was, you know, frankly, was absurd. This was not a party thing at all. But wherever we con-

vinced them to do something about making it easier for people to register, it worked. We did things like getting them to take registrars to factory plants, where there are large groups of people, to shopping centers, and so forth.

All I can say to you, sir, is that people did register in greater numbers under those conditions. I would assume, and I would devoutly pray that if this was established, post-card registration, in fact it would become very easy for people to register, that they would register.

On your other point, in terms of fraud, needless to say, we are second to no one in our distaste for that, and it does happen. My belief that fraud is essentially prevented in the political system, at least in the areas that I knew, which is of a large city with strong political organizations often in effect, is really prevented by the adversary system. In other words, I think it is the duty of the political parties, political organizations, perhaps like my own, the League of Women Voters, but primarily the political parties, to watch for fraud and I believe they can, in fact, stop it in this day and age by doing so.

Now the people who would register under this system, their names would be published, again going back to my own experience, they were published there as they are in many other places I know, by election district. They are made publicly available and anybody can examine these names to see if these people are entitled, and challenges are open, and it would still be open as I understand it under State law to this.

I think fraud can be stopped by vigorous political system which would have at least two vigorous major political parties. I am really not worried about that. When one party is so weak that it cannot prevent fraud—this may sound almost cynical, I do not mean it that way—it really does not matter. I had that experience.

Mr. FRENZEL. Working in large cities, I do not suppose you saw a lot of Republican registrars, did you?

Mr. SHULL. The city I was active in was a Republican city. We had the unique experience, not so unique, I guess, of observing that Democrats, in some instances, shall I say, were owned by the Republicans. It was just as blatant as that.

Well, some years went on and Philadelphia became a Democratic city in terms of its voting pattern, and the same Democrats in some instances, I say in some, were owning the same Republicans in some instances. That is a bad system.

Lord knows, I assure you I do not favor it. What I am saying is, when these parties are really strong and viable, they do stop fraud, and I observed that personally, myself. I think that is what we need, a strong political system that will prevent fraud.

Mr. FRENZEL. I have the same feeling you do, that fraud is not the strongest problem here. I see other problems here that it seems to me are far more difficult than the fraud protection, but we cannot ignore it, because it is raised constantly by county and other officials who are going to be charged with the administration of this thing.

I have a further question.

Mr. MATHIS. I thought you might have.

Mr. FRENZEL. I was wondering if you heard the question I addressed to the Bureau of Census and previously to Senator McGee with respect to registration and cross-party voting. I am wondering if you can give us your interpretation of section 405(c) of the law.

Mr. SHULL. In terms of cross-party voting?

Mr. FRENZEL. Well, it says, let me read it to you :

Possession of a registration notification shall be prima facie evidence that the individual is a qualified and registered elector entitled to vote in any such election. The presentation of the form shall not be required to cast this ballot.

Earlier on we talked about registration notification delivered before an election. It just seems to me that it does not contemplate any distinctions, and one of my criticisms of it is that the bill lays very heavily on existing State systems which are very different and they are different because the people want them that way.

I think this is one of the things that the ACLU was getting at. In my State everybody believes everybody should vote in everybody's primary. We have just loads of fun doing that.

Out in Oregon they have another system and that is their business, I think.

It seems to me this bill gets things a little bit fuzzed up and tries to impose a Federal principle which would be in agreement with the way we do things in my State but out of whack with the way they do things in the majority of States.

Mr. SHULL. Well, I may say, sir, that this is a subject on which I have spent a little time thinking about, to be honest with you not necessarily in connection with this bill.

I myself think that Democrats should choose Democratic candidates and Republicans Republican candidates, and other third or fourth parties should choose their candidates. I am bothered by what I think happened in 1972, in some of the Democratic primaries. I think specifically Wisconsin where, as I am told, I have not personally observed it, it is remarkably easy for anybody to vote in any primary and where perhaps you have members of one party going into another party and distorting the result to the detriment I think of the political system.

I would like to see, and I guess this—I assume this could be left to the parties, I would like to see them strengthen that in some way, so that only people who are committed to that party in the primary is—I am not bothered by the Minnesota system as I understand it, as a matter of fact. As I understand it, members of the parties there go into their caucuses, they commit themselves, that they are in fact members of the party, where they are going to vote, which I think is different than Wisconsin and Michigan.

Mr. FRENZEL. Sure, one out of 100 goes into caucuses. That is getting us off the track.

What concerns me is imposing a national will on various State systems. It would not affect my State. The Democratic Party is the second largest party in my State, the Republicans are the third, and the Independents like the ability to go into either primary and make their choice when there is some action in somebody's primary. It stimulates us to have a little action. But that is not, I think, the way the bill reads. I am concerned about it.

Mr. SHULL. I do think that—I guess I am mostly concerned with what happens in the Presidential election, and that is a Federal matter and it may be that the Federal Government has a right to set that particular standard, as perhaps it has no other. Of course it is one that is so important to us that perhaps we should have Federal standards there.

I guess I stand on my own position, which is that it would not bother me to see strengthened the idea that Democrats choose Democratic candidates and Republicans choose Republican candidates. Independents are different.

I think that gets us into a little more fuzzy area. I am not so bothered by that. I have not quite thought it through, to be honest with you. But I think maybe there is some real virtue in saying those people should be permitted to go where they want since they are not committed to some party.

Mr. FRENZEL. I thank you, and I thank you for all of your testimony and note that we were pleased to have testimony of your new leader, my colleague Don Fraser, yesterday.

Mr. SHULL. Yes, sir. Thank you.

He told me he was here and enjoyed being here.

Mr. MATHIS. One question I would ask relative to your testimony, where you have a pretty severe criticism of our registration laws in general, saying they are discriminatory against people who work from 9 to 5, sick and elderly, the poor who pay a poll tax of sorts in transportation costs, on and on.

Are these obstacles also existing on election day when the people must go to vote? Do we not face the same kind of problem?

Mr. SHULL. Yes, sir.

Mr. MATHIS. How far would you be willing to remove these?

Mr. SHULL. I am not in favor of postcard voting. We are in favor of absentee ballot voting when the voter is not able for some good reason, physical or distance, to be able to vote. I am not in favor of postcard voting.

I guess the difference here, sir, is that the pressure, the buildup for a vote on Election Day is very much greater than on a registration day. I personally engaged in registration campaigns in Philadelphia. It is pretty hard to get people excited about it, as a matter of fact.

The faithful, the party worker, wants to get all his party people registered, understandably, of course. He perhaps gets a little excited about it, tries to get people out. Maybe this is deplorable, but we have to live with what we have. I think we should make it as easy as possible. So I do not think they are quite comparable, though I understand your point. I do not deny some validity there.

Mr. MATHIS. But you would not be willing to go so far as to have voting by mail other than in the direct cases where absentee ballots are justified?

Mr. SHULL. No, sir.

Mr. MATHIS. Thank you very much for your very fine testimony.

It has been the custom of this committee in the past, Mr. Frenzel, and without objection today, we will proceed until the first quorum call of the House.

Our final witness is Mr. Manuel Fierro, who represents the Raza Association of Spanish Surnamed Americans in Washington.

We would be delighted to hear from you at this time, sir.

STATEMENT OF MANUEL D. FIERRO, PRESIDENT/EXECUTIVE DIRECTOR, RAZA ASSOCIATION OF SPANISH SURNAMED AMERICANS

Mr. FIERRO. Mr. Chairman and members of the committee, my name is Manuel D. Fierro. I am the president and executive director of Raza Association of Spanish Surnamed Americans (RASSA), a national, nonpartisan citizens lobby for and of the Spanish speaking.

On behalf of our board of trustees which consists of 26 members, representing 17 States, I want to thank you for the opportunity to appear before this committee which has already heard testimony from many distinguished people with unquestioned expertise in the field of voter registration and the election process generally. May I state from the outset that I do not profess to be such an expert but that there are some things that RASSA believes to be fundamental and about which there can be no compromise.

Traditionally, as Spanish-speaking people, we have found that we are still an invisible people—invisible in a land where we are indigenous, for before this country existed as a national body, we had our own national character, our own unique culture, and a fluid language. Within a century of this country coming into its own, we have been reduced through conquest into a landless, disenfranchised, and economically deprived people.

For years, national legislation, political issues, and major decisions have been determined largely in ignorance of the unique needs of this country's 14 million Spanish-speaking population. Today, we hope to provide you with some valuable insight into some of these needs and the barriers that prevent many of our people from becoming involved in the electoral process also.

Previous testimony has accurately documented that nowhere in the free world is voter registration at a lower level than it is in the United States. Many are the reasons cited for such a poor performance. Among those are:

- Residency requirements;
- Complex registration procedures;
- Inconvenient registration hours;
- Distant and inconvenient places of registration;
- Complicated voting procedures;
- Positioning candidates names on the ballot, et cetera;
- Lack of motivation;
- Feelings of powerlessness; and
- Lack of bilingual registration forms and information.

The extent to which Americans have failed to register is startling. The extent to which they have failed to vote is even more startling. Yet, the bitter irony—and far more startling to us—is that those who need the political process the most in our country are those who are

victimized by the elaborate scheme to deny equal access to the electoral process.

In a democratic society, no right is more fundamental than the right of every citizen to vote. That right carries with it the right of equal access. It is this right of equal access that we take issue with. Inasmuch as the Voter Registration Act eliminates some of the barriers to effective and meaningful participation of our citizens in the electoral process; inasmuch as S. 352 and H.R. 8053 address themselves to reform as a means to facilitate and increase voter registration nationwide; and inasmuch as the provisions contained in the Voter Registration Act manifest good intentions, they are inadequate in meeting the needs of the Spanish speaking—the second largest minority in the country. Spanish speaking have also experienced the same barriers to registration as has been mentioned. But they have also been severely handicapped by the language disabilities. The language barrier continues to be one of the primary causes preventing many Spanish-speaking people from exercising their right to vote. It is for this reason, Mr. Chairman and members of the committee, that we appear before you today. To urge you to consider adding new language to S. 352 and H.R. 8053.

Section 405 (d) of the act provides that "Registration forms may be prepared in a language other than English."

We are proposing that this section be amended to read: Section 405 (d) Registration forms shall be prepared in a language other than English for each State in which the administration has determined, from the best and most current data available, at least five percentum (5%) or 50,000 of the residents of that State, whichever is less, do not speak or understand the English language with reasonable facility. Such State shall be certified as a bilingual State.

(e) In each certified bilingual State, bilingual registration forms shall be provided in the dominant language and in English.

(f) In each certified bilingual State all instructions, notices, and accompanying materials shall also be prepared in the language, other than English.

(g) In any State which is not a certified bilingual State, registration forms may be provided in a language other than English.

This additional language can have a significant impact upon the vast number of persons residing in the United States. Though the Spanish speaking account for the majority of non-English-speaking persons in America, other minorities are concentrated in various regions throughout the country who will also benefit—the Chinese speaking in California, native Americans in Continental United States and in Alaska, and the French-speaking persons in Maine and in Louisiana.

The movement to respond to the urgent needs of the non-English-speaking minorities in America has made significant gains in the past few years. In 1967, Congress enacted the Bilingual Education Act which provided for the establishment of bilingual-bicultural education programs. Congress finally realized that America is a multilingual, multicultural society and that this cultural diversity, rather than being some disability is a national asset that should be developed to

the fullest extent possible. The recently enacted Education Amendments of 1972 affirmed Congress' commitment to promoting bilingualism. These acts were a recognition of the fact that the severe English language disability common to many people in America, makes it impossible for them to receive an adequate education without some type of compensatory program.

Let me make one other comment in conclusion. There is an urgent need for administrative reform of our present electoral system. Citizens must no longer be forced to earn the privilege to vote, but rather, must be insured the right to vote. We are hopeful that this committee will act in our country's best interest and maintain the momentum generated by previous accomplishments in the area of bilingual reform. The inclusion of this additional language will be another significant step forward in our Nation's struggle to secure equal justice for all.

Thank you very much.

[Attachment to statement follows:]

Spanish surnamed/Spanish-speaking population

	<i>Thousands</i>		<i>Thousands</i>
Alabama -----	2	Nebraska -----	29
Alaska -----	1	Nevada -----	7
Arizona -----	357	New Hampshire -----	2
Arkansas -----	1	New Jersey -----	464
California -----	3,001	New Mexico -----	387
Colorado -----	272	New York -----	2,423
Connecticut -----	94	North Carolina -----	8
Delaware -----	5	North Dakota -----	1
Florida -----	502	Ohio -----	73
Georgia -----	8	Oklahoma -----	8
Hawaii -----	9	Oregon -----	22
Idaho -----	7	Pennsylvania -----	128
Illinois -----	687	Puerto Rico -----	2,800
Indiana -----	75	Rhode Island -----	11
Iowa -----	18	South Carolina -----	7
Kansas -----	50	South Dakota -----	2
Kentucky -----	6	Tennessee -----	6
Louisiana -----	51	Texas -----	2,487
Maine -----	2	Utah -----	41
Maryland -----	38	Vermont -----	2
Massachusetts -----	88	Virginia -----	38
Michigan -----	135	Washington -----	79
Minnesota -----	29	Washington, D.C. -----	37
Mississippi -----	5	West Virginia -----	1
Missouri -----	34	Wisconsin -----	65
Montana -----	2	Wyoming -----	8

NOTE.—Actual Census figures were over 2 million less than projections by Spanish-speaking experts. Reasons cited for these lower census figures are the inability of the Census Bureau to accurately determine the number of migrant and seasonal farmworkers, and the failure of the mail and telephone procedures used by the Census Bureau to take into account that many Spanish-speaking people would be unable to understand or reply to mail instructions or be too poor to have telephones.

Mr. MATHIS. Thank you very much, Mr. Fierro, for a very fine and informative statement.

Mr. FRENZEL, do you have any questions?

Mr. FRENZEL. Mr. Chairman, I thank Mr. Fierro for his testimony. I think it is a fine piece of work. I think his suggested amendment is certainly meritorious.

Mr. FIERRO. Thank you.

Mr. FRENZEL. And an improvement on the bill.

I am wondering, Mr. Fierro, and I have asked this of others because of a concern I have: Given a fixed amount of Federal dollars to increase voting participation in the United States, is post card registration the best buy?

Mr. FIERRO. I think it supplements what is being done in the States at the present time. I think in our communities across the country we have had a lot of difficulty, as I pointed out, in some of the concerns dealing with the election offices.

All those points that I pointed out have been a problem to us. I think this provides another vehicle, supplements that effort at the State level to increase the registration of the people.

Mr. FRENZEL. One of the criticisms of post card registration that has been raised here is that if the registration within a municipality or county is obliged to go to the post card system and if those costs are paid largely by the Federal Government, that the local people will say, "We are now discharging our duties because we are doing what the Federal Government tells us we have to do and we do not need to be so concerned about mobile registration, face-to-face registration, traveling deputy registrars, school registration, late hours," et cetera.

Do you see that as a problem with this bill?

Mr. FIERRO. I really do not see that as a problem. I think there will always be criticisms whenever you extend a privilege, not a privilege,—

Mr. FRENZEL. A right.

Mr. FIERRO. But whenever you broaden the franchise to exercise this right, this is the thing that I have noted.

The opponents have mentioned periodically, the fraud, involving additional work, additional time. Here we are attempting to broaden the franchise to exercise the right to vote, and people oppose that. I cannot see how in anyone's mind we should put as many barriers as possible in exercising this right.

The progress that has been made should continue in eliminating these barriers that have existed which have prevented people from exercising that right.

Mr. FRENZEL. In the area where Spanish-surnamed Americans are in considerable density, are there registration clerks who speak Spanish, usually?

Mr. FIERRO. In our study which we made, we did not find very many. There are some in density areas such as in southern Texas. There are some in the communities that have a significant population. But in many cases there are not any.

Mr. FRENZEL. Would it be a good idea for the Federal Government to increase some money in Spanish-speaking election courses?

Mr. FIERRO. Yes; I certainly think so. I think in the training and development and so forth.

In many States—I lived in Kansas myself prior to coming here. There had never been a Spanish-speaking registrar at all. There are 60,000 to 80,000 Spanish-speaking people there.

By the same token, we requested some Spanish-speaking or bilingual people. We had an awful lot of trouble in getting access to one.

Finally we had to go to the State level and make an issue of it before we were able to get a registrar deputized to do that. But various election commissioners were very receptive to the idea, because in those neighborhoods thousands of people had never been reached by the League of Women Voters, by other political-interest groups. Many of the Democratic Party and Republican people in voter registration drives were not reaching our people. It seemed there was almost a neglect of really involving them, that it really did not matter whether they registered or not. We had registration booths on the malls and what have you, but not in our communities. That is where we need the voter registration booths, again on a nonpartisan basis where this is taken care of on a nonpartisan basis.

Too many times in our communities our people feel when someone comes to register them to vote that they have to give something in return. I think that in itself is a negative factor. I think this nationwide registration postcard form would alleviate some of that.

Mr. FRENZEL. I thank you very much.

Thank you, Mr. Chairman.

Mr. MATHIS. Thank you, Mr. Frenzel.

Would not this attitude of negativeness on the part of these people you are talking about, where you go in with a mobile registration thing, can that not be overcome through a process of political education, which I assume you are involved in, to educate—

Mr. FIERRO. Beg your pardon?

Mr. MATHIS. To educate the people they do not owe anything in return for being registered except the obligation to participate in the process?

Mr. FIERRO. Right; I agree.

Again, you have to understand the history of our people..

In many of the rural communities, many of the urban communities, because of this disenfranchisement, the lack of motivation, the feeling of powerlessness on their part, not being represented in many cases, because of the struggle to obtain some dignity, and the problems they have encountered, there is some apathy in our communities which exists. When we look in Congress, we see six congressmen who are Spanish speaking. We see 40 staff people on the Hill that are Spanish surnamed. When we look at our communities locally, statewide, where we have a significant number of Spanish-speaking people and we do not see Spanish speaking represented on those bodies, it stands to reason that our input is not going to be very significant.

By the same token, the communities at the local level, where they do not have that representation, they are not going to go to it, simply because, again, of the isolation.

What I am saying is that when they come into the community to register people or seek them out, there is a fear of doing that, because they think "What does he want from me? He has always used me."

The political machinery has always used the Spanish-speaking people only on Election Day. Here is where he looks. They are here

again, they want my name, I do not get anything in return. So when he signs, there is a fear that "I owe something."

One final question: What has been the experience you have had in Texas where there is obviously a fairly large community of Spanish-speaking Americans? You have always had, in essence, post card registration. What has been the experience that you have had there?

Mr. FIERRO. In getting them to register?

Mr. MATHIS. Yes.

Mr. FIERRO. Our experiences in the Valley in discussing that with other individuals have been very good because there has been a lot of politicization in southern Texas, a lot of involvement in areas like Corpus Christi and those larger industrial areas.

The union individuals have assisted very greatly because a lot of people are involved in those industrial complexes, like Corpus Christi, Houston, and so forth.

Then in southern Texas, because of the political activity of young people and middle-aged people, there is a lot of registration, but again we have to understand, in southern Texas a lot of those folks are not there when it comes time to vote in some cases. They are traveling.

That is one question I never addressed myself to: What do we do about our mobile population? When we are talking about southern Texas, some of the congressional districts vary from 75 percent to 36 percent in some areas, they are not being adequately reached at all. Because of the lack of the bilingualness, the information is not available.

A lot of our people, the older folks—not so much the younger people, but the older people—are not bilingual. They are monolingual and their primary language is Spanish. That is what we find primarily in southern Texas, in the border towns which are greatly affected.

Mr. MATHIS. I think we can assure you that your proposed amendment will receive consideration at the proper time by the committee.

Mr. FIERRO. Thank you very much.

Mr. MATHIS. Mr. Frenzel, if you have no other questions of the witness—

Mr. FRENZEL. No questions.

Mr. MATHIS. We thank you very much for appearing.

Mr. FRENZEL. Thank you.

Mr. MATHIS. Without objection, the testimony of Mr. Whitaker, if he does arrive, will be accepted as part of the committee record and, without objection, the committee will stand in recess.

Mr. FRENZEL. I object.

Mr. MATHIS. Your objection is heard.

Mr. FRENZEL. We were given some material by the committee. The front page of it says registration by mail, and fraud. The last page of it relates to application of post card registration to students. I had hoped that Mr. Whitaker could have testified as to some of the statements here. I would like to know where the material in this statement came from.

Does the Chairman know who put that on our desk?

Mr. MATHIS. This is a synopsis that was compiled by the staff, I understand.

Mr. FRENZEL. Can the staff tell us where that last page came from?

Mr. MATHIS. Mr. Frenzel, I am advised that the staff obtained this material from the Senate staff and they are going to check and let you know where these figures actually came from.

Mr. FRENZEL. If this sort of thing appears in any of our records, it should be identified. It looks to me like sort of a sales brochure on the subject and we really should—if it appears anywhere, it should be identified, and there should be a chance to discuss it.

Mr. MATHIS. I concur.

Mr. FRENZEL. I withdraw my objection.

Mr. MATHIS. Without objection, the subcommittee will stand in recess, subject to the call of the Chair.

[Whereupon, at 12:15 p.m., the subcommittee recessed, subject to call.]

THE VOTER REGISTRATION ACT AND RELATED LEGISLATION

THURSDAY, JULY 19, 1973

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ELECTIONS OF THE
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, D.C.

The subcommittee met, pursuant to adjournment, at 9:30 a.m., in room 2257, Rayburn House Office Building, Hon. John H. Dent (chairman of the subcommittee) presiding.

Present: Representatives Dent, Mathis, Jones, Mollohan, Ware, Dickinson, and Frenzel.

Also present: John G. Blair, assistant to the staff director; Eric Honick, clerk, Miss Barbara Giaimo, assistant clerk, Subcommittee on Elections; and Ralph Smith, minority counsel, Committee on House Administration.

Mr. DENT. The hearing will come to order.

We have with us a very distinguished witness this morning and I know that he, like the rest of us, has quite a few duties to perform before lunchtime, and we will get the hearing started. Other members are on the way. I have a markup session in my office this morning, so I intend to turn the hearing chairmanship over to Mr. Mathis, who has been very closely associated with this legislation. Senator, would you please come up and take the witness stand? On behalf of the committee and Congress, I welcome you to this hearing. I know you have long been interested in election reforms and election laws and it is a real pleasure and privilege to have you here this morning as a witness.

STATEMENT OF HON. JAMES B. ALLEN, A U.S. SENATOR FROM THE STATE OF ALABAMA

Senator ALLEN. Mr. Chairman and members of the committee, I deeply appreciate the opportunity to appear before this distinguished committee in opposition to S. 352, generally referred to as the "Post-card Registration Act." It is also referred to, facetiously perhaps, as the "Tombstone Registration Act." This last designation suggests a possibility for registering names on tombstones and thus, invokes the imagery of potential for fraud under a system of post card registration. So, facetiously or not, the designation has some merit at least to the extent that it calls attention to one of the most important reasons underlying opposition to the bill.

Mr. Chairman, I submit that the last thing this country needs at this time is a law which would facilitate the registration of persons not qualified to vote and who may not even exist. That is exactly what this bill does. There is an urgent need to restore public confidence and trust in the electoral process. We will not move in that direction by enacting laws which undermine State safeguards against fraudulent registrations and voting.

Furthermore, the proposal would involve in politics a very reluctant Bureau of the Census by way of correcting and analyzing information concerning elections and election results and in selling such analyses to parties throughout the Nation who may wish to exercise out-of-state influence on State and local elections. The Federal bureaucracy does not need such a power. It ought not to have such a power. It is not necessary to draw a picture to demonstrate the potential for abuses in the distribution of information of this nature. The Bureau of the Census should not be involved in politics and, in my judgment, the American people do not want it involved in politics.

Then there is the question of cost. The initial cost of the program has been variously estimated from \$50 million to \$100 million and this, of course, is only the beginning. How can Members of Congress justify to the people an additional increase in the deficit of the National Government to finance an impractical and dangerous undertaking?

In addition, there are serious objections to the bill on constitutional grounds. The Constitution vests the power to fix qualifications for voting in the States. As for Members of Congress, the Constitution provides that they shall be elected by the people of the several States who possess the qualifications required to vote for members in the most numerous branch of such State's legislature. No one will question that a "live" body is the first requisite to honest voting. No one will question that the States have the power to prescribe that a live body present itself to registration officials for the purpose of identification and a determination of qualifications prior to registration and voting. Congress can no more abolish State requirements for personal registrations than it can abolish the requirement of registration altogether.

This bill would make electors for President and Vice President Federal officials. Up until now, it has never been seriously contended that the Constitution vested the power in Congress to determine the manner of choosing or fixing the qualifications of voters who are to choose presidential electors. In fact, both the Constitution and the Supreme Court decisions recognize electors as State officers and not Federal officials. Again, the faith of the people in our governmental processes depends upon faith in the law of the Constitution and in elected representatives scrupulously to adhere to that law. If enough people want to change the method of choosing electors, let it be done by constitutional amendment—not by statute.

Mr. Chairman, this bill is seriously flawed in each of the particulars I have mentioned. It does not strengthen the integrity of the electoral process—instead it opens the process to grave potential for fraud. It is not conducive to the retrenchment of Federal powers—it increases them. It does not inhibit the proliferation of the Federal bureaucracy—it adds another bureaucracy within a bureaucracy. It

does not comport with the overriding necessity to reduce Federal deficits and spending. It is not consistent with nor can it be squared with the Constitution of the United States. These are reasons enough to reject the proposal. However, there are other compelling reasons for its rejection.

Mr. Chairman, this bill is erroneously premised on the idea that separate State voter registration laws are designed to discourage persons otherwise qualified from registering to vote. Nothing could be further from the truth. Any student of politics in the United States knows full well that State voter registration laws are designed to help prevent fraudulent voting. In fact, State-enacted Corrupt Practices Acts represent a past reaction to widespread corruption in elections. Yet, evaluation of the testimony presented by witnesses before the Senate Committee on Post Office and Civil Service, reveals considerable confusion on this point. In an effort to suppress fears of fraudulent registrations, no recognition was given at all to the fact that absentee voting was and remains a source of potential fraud that requires very strict regulations. And registration is the first and necessary step to absentee voting. I don't have to tell anyone here about the potential for fraud in casting absentee ballots by persons other than those entitled to vote by absentee ballot. The potential for fraud would be infinitely greater were we to permit absentee registrations.

This bill eliminates the requirement for personal registration and thus both absentee registrations and absentee voting would be permitted. Obviously, unless one is blind to the potential for fraud in casting absentee ballots, he must see that the potential for fraud is vastly enhanced by laws which authorize absentee registrations. Again we must emphasize that State laws regulating casting of absentee ballots and State laws regulating the registration procedures serve but a single purpose which is the protection of the integrity of the votes cast by duly qualified voters. This bill seeks to undermine those protections and to subvert the purpose of State laws.

An aspect of this problem not adequately covered in the Senate hearings relates to the importance of maintaining an up-to-date list of qualified voters as a means of further protecting the vote of honest voters. It is essential that lists of qualified voters be purged periodically of the names of persons who have moved from the jurisdiction, who have passed away, who have been committed to institutions for the insane, and those who may have become disqualified by reason of conviction of a felony. These names must be removed from lists of qualified voters if we are to deny to the unscrupulous an opportunity to cast votes in the names of such persons. This bill, if enacted, would accomplish the opposite result.

Under the provisions of the bill, lists of voters will be overburdened with deadwood. Names submitted by post card must be listed up to 30 days prior to an election. Obviously, Boards of Registrars or other public officials with responsibility for registering qualified voters cannot check out and validate the names and addresses on the post cards with which they will be inundated. Yet if post card applicants are not listed as qualified voters—even when serious doubts exist—the registration officials may be hauled into court under the burden of a presumption of wrongdoing until proven innocent.

After an election, there remains the near impossible task of purging the lists of fictitious names and names of persons not qualified. Even under normal conditions, the extreme mobility of the population makes it difficult in most areas of the Nation to keep voter lists purged of deadwood. Registration officials do not need the added burden of purging their lists of fraudulent registrants. Yet, I repeat, a clean list of qualified voters is essential to clean elections. Absentee registrations would contribute to the opposite result.

Mr. Chairman, I have dwelt at some length on the potential for fraud in this bill primarily because one can easily get the impression that some proponents of the bill had never heard of stolen elections or of stuffed ballot boxes, or casting votes in the name of fictitious persons or persons deceased. Sometimes I wonder if remarks made to discount possibilities of fraudulent voting under a system of absentee registrations are not made with tongue in cheek.

Be that as it may, let me turn now to another erroneous assumption underlying this bill. It is assumed that an increase in the number of persons registered to vote will automatically increase the percentage of eligible voters who participate in elections. The trouble with this assumption is that it is not supported by facts.

As I pointed out in debate on the Senate floor, the great State of Texas has experimented with post card registration as well as registration by filling out and mailing newspaper coupons or by letter or any form of notice to local registrars indicating a desire to vote. According to 1970 census figures, 62.3 percent of voting age Texans were registered to vote. Compare that figure with the State of Utah where, without registrations by post card, newspaper coupon, or letter, 98.4 percent of the voting age population is registered to vote.

Mr. Chairman, let us consider for a moment, with 98.4 percent of the voting age population in Utah already registered to vote, this law would require that there be mass distribution of these post cards to every mail box and every postal address in the State of Utah, even though they have just 1.6 percent of the persons of voting age who have not registered. They would send hundreds of thousands of post cards out to get that 1.6 percent of the people. That would certainly be an overkill in the highest degree, to put the Government to the expense of sending out those post cards. I am not trying to draw any definitive conclusions from these statistics. I am merely trying to demonstrate that there are effective ways to increase voter registrations other than by Congress flying in the face of the Constitution and abolishing State requirements for registration in person.

Mr. Chairman, I can't recall a time in recent history when it was easier to register and vote. But—the ease and simplicity of registration procedures appear to have no positive effect on the number of persons who choose to vote. Census Bureau testimony before this committee supports this conclusion.

On June 28 of this year, representatives of the U.S. Census Bureau testified before this subcommittee in opposition to this bill. During the testimony, Deputy Census Director Robert Hagan revealed preliminary findings of a Census Bureau survey taken last November. The sur-

vey asked persons why they were not registered to vote in the 1972 election. The result of that survey is as follows:

	<i>Percent</i>
Not a U.S. citizen.....	10.6
Residence requirements not satisfied.....	6.0
Not interested.....	42.9
Disliked politics.....	7.6
Unable to register.....	12.6
Other.....	15.0
Don't know.....	5.3

Six percent of the respondents listed lack of legal residency despite the fact on March 21 of last year, the Supreme Court struck down all State durational residency requirements in excess of 30 days in Presidential elections. Better than 50 percent were not registered either because they were not interested or disliked politics.

These figures indicate that apathy and political alienation contribute more to low registration than inconvenient registration procedures. In any event, the figures do not justify nullification of State laws which require registration in person.

There is one additional point I would like to emphasize. This bill, although designed to regulate Federal elections, has for its purpose regulation of both State and Federal elections. If the States become subject to the provisions of this bill, they will be confronted with a dilemma. They will be required either to modify or repeal laws governing voter registration and election procedures to conform to requirements of this bill or else they must establish a dual system of registration and voting in State and Federal elections. Of course, there is a third alternative.

State registration and election officials may simply throw up their hands in disgust and let the system go to pot. And why not? Here we are up to our necks in considering proposed legislation to help restore the faith of the people in the integrity of our electoral processes, and Congress is asked to enact a law—in defiance of specific provisions of the Constitution—which would deny to the States the right to protect the integrity of their votes by prescribing a system of absentee registration by post card.

But, one may ask, why would Congress do such a thing? I suggest that one reason is that the bill cannot be said to have been adequately considered in the Senate by reason of bypassing the jurisdiction of the major committees which should have considered the bill.

I respectfully urge members of this subcommittee carefully to consider the compelling minority views expressed by the distinguished Senator from Hawaii, Mr. Fong, as the basis for his recommendation and mine that this bill be rejected. I also commend to your consideration two excellent editorials on this subject from the Birmingham News, and a column by the distinguished member of your committee from Alabama, Mr. Dickinson, and a James Jackson Kilpatrick column, all of which speak with clarity and persuasion against this bill. I request that these materials be included as a part of my testimony.

In conclusion, I cannot believe that there is any substantial sentiment by the people of this Nation to enact legislation which would in any way put in jeopardy the integrity of our electoral processes. This bill would do just that. Should this bill be enacted, it cannot but create

grave doubts concerning the ability of the people to protect their votes against cancellations or dilution by fraudulent practices made possible under its provisions.

Mr. Chairman and members of the committee, I respectfully urge that the bill be rejected.

Mr. DENT. Thank you, Senator. I must say that your logic is very compelling and very clearly demonstrates a background understanding of the whole problem of registration.

I am sure the committee will benefit from your very wise counsel. I have been informed that my subcommittee has gathered in the meeting room and I will turn the meeting over to Congressman Mathis at this time. I know you will be in the very kind, gentle hands of the distinguished members of this committee, especially the distinguished Member from your great State of Alabama, Mr. Dickinson.

Senator ALLEN. Thank you.

Mr. MATHIS. Senator, I join with the chairman in commending you for your very fine statement. I wonder if you had any consideration from the election officials in Alabama as to what their thinking was on how they would be able to execute the provisions of this law when you considered this bill in the Senate.

Senator ALLEN. Yes, sir; we did. Our registration officials there very strongly opposed this bill, as expressed in letters that I received from Alabama. I might say also that I received letters from Florida from the registrars there. As a matter of fact, there in the Senate, as far as I was able to ascertain, there was no testimony adduced, none referred to on the Senate floor in the debate that extended for over 30 days, off and on, that indicated that a single local registration official endorsed the provisions of this bill.

Mr. MATHIS. Do you think that might be because they were unwilling to accept the additional responsibilities of executing the law that might add a burden to their job?

Senator ALLEN. No, I don't think it was so much that. I think they felt that the registration procedures are adequate to take care of anybody that wants to register. As the chairman knows, the effect of the existing law today is that all it takes to register—there is no educational requirement, that has been knocked out—all it takes is for a person to go before the Board of Registrars, present his person or his body there, and show that he or she is 18 years of age. That is all it takes to register. It is easy enough to register. That is the easiest thing in the world to do. Why should we broadcast, by the millions, post cards through the mails when they would be available under terms of the bill at Federal offices and offices of State and local officials. The boards of registrars point out it would create chaos in their procedure. They would not be able to check these people out. They would have to keep two lists. A person going in to vote, having qualified under the post card registration law to vote in a Federal election—you could not set up two different machines, they would have to vote on the same machine—so you would have the election officials telling the person who registered under the post card law, you can vote just on the Federal offices here, but don't you touch this lever here having to do with the Governor's race, or the sheriff's race, or the mayor's race. You can't vote there. You are just a second-class citizen, actually, if you

have registered under the post card registration. We would prefer to have everybody qualified to vote in all elections, not limit them just to Federal elections.

Mr. MATHIS. Mr. Dickinson.

Mr. DICKINSON. Thank you, Mr. Chairman.

Senator, I would like to commend you on your comprehensive, and, I think, very penetrating statement. I agree with the thoughts expressed here, and I think you have performed a yeoman service to our committee as well as to the people of the country.

I have a couple of questions I would like to ask, though. This bill or a similar bill was handled in the Senate. What was its fate?

Senator ALLEN. It has had two fates, actually. The proposal in the last Congress had a motion to table the bill made and carried. It was not until this Congress that another effort was made. The bill went to the Post Office and Civil Service Committee, the chairman of which is my distinguished friend, the Senator from Wyoming, Mr. McGee, who, by coincidence I am sure, is the author of the bill in the Senate.

The rules of the Senate would certainly indicate that the bill should have gone to the Rules Committee rather than to the Post Office Committee. One might be led to believe that the whole idea of sending these cards to every postal address was put in there to give the Post Office Committee some semblance of jurisdiction. It was discussed for quite some time—more than a month—on the Senate floor. Two efforts were made to invoke cloture that were unsuccessful. On the third effort, the cloture petition did carry, and on final passage it was voted with some 37 votes against it, I believe, in the Senate.

Mr. DICKINSON. Senator, one of the principal objections I have—I have several to this bill—but you touched on one which is the most important, and that is the potential for fraud here.

Senator ALLEN. Yes, very definitely.

Mr. DICKINSON. I agree with you that the proponents of the bill probably have never heard of anybody stealing an election or of any election irregularities, but I would submit that they are not unique to Alabama even though we, in our State, have known of this on occasion. Under the proposal, what would be the effect, as you understand it, of purging the list and how often would these registrations be offered, and as you view it in talking with the election officials there, what would be the effect, as far as officials are concerned, in policing these registrations?

Senator ALLEN. Of course, there is no provision in the bill as far as I know for purging the lists. That would still be left up to the local officials.

Under the terms of the bill, they have to have this broadcast of these post cards throughout the country to every postal address at least once every 2 years. There is nothing to prevent them having them at other times.

As I pointed out on the Senate floor, you could bring the Census Bureau very much into politics by allowing the Administrator of this agency, which would be under the Census Bureau—by the way, they are very much opposed to it—it would allow them to broadcast these post cards right before a special election or any time they wanted to. If they wanted a registration drive in a closely contested district,

some 5 percent difference between the parties, they could have a special broadcasting of these post cards throughout a district.

If there was a heavily populated district of one party, and they wanted to increase registrations for that party, they could send these cards there and ignore other areas on special broadcast.

Mr. DICKINSON. You are saying if they wanted to be politically motivated, they could selectively mail cards in a particular ward or district or part of the State.

Senator ALLEN. Yes, and that would be in addition to the once every 2-year minimum mailing. There is nothing to prevent special broadcast of material.

Mr. DICKINSON. There is one thing that occurs to me and I am wondering if you perceive this as a danger, under the heading of "dirty tricks," if a person should get hold of a bunch of cards and fill them out in real people's names but transfer these people to some other district where they really did not live, and just mailed them in, without the voter himself being aware that somebody has transferred him to someplace else and when he goes down to vote without his knowledge, he finds he is not registered there. He has been registered someplace else. He is not sure where he is registered in the city or another county. Could this be possible under this post card registration?

Senator ALLEN. There might be a possibility of that. Certainly there are possibilities of many fraudulent practices that could be permitted. Just dumping bushels of these cards on the desks of the registrars would cause chaos enough. I might say as I conceive sending out these post cards, you would probably have to have a double type card, with two folds of cards. Senator Fong figured out that it would take around 240 million cards to have a complete broadcast of these materials. Figuring on just 100 million on this required sending out of materials, if you had a hundred million, figuring 25 of these double cards to the inch would be 300 to the foot, this 100 million would make 600 stacks of cards each as tall as the Washington Monument that would be put into the Postal Service to get these cards throughout the country, when the bill provides that all Federal offices and city and State offices have them available. You can rest assured that most every do-good agency would have a bale or two of them to have signed up. So there would not be any need of sending them out through the postal system.

I might say that the bill makes the postman more or less a registration official because it provides that the postal service shall send to every post office address a "sufficient" number of these cards. It does not say a sufficient number for what. Sufficient number to paper the fellow's room or to furnish him with scratch pads for the year? The postman is required to deliver to every mail address a sufficient number of these cards. It makes him, I assume, inquire at every postal address how many people are registered and how many cards they need. It puts quite a burden on an already overburdened postal service.

Mr. DICKINSON. Thank you, Mr. Chairman.

Mr. MATHIS. Mr. Mollohan.

Mr. MOLLOHAN. No questions, Mr. Chairman.

Mr. MATHIS. Mr. Ware.

Mr. WARE. I have no questions.

Mr. MATHIS. Mr. Frenzel.

Mr. FRENZEL. I merely wanted to thank the Senator for his testimony. We have to balance the possibility of increasing participation against some of the negatives. I think you have done a good job in pointing some of the negatives out. Thank you.

Senator ALLEN. Thank you.

Mr. MATHIS. Thank you again for appearing before the committee and sharing with us your thoughts and opinions on this legislation.

Senator ALLEN. Thank you, sir.

Mr. MATHIS. Our next witness is Charlotte Roe, executive director, Frontlash, New York, N.Y.

We are delighted to hear from you, Miss Roe.

STATEMENT OF CHARLOTTE ROE, EXECUTIVE DIRECTOR, FRONTLASH, NEW YORK, N.Y.

Miss ROE. Thank you, Mr. Chairman, for inviting me here.

Mr. WARE. If I could interrupt, since our witness has appeared previously before the Senate committee, I am inquiring whether you have new material to add. I am doing that only in the interest of time.

Miss ROE. Yes, I do have some new comments to make.

Mr. MATHIS. Very well, you may proceed.

Miss ROE. Mr. Chairman, I am grateful for the opportunity to appear before the committee to comment on H.R. 8053, the Voter Registration Act, and on the problems which this legislation seeks to correct.

I have submitted for the record a written statement describing the kinds of obstacles encountered by groups like ours when we seek to bring those unrepresented into the electoral process: remote registration facilities, inconvenient hours, difficult forms and procedures, uncooperative election officials who use their power arbitrarily to discourage certain groups of citizens from registering. Such conditions discriminate against the have-nots and have-littles in our society and make it a burden for all but the highly motivated few to get on the registration rolls. This I would submit is what happened with the youth vote in the 1972 elections. Among that massive group of newly enfranchised young voters aged 18 to 21, we find that those who had a college education, those who came from families with higher incomes tended on the whole to register without too much difficulty because they had the motivation to overcome these kinds of obstacles. Those who are working for a living, and those who did not share these advantages tended to have a much harder time in getting on the registration rolls.

The voter registration system we have in this country is archaic, it is unfair, and inefficient. I don't see a valid excuse put forth for it to continue in the present day and age. H.R. 8053, the Voter Registration Act, would give us an alternative by providing easy access to registration for voting to millions of Americans who are now outside the democratic process. I think the main features of this bill which would be helpful are that a simple post card form would go to every household. It would do away with the requirement for inperson registration, which we find is the biggest barrier to expanding the voter registration rolls.

Those forms could, as it has been pointed out, be picked up by civic groups and distributed in those neighborhoods where people do not as easily respond by mail, and it would provide an easy, universal system of absentee registration for shut-ins and students.

Most important, I feel it would place the responsibility for insuring maximum enrollment where it belongs, on the Federal Government, for Federal elections. There are many arguments that have been put forth against the bill. I myself have found them rather unconvincing.

We hear very often the argument that the post card registration system would open the door for widespread fraud and voter abuse. The fact remains that fraud does not occur at the point of registration. Fraud actually occurs when a bogus voter casts his ballot. I want to point out further that the fraudulent voter, the person who can move around from voting district to voting district, or fly from State to State, or go around taking names off tombstones in order to commit fraudulent acts, is the highly motivated voter. He is not the kind of person who is now left off the registration rolls and left out of the electoral process. So I do not find that the incidence of fraud would be significantly expanded by this kind of a bill. In fact, the present system does not to my knowledge have strong safeguards against fraud. This bill would make it a criminal penalty to commit fraud in elections and thereby would add further insurance against the misuse of voting. As Senator McGee pointed out in the Senate hearings and on the floor of the Senate, the real fraud is that the present system keeps millions from participating in the electoral process.

A second argument that is made frequently by some spokesmen of the administration is that the legislation would involve the Bureau of the Census in partisan politics because it would make the Bureau responsible for administering the post card system as well as gathering further statistics on registration and voting and by expanding voter registration. It is said you inevitably benefit one party over another in certain districts and in certain States. Now we know that throughout the past century every expansion of voting rights has been blocked by certain politicians out of the fear that the newcomers would not be voting their way. I would submit, gentlemen, that this fear is at the basis of that kind of argument. It is part of the same problem. I think it is time we stopped playing political football with voter registration and say that those who are unregistered have a right to make their voice heard whatever the outcome. It seems to me that is what democracy is all about.

Another argument is that greater ease of registration won't necessarily boost voting participation. We need a study of the root causes of voter apathy, it is said, instead of this kind of a bill.

This reminds me of the position taken by certain well-meaning, often liberal intellectuals, on the problem of crime. It is said that we cannot do anything about the massive crime problem in the United States until we solve the root causes which we know are things like poverty, slum conditions, miserable conditions, and social alienation, the same kind of causes that often lead people to not be motivated enough to get into the electoral process. But the fact remains that 40 million Americans did not vote and could not vote in the past Presi-

dential election for the simple reason that they were not registered to vote, they did not get past that first hurdle.

It seems to me it is not their apathy we have to worry so much about, it is the apathy of public officials who allow that kind of condition to continue when we know we could do a lot better at this game. It seems to me that a system of universal registration would free many public and private resources to do something about the underlying problem of voter apathy, would allow us to do something serious about the problem of producing a more aware and informed electorate and would allow us to create the kinds of pressures that would make political candidates speak to voters' needs. But we first have to do something about that first hurdle of registration because whatever else we do and talk about, unless that is solved, people won't get to vote.

The argument is made also by some Secretaries of State that legislation covering only Federal elections would cause confusion at a State level by requiring things like dual voting lists, and other administrative headaches.

I can sympathize with that argument. But I think we have to look at the experience of 18 year olds in the 1972 elections. When that was first enacted it would have meant the same kind of problem—dual voting lists—until the 18-year-old vote was made something that would be a requirement for State and local elections as well.

I think this problem created strong pressures for States to adopt laws that would bring their own systems into line and create more uniform standards for all elections which I think is a desirable condition.

Finally, the argument is made by some spokesmen in the administration and their supporters that the costs are too high. The estimates I have heard for the costs of this bill, gentlemen, I think are fairly modest compared to the kind of money and manpower that was expended by some people in the same administration to subvert the democratic process, as we have seen in the hearings about Watergate.

If you want to subvert the democratic process I think you have to pay for it and some people were willing to pay for it. If you want to improve the democratic process you have to be willing to pay for it as well.

In the long run, I feel, however, that a post card registration system, if universally adopted could end up costing less than the kind of wasteful, erratic, hodge-podge of State laws and procedures that we now have. So in summary, I think that the Voter Registration Act will not be a panacea for all the problems of registration and voting in this country, but it will make voter registration easier, it will make it more a public responsibility, which I think is wise, and it will make the Government more truly reflective of the voice of the people. I think it deserves our strong support. Thank you.

Mr. MATHIS. Thank you for your statement, which will be made a part of the committee record without your objection.

[The statement follows:]

PREPARED STATEMENT OF CHARLOTTE ROE, EXECUTIVE DIRECTOR, FRONTLASH

The 1972 elections clearly demonstrated the need for a comprehensive reform of the nation's voter registration system. Voting participation dropped to a bare 55 percent of the potential electorate—the lowest turnout since 1948. The number of non-voters increased from 44 million in 1968 to 62 million in 1972.

Despite widespread disenchantment with the choices posed in the Presidential election, voter apathy or "turnoff" is not the main cause for this poor showing. The majority of Americans who register tend to vote in national elections. Bureau of the Census studies show that even among 18 to 21 year olds, the age group with the lowest record of voting participation, 83 percent of those registered cast their ballots in 1972.

The major obstacle to broadening the base of political participation is the thicket of complicated, archaic, and restrictive laws and procedures for voter registration. The United States is the only free Western nation which puts the burden of voter enrollment on the individual rather than on the government. The system of volitional, personal registration has produced the lowest election turnouts among Western democracies. Only two-thirds of our voting age population normally participates in Presidential elections. But in Canada, Great Britain, and the Scandinavian countries where universal voter enrollment is a public responsibility, the average for voting participation in national elections is at least 20 percentage points higher.

In too many areas, the task of registering to vote is frustrating and unnecessarily difficult for ordinary citizens. In a great many communities voter enrollment is conducted at remote locations at hours which are inconvenient to working people, parents of young children and full-time students. A national survey conducted by the League of Women Voters Education Fund in 1972 found that 75 percent of our citizens have no weekend or evening registration facilities available to them in the months outside of election campaigns. Thirty-eight percent have no access to registration facilities during non-working hours, even in the period immediately preceding an election.

The registration books are often closed long before interest in the elections reaches a peak or information about registration procedures has reached the bulk of unregistered voters. Only a handful of states make the maximum use of deputy registrars to bring the opportunities for registration to the work places and the communities where voting participation is low. Long and obscure registration forms, crowded registration offices, confusing or non-existent procedures for absentee registration, and the lack of bilingual facilities are other factors which often discourage potential voters from exercising their franchise.

Moreover, most states leave a great amount of discretion to local officials in determining the rules and mechanisms by which voter registration is carried out. These officials can sometimes exercise their power in a way which obstructs rather than assists the right to vote.

Field reports from Frontlash, a non-partisan voter registration and voter education organization, document the kinds of obstacles encountered by civic groups which are working to broaden the opportunities for participation in the democratic process.

New Jersey Frontlash reports that 60 percent of its activities in 1972 were concentrated on seeking to liberalize procedures for registration and persuading local election authorities to appoint deputy registrars, a procedure which is permissible under state law but only use a few counties. Voters in lower-income neighborhoods, it was found, are frequently bypassed when the programs for mobile registration are implemented. In Camden, a city with a large, under-registered black and Puerto Rican population, the dates and sites of mobile registration were not announced in advance by the election commission. Volunteers had to search for the garage where the mobile van was stored, then follow it with a car and mimeograph machine, running off leaflets to inform residents where the registration van would be stationed. Similar situations were reported in Champaign County, Illinois.

In New Bedford, voter registration is conducted at the Town Hall during week-day hours which exclude most working people. Massachusetts election law provides for two days during the year when the election commission is required to accept petitions for special sessions of neighborhood registration, but the rules are not published and are frequently followed erratically. The city has a large population of Portuguese-speaking citizens who are under-represented at the polls, yet no translating assistance was provided at the town hall. Some clerks reportedly made derisive remarks about young and minority citizens who applied to register.

At Prairie View A & M, a predominantly black college in East Texas, the majority of eligible student voters were effectively disfranchised in 1972. Local officials required young voters to fill out lengthy questionnaires for registration

and subjected them to intensive interrogation, asking them to prove they would remain as permanent residents of the community—standards which were not applied to other classes of voters. At the beginning of 1972 a Prairie View student filed suit in the U.S. District Court contending that he and 1,500 other students should be allowed to vote in the community. In October the District Judge ruled in his favor but denied the class action, saying that it would be too late to register all the students in time for the election.

In the hundreds of small towns in New Hampshire, there are no set rules for when and where registration can be conducted, and practically no provisions for mobile registration. The process of voter enrollment is dependant upon the personal inclinations of the town clerk. He arbitrarily decides how to register people, usually permitting an hour a week in his home. He can demand birth certificates to discourage newcomers or, if he wishes to be helpful, he can decide to visit neighbors' homes to seek out new voters. Given this helter-skelter system, the organization of a coordinated voter registration drive in rural areas is greatly stymied.

In Cleveland, Ohio, the Board of Elections has traditionally allowed only one day before every election when voters could register outside the county courthouse. When Frontlash representatives first requested an expanded number of days for precinct registration, the Board Chairman categorically said it was not legally permitted. The election law did in fact provide for ten days of out-of-office registration and after months of petitioning, negotiating, and mounting public pressure, the request was finally granted shortly before the 1972 elections deadline.

The examples of arbitrary and restrictive application of voting laws could be multiplied. The state laws themselves can also be an instrument to curtail the opportunities for registration. In New York, for example, the State Assembly recently passed a bill requiring that out-of-office registration be conducted only by full-time employees of the Board of Elections. The new legislation would make it impossible for volunteer registrars to carry on the kind of enrollment drives which have resulted in the enlistment of hundreds of thousands of new voters in New York City alone during the past year.

These kinds of barriers keep millions of Americans from expressing their will at the polls. They discriminate against those who work for a living, who cannot easily afford to take time off from their job or travel long distances to register. They make it hard to enroll the less-educated and the young, who are more transient and more likely to be intimidated by complex registration procedures. These institutional obstacles deepen the class bias in our electoral system. Blue-collar workers register to vote at about one-half the rate of the professional, managerial groups; and in the 1972 elections, about 80 percent of college students were registered in comparison with only 55 percent of the less-privileged non-college youth.

To correct these inequities, the federal government must assume the responsibility of insuring that every American of voting age is able to register with as little inconvenience as possible.

The Voter Registration Act (H.R. 8053) would go a long way toward meeting the goal of full and free electoral participation. It would establish a simple process of registration by mail for Federal elections. Postcard registration forms would be delivered to every household by the U.S. Postal Service prior to general elections; the forms would be available for public distribution throughout the year, and printed in languages other than English where such assistance is required. Financial incentives would be provided to encourage states to adopt the postcard registration system for state and local elections. Strict penalties would be used to guard against fraud.

The Voter Registration Act would not be a cure-all for low participation. Additional reforms would still be needed to clear the path to the voting booth. Among these would be: legislation to make election day a half-day national holiday; a requirement that voter registration lists be used for electoral purposes only and not for tax assessment or jury duty; and a 30-day limit on registration deadlines.

But the enactment of a national system of post card registration, by eliminating the cumbersome requirements of personal registration, would do more than any single step to expand voting rights for all Americans and to reverse the dismal record of low voter turnout which has marred U.S. elections for the past fifty years. In our view it should be supported by all those who believe in the value and potentialities of democracy.

Mr. MATHIS. Mr. Hollohan, do you have any questions?

Mr. MOLLOHAN. Yes; I do have, Mr. Chairman.

Miss Roe, I think the thrust of what you said is that you are very interested and committed to any method, regardless of what that method might be, as long as it is legal, of course, which would make it easier and simpler and more attractive, possibly, to people everywhere to register and looking toward a greater number of our people exercising their right or privilege or their responsibility of actually voting.

So regardless of what kind of a method we would adopt, if it were as easy as you suggest post cards would be, or any other method, you would be sympathetic to that, would you?

Miss ROE. It if helps expand democracy and improve democracy in this country I am for it.

Mr. MOLLOHAN. There are two classic illustrations. One not at all dissimilar from the one we are suggesting here in this legislation. I am sure you are familiar with the Texas law which, according to information presented to us here in previous sessions, now only carries forward the post card registration concept but goes a step farther and prints in newspapers coupons and things of this sort which may be utilized and mailed for the purpose of accomplishing a registration act.

What we are looking for is not just registration, we are looking for actual voting, but voting is based primarily on a person to be registered and eligible. But the results of the voting process in Texas were somewhat disenchanting insofar as expecting this registration method to assure that there would be a greater and higher percentage of those who had previously voted. As I remember it the actual percentage of those voting in Texas was much, much lower than the national average. Then we even had a more classic illustration before us, the comparisons between South Dakota and North Dakota. I am sure you are familiar with that. You have been a student of this and I am quite confident you have studied this and you have some really important comments to make about it as a result of those studies.

In one of those States we continue to have the so-called conventional type of registration requirement. But in the other all one need do is present himself at the polls on election day, present that information which may be necessary to identify himself as a legally qualified and eligible voter. He registers and then he votes simultaneously.

As I recall the testimony, which was given 2 weeks ago and I might very well be in error, there was very little, if any, difference whatever in the percentage of voting in North Dakota as opposed to South Dakota.

Do you have any comments on this?

Miss ROE. Yes; I do. First on the Texas system, I don't think that the Texas system is exactly comparable to the Voter Registration Act which is now under consideration.

Mr. MOLLOHAN. In what way is it dissimilar?

Miss ROE. It is dissimilar because, first of all, the post card forms in Texas are available in newspapers. They are not distributed to every household, however. They are not universally available.

Mr. MOLLOHAN. Are you sure of this point?

Miss ROE. I am sure of it because I have engaged in voter registration campaigns in Texas.

Mr. MOLLOHAN. In other words, you are saying under the Texas registration law the only availability you have beyond presenting yourself to the proper registration official is by clipping a coupon from the newspapers.

Miss ROE. No; there are other methods, sir. One of the methods is that during the past year in order to expand registration, because Texas had one of the lowest voting participation levels of my State—it was the last State to get rid of the poll tax, and I will give you another additional reason why you had such a miserable record of voter turnout—in order to do something about their problem, election officials began mailing these post card forms to those who had been previously registered. It did not get to the people who were chronically unregistered.

Mr. MOLLOHAN. You say they have mailed post card registration?

Miss ROE. To those who had been previously registered.

Mr. MOLLOHAN. But not to every single household or resident.

Miss ROE. No. This is what the bill I support would do, because I think it would go many steps further. The major reason that Texas voting participation has been so low, after the poll tax was eliminated, has been that until the past year you had to register by January 31 in order to be eligible to vote in November. This provision in Texas election law, it was proved in arguments before the District Federal Court and the Supreme Court where this was finally knocked down, was a major contributor to low participation, because people who had little education, people who were not politically sophisticated, as only a minority of people in this country are active and eagerly reading everything about politics, would not become aware of an election campaign until a few months before when they had lost their chance to register to vote. This provision was knocked out. But it takes some time before that massive group of citizens which has been excluded by such a procedure becomes aware of their opportunities for registration.

When you go around registering people to vote in Texas now you will find that many people think that this provision is still in effect. There were 1 million more citizens added to the voting rolls in the past year, for the 1972 election, since this provision was knocked out. That I would submit is an example of how by easing voter registration laws you do boost voting participation.

Mr. MOLLOHAN. What comments would you have with respect to the ease of registration?

Miss ROE. I have one other example in my written testimony, which is that you still have election officials in some parts of Texas actively discouraging certain groups of voters from registering. The Prairie View A. & M. example was the one I gave in my testimony. There students were effectively prevented from registering in the community in which they lived. This also was proved to be illegal by a Federal District Court but not as a class action because it did not come up until October.

Mr. MOLLOHAN. When were these decisions rendered?

Miss ROE. That was rendered in October 1972, right before the election.

Mr. MOLLOHAN. What impact if any did it have on the registration there?

Miss ROE. It only affected the one plaintiff, the student who brought the case. He did not win his case as a class action.

Mr. MOLLOHAN. Let us go a step further and talk for a moment about North and South Dakota because it seems to me we are all looking for a simplification of the registration process and anything that is more simple than the post card would be more attractive generally to those who are advocating this kind of legislation. In North or South Dakota we have an immediate registration and immediate follow-on of voting. What would be your comments to this?

Miss ROE. North Dakota is a State in which there is no registration required. It is one of the States in which there is a fairly high turnout compared to other States.

Mr. MOLLOHAN. Wait a minute, you have the sheet there, what is the comparison between North and South Dakota, which I looked upon as being pretty identical.

Miss ROE. Their percentage turnout, as you said, is about equal. North Dakota had a 67-percent turnout in 1968, South Dakota had a 68-percent voter turnout. Both States have a fairly easy registration system. But in North Dakota by comparison, you register by in effect appearing at the polls. You do not have a prior registration.

Mr. MOLLOHAN. All you have to do is want to vote and there are no prohibitions of time or any element of circumstance. If you are available to vote you are available to register, as I see it. So it looks to me this is the most simple of all suggestions I have heard. But still it does not enhance the voting percentages.

Miss ROE. It does enhance them considerably over Alabama which had a 51-percent turnout.

Mr. MOLLOHAN. You are going to a noncomparable situation. Whenever we are making an evaluation of circumstances we have to look at a more or less identical circumstance. There is a great deal of difference between Alabama and North Dakota. Also, North Dakota and New York City. But there is very, very little difference between North Dakota and South Dakota as I understand it geographically, population-wise, people's inclinations, attitudes and what not.

Miss ROE. That is right.

Mr. MOLLOHAN. Why would we not be more realistic if we were making comparisons between these two comparables rather than going out and picking up an extreme illustration where there is a noncomparability and so many different areas. Why can't we contain ourselves with just North and South Dakota? This gives to both of us something we did look at and put out teeth into.

Miss ROE. I think the answer is that first of all the McGee bill, or S. 352, which is now before this committee does not propose no registration.

Mr. MOLLOHAN. I am not in the slightest interested in what these bills contain at the moment. I am interested in your comments in discussing the lack of disparity between the conventional registration process, the effectiveness or end results of it, in North Dakota as opposed to South Dakota when you have a much more easy method of registering and voting than you would have with the post card or coupon process.

Miss ROE. I am not sure this is easier.

Mr. MOLLOHAN. How can you say that?

Miss ROE. By going to households it will alert people to the need to register, as you do in South Dakota, you inform people about the elections. I am not convinced that a no registration system is in fact easier. It has not been shown to me.

Mr. MOLLOHAN. In West Virginia in my campaign last year, I was very much interested in getting as many people to the polls as I can because I think this serves my selfish advantage. If I can get a high percentage of people who are registered and vote I am in a far better position as far as the end results than if a low percentage turned out.

In the last 2 days of campaign, I ran 12 what you may characterize as nonpolitical radio spots over every one of the radio stations in my district urging people to vote and there was no urging for them to go out and vote for me. But that they go vote, period. So I am interested in a greater percentage of voting, too.

I associate myself very definitely with you in this goal. But on the other hand, you have the North and South Dakota thing where all you have to do is say I want to vote and walk in, but in one of them you have to have a preregistration eligibility and have in the final analysis the same percentage of actual voting accomplished.

Miss ROE. We have a difference of opinion on the logic that is involved here.

Mr. MOLLOHAN. I don't think there is a difference of opinion. I want to know what you think.

Miss ROE. In my view the important comparison to make is between those States that have very difficult registration systems and those that have the easiest ones. You are making a comparison between two States which have fairly easy ones.

Mr. MOLLOHAN. North and South Dakota are a very easy comparison.

Miss ROE. I do not accept your opinion that the North Dakota situation is the most advantageous, you see. To make that comparison I would have to accept it.

Mr. MOLLOHAN. You would rather compare Alabama to North Dakota.

Miss ROE. Or New York City.

Mr. MOLLOHAN. Wait a minute. You feel that New York City's voting situation and problems are directly comparable to North Dakota's, is that what you are saying?

Miss ROE. Yes.

Mr. MOLLOHAN. Then I have no other questions, Mr. Chairman. I am done.

Mr. MATHIS. Mr. Ware.

Mr. WARE. Miss Roe, have you gone personally door to door to register people to vote?

Miss ROE. Have I gone door to door?

Mr. WARE. Yes; to register voters?

Miss ROE. No; I have accompanied groups. We don't have door to door registration in New York where I am a registered voter. I have accompanied people to do this in States which allow such a system.

Mr. WARE. I did want to refer to the fact that I have done this as a block worker and a junior committee man and a committee man over

a period of a number of years, and I think my most discouraging and disappointing experience in my role was the number of people who did not want to register no matter how easy you make it for them.

I note in your comment about the level of intelligence and so forth, and again disappointingly, the largest percentage of those that would not register in my experience were teachers, who presumably are intelligent and trained to teach others.

Another interesting experience as the result of that experience was that those who you finally convinced should register and that this was an important part of our process, those you finally talked into registering—and I might say I never made the slightest reference to the need or desire to register in one party or another, but registered people of all parties and no parties and independents—but those who were the most difficult to register I found also were those who were most unlikely to show up at the polls. Then I would point out that there is another factor that is very important in the percentage of turnout on election day. For example, in my home precinct for President Eisenhower, when he was first a candidate, 98 percent of the people voted. No other candidate has received that percentage of vote. When you make comparisons you have to look at the candidate and the whole field of candidates, and you will find that candidates on the same election day, on the same ballot, do not receive the same percentage vote.

MISS ROE. I think that the example you give of teachers not wanting to register to vote might be something that would occur in certain areas, but I think it is the exception rather than the rule.

MR. WARE. That is why I wanted to ask you about your experience. You say you think it is the exception. I can tell you that is my experience. I would be interested in why you think there would be a reason for that.

MISS ROE. My reason is just the statistics. I am looking for example at a chart that the U.S. Bureau of Census did in 1968, showing voting participation or registration according to the educational level. As we know, voter registration and voting goes up the higher the educational level and the higher the income level.

Of those who had only an elementary school education, 48 percent were registered. Of those who had a college education, 86 percent on the average were registered.

MR. WARE. I was not questioning that. I would say that it is certainly my experience with one group who are allegedly educated—and in my State you have to have more than elementary or more than a high school education to get a certificate to teach, and I am speaking not only of teachers in the public school system but in private school systems and in colleges and universities. So what I am saying is that while I am not questioning your statistics, I say there are exceptions to them.

MISS ROE. I have run into individual teachers going door to door in New York City to try to get people out to vote who would say they would not do it because of a particular election. In my experience it was the exception. I had a harder time drawing people out to vote in low-income neighborhoods. First of all the highest percentage were not registered. Second, when you try to get them registered they are

sometimes afraid that you will use the names for the wrong purpose. There are many reasons why voting participation is low. However, I think we have to look at the experience of other democratic countries, other western European countries, where there is a system of universal registration in effect, where the Government does take responsibility for making sure every citizen gets on the voting rolls and where voting participation is something like an average of 20 percentage points higher than we have. I don't think that is an accident. I don't think it is an accident that the States having the most difficult systems of registration happen to be lowest on the list of voting participation levels. I think these things are related and are connected. I think the bill we are considering would correct these kinds of problems to a certain extent.

MR. WARE. I would have to say my own experience is different from what you think.

Thank you, Mr. Chairman.

MR. MATHIS. Thank you, Mr. Ware.

Mr. Frenzel.

MR. FRENZEL. Mr. Chairman, thank you.

Miss Roe, can you tell us what Frontlash is, who represents it, how many are represented in it, who finances it, and so on. I don't know anything about your organization.

Miss ROE. I would be very happy to, sir.

Frontlash is an organization that was created by the U.S. Youth Council, which is a confederation of about 26 national youth and student organizations, in 1968. It is devoted to trying to expand voting awareness among young people and to engage young people in non-partisan voter registration campaigns to reach other people of all ages who have been excluded from the electoral process. We hold educational meetings to interest young people in political issues, as well as engage in door-to-door voter registration campaigns in the States that allow it prior to national elections and local elections.

MR. FRENZEL. Do you charge dues to your members?

Miss ROE. It is not a membership organization. It is an organization of volunteers. We have about 30 groups active in that many States at the present time, and many more groups covering about 100 cities active in 1972 elections. We are financed by contributions from private foundations, from labor unions, for the most part, from some student organizations, from individuals and by fundraising events on a community level, like car raffles and things of that sort.

MR. FRENZEL. Do you have an annual budget?

Miss ROE. We had an annual budget in the past elections of \$150,000. Our local groups do fundraising of their own to finance local campaigns. We had about 25,000 volunteers, we estimate, active in the 1972 elections doing voter registration and helping to turn out voters after they were registered and informing them of the issues.

MR. FRENZEL. Of the \$150,000 is most of that from foundations or labor unions or what?

Miss ROE. Over half is from trade unions. Most of the other contributions are gotten from individual direct mail campaigns and from people who contribute to local projects.

MR. FRENZEL. Thank you very much.

You have indicated in your testimony that you have had difficulty in areas where you have been active in breaking through the bureaucratic, redtape and barriers, to get people registered.

One of the things that concerns me about Senator McGee's bill is that it interposes another bureaucratic level, and specifically in two sections, one of which allows any local election officials to call in the Feds. I think we have 150,000 election precincts in this country so we have at least a million election officials. Does it not strike you that a student group somewhere, or a foreign-language-speaking group, might be prohibited or might have their registration delayed by having the local guy, who would not think it proper for this group to be registered or for some of them to be registered, called in the Feds and ask them to go through their assistance or investigatory process.

Wouldn't that be a form of harassment and slowdown of registration?

Miss ROE. First of all it would be hard for me to envision that situation. It seems to me what this bill would do is remove from the decisionmaking powers of the local election official the ability to say whether or not a person should be registered simply because he has an inclination to do it or not.

It does away with the requirement for in-person registration. Anybody who wants to vouch that they are a qualified person to become a registered voter will be able to fill out a form and submit it and become added to the registration rolls. Second, I would say that to my knowledge the existence of Federal registrars who have been sent into States to help facilitate registration has never been an obstacle, has never been a bureaucratic barrier in the way of people being added to the rolls. In fact, in the experience we can look at, during the time when the 1965 Voting Rights Act was put into effect and Federal registrars could be called into Southern States and counties in those States which were denying people the right to vote, in every case that I can think of the existence of Federal registrars was a help and not a hindrance.

Mr. FRENZEL. I would agree in many cases it would be. I would be nervous in some cases it might not be. Specifically in 407(b)(1). Whenever a State official—remember we have a million of them—determines that there is a pattern of fraudulent registration on the part of individuals or groups to register who are not qualified electors, that official can request the Attorney General to bring action, and the Attorney General can bring civil action to enjoin this kind of registration. It seems to me you might find yourself in the same box you found yourself in at Prairie View A. & M. where you have a court case that delays the possibility of registration and ultimately disenfranchises the person.

I suppose that takes a dim view of the Federal bureaucracy that this bill attempts to create, and maybe of local officials and maybe of the Justice Department. But if what you say is true of existing bureaucracies that are handling the job, maybe this just doubles the burden.

Miss ROE. This is political theory, of course, but I would think that would not be the case. The reason being that the local official who as I have pointed out in many cases has been able to stand in the way of expanding registration is someone who is not as accountable to an elec-

torate as I would feel a Federal official would be; that is, he can say in Prairie View, if all these black students would get on the rolls it would upset the applectart and we would have a different kind of electorate. The Federal official it seems to me is more under the public eye, has got to be more accountable to an electorate that includes all kinds of people and not just a narrow base as in a small town.

Mr. FRENZEL. You are talking about appointees of appointees. They are not accountable to anybody.

Miss ROE. Yes. But at the point where they are going to call it fraud and come into a community to investigate it they will be under a lot of scrutiny. They will be under a lot of public scrutiny. You don't just cry fraud without having something to back it up.

Mr. FRENZEL. It doesn't make you a bit nervous having a bureaucrat trying to register the disadvantaged?

Miss ROE. I think it could be misused but I think we have a lot of tools to assure ourselves against that kind of misuse if we know how to employ them. In the Prairie View case I pointed to, it was not the Federal court case that was holding up registration. The Federal court case in fact, just the existence of that case was putting pressure on the local officials to let one, two, three, four, five students register a little bit at a time. The fact that there was that delay did not mean that they were doing less. In fact, they were doing more because they knew that this case was becoming something that had more national attention focused on it.

Mr. FRENZEL. Thank you. In your written statement you point out that voter participation dropped significantly from the 1968 election to the 1972 election. I guess part of that was to be expected, because of the enfranchisement of new voters. Perhaps it is comparable to what happened when women's suffrage occurred. All of the people who were newly enfranchised did not take advantage of that franchise. You also point out that the foreign countries' voter participation is considerably higher but you don't point out that the trend there is about the same as the United States, and that is down in terms of voter turnout. The other thing, since we are comparing other countries, I wonder why we don't look to the north where Canada does what I have been told is pretty good voter registration but they do it in a different way and a way that I am told is cheaper per capita than many of the estimates on the post card registration.

Miss ROE. I see. I agree with you that Canada has a very good system. I think if we had a political climate in which we could get that kind of a bill passed, which in my view is even more far reaching—the kind of reform that would establish a Canadian type system—I would be behind it. If we had a bill before the committee, I would support that kind of system.

I would guess it would be a little more costly—in fact a lot more costly—possibly, than the bill we are considering, because what Canada does is employ bipartisan teams of registrars who go door to door and themselves do up a canvass.

Mr. FRENZEL. That is right.

Miss ROE. They don't have an existing system like the U.S. Postal Service distributing the cards. They follow up and get people on the rolls, and post them on telephone poles so people can see if they are

on the rolls or not and add their names. This, in my view, is a very good kind of system.

Mr. FRENZEL. In my view, it is a good kind of system.

Miss ROE. It results in 98 percent registration. If we had that kind of reform before us, I would be for it. The McGee bill goes about three-quarters of the way.

Mr. FRENZEL. There have been various estimates of the cost of this system, which range from \$30 million to \$500 million. I am told the cost of the Canadian system is something like 62 cents per capita. Translated to 200 million people, that is well within estimates for post card registration. Given a fixed amount of dollars to insure maximum registration and participation, why are we messing around with post card registration? Why don't we go first class?

Miss ROE. Simply because I do not think you would have in the Congress the potential votes to erect such a system at this time. This, to my view—the bill we are now considering—is a very modest reform. It uses a very simple system. It does not go to the full extent of actually having the Government go out and canvass every person and get them on the rolls. It goes three-quarters of the way.

We had a couple of bills in the Senate that proposed the same kind of things—Senator Kennedy's was one of them—and I think it was determined there would not have been the support for such a bill at this time.

Mr. FRENZEL. Senator Kennedy did not happen to be the chairman of the committee in which the bill was being heard.

Miss ROE. There were other reasons, I think, for it being dropped.

Mr. FRENZEL. Your paper points out some specific problems. You are talking about no evening registration at times other than election time. You are talking about no evening or weekend registration immediately before an election. You and I have discussed the roving registrars. You have discussed the foreign language problem. All of these are problems that can be attacked directly and specifically. So I am wondering why we are shooting the big shotgun out at the goose that is flying 2 miles overhead.

Miss ROE. It seems to me if you like the Canadian system, anybody who supports that system would support this bill as a measure toward that kind of a goal.

Mr. FRENZEL. Exception.

Miss ROE. We talk about the lack of evening registration and the lack of registration of people who work during the day and can't get to it—those problems would be done away with if you did not have to have in-person registration.

The existence of these post cards, where groups such as ours could distribute them on a door-to-door basis, would set up an automatic system of deputy registrars in States that don't have that kind of systems. That, to my view, would be a giant improvement over what we now have.

Mr. FRENZEL. Again, all I say is that with a given amount of money you ought to do the right job. You also ought to know how much it costs. You ought to have an idea of what the system is going to do for you, both the pluses and the minuses—the expanded registration versus the fraud possibilities, versus the counterproductive possibili-

ties. We have heard some of them from the local election people, and we will hear more. I guess I think it is a little reckless to say that somebody might get registered by this system and therefore it is a good system. It seems to me we ought to look for a system that is the best one we can produce, and not just say since this one is before us, this is it, folks—hurray!

Miss ROE. I would submit that I think this is the best reform we can get at the present time. I think it has got many advantages for us which I have enumerated in the testimony.

Mr. FRENZEL. Let me ask a last question. In your experience, most people register pretty close to election day, do they not? I think you responded to one of Mr. Mollohan's questions by saying that people have to get excited. In Texas, they are not going to register early.

It doesn't make any difference whether you have a weekend registration in January, the bulk of the registration occurs in the last 90 days. It occurs by reason of candidates' people going around and getting people excited and transmitting their enthusiasm to potential registrants who then register. Are we reducing this? Is it true that the time frame is reduced and most actual registration is done by candidates' people or parties?

Miss ROE. I don't believe that most actual registration is done by the candidates because candidates are interested in registering those people who they think are going to go their way definitely, as they have been able to determine. I think the election interest generated by a good campaign, which I don't feel we had in the 1972 elections, is a major contributing factor to voter interest and turnout. There is no question about it. I would agree with you that the time span for registering makes sense when it is close to an election, and I think the fact that the bill provides for distribution of post cards, 45 to 30 days prior to the election, is a good framework to do that.

Mr. FRENZEL. We discussed that with the Senator when he was here whether the U.S. Postal Service would get the things out and whether the people would understand them and get them back in, and whether the handling that would be done, because many people who were already registered would be reregistered and those cards would have to be checked out, and so on, whether this thing would not actually get snarled up with the time restraints that are in this bill.

Miss ROE. I do not see the prospects for a major snarlup. I think one advantage we have is that we do not have to wait until the U.S. Postal Service itself would distribute the cards.

Groups that are interested in expanding voter registration in a given community, the League of Women's Voters for example, would now have a free hand for themselves to become deputy registrars in every State of the Union for distributing these post cards any place they wanted to and have people to be added to the rolls for Federal elections. They could do that before primaries, they could do it before local and State elections as well.

Mr. FRENZEL. It makes everyone a deputy registrar?

Miss ROE. Yes.

Mr. FRENZEL. And you could tuck these cards in the "Welcome Wagon" box?

Miss ROE. That is right. You would not have to go through a lot of redtape to have people deputized. I think this would be a big contributing factor to higher turnout.

Mr. FRENZEL. Thank you, Mr. Chairman.

Mr. MATHIS. Thank you, Mr. Frenzel.

Mr. Jones.

Mr. JONES. I have no questions.

Mr. MOLLOHAN. I agree with what you said, Miss Roe, that the desire to register being in that point of time when there is the greatest amount of interest in the election itself and the results of that election, and accepting that this develops as the campaign goes forward and coming about by reason of the activity of the candidates and the parties and those others who were interested in the candidates, why would we not be better off to declare and to pass legislation which would make it possible for a person to register and to vote at that point of most extreme heightened interest which would be the election day itself.

At this point in time there can be no frustration of not being registered and not being eligible. In other words, I wish I had registered 45 days during the time frame I was eligible to do so. I don't have to do it. I can go from work and register and vote. I need not be bothered in the evening, I need not take time from work to register. I need not fill out a post card. I need not do anything but exercise the right of voting. Why would not you and your organization and everyone else—and I am asking you a very sincere question—why would you not urge the adoption of the Dakota law nationally, rather than this, which regardless of what you have said, and accepting what you have said as being completely factual, but in considering that also, the Texas law has not been as effective and productive as we would like it to be—why would you not go for this more simple process, a process which requires nothing except a desire to vote on election day.

Miss ROE. My reason is simple. I do not think the Dakota system is the best because first of all the whole United States is not a rural nation.

Mr. MOLLOHAN. Wait a minute, because I have to understand you if I am to accept your premise. You told me a while ago that there was complete comparability between New York and the Dakotas.

Miss ROE. No, I said that the one was an easy system and New York was a very difficult system.

Mr. MOLLOHAN. No, you didn't say that. I asked you if there was comparability and you said yes.

Miss ROE. I was comparing an easy and difficult system as Alabama to North Dakota or New York to South Dakota.

Mr. MOLLOHAN. You were saying that the voting factors in those two areas were comparable.

Miss ROE. I am sorry, you misunderstood me, Congressman. I was saying that the reason I am not for that kind of system is because first of all it does not provide safeguards against fraud. More importantly, I think there is a value to having the voting list compiled before the election.

Mr. MOLLOHAN. Why doesn't it provide safeguards? What safeguards against fraud are a part of the post card or coupon register-

ing system that are not a part of that registering system on election day when you have to go in and confront the responsible person, you have to present the evidence necessary to establish your residency and eligibility? What greater amount of protection from fraud would you expect than that?

Miss ROE. For the simple reason that if an election official believes that there is some kind of pattern or a danger of a pattern developing in a certain area of people registering in a way that is not proper, he can check that. He has 30 days to check it when the cards come in. Under the North Dakota system you cannot.

Could I ask you a question?

Mr. MOLLOHAN. We have the right of challenge of a vote by the election officials. In fact, my daughter voted last year in the election and her vote was challenged by my State, because they did not feel she had been there in the near time period sufficient to establish her eligibility. There is that challenge process here which is far better than the judgment of one individual.

Miss ROE. I have been a poll watcher and I have seen the challenge process at the polls.

Mr. MOLLOHAN. I have been exposed to it for 40 years.

Miss ROE. It can result in a big snarlup if you leave all to the possibilities of having to challenge this at the polls. You have not let me answer your question, though. The major and most important reason why I think the compiling of voting lists prior to an election is valuable is because it allows the political parties and allows civic groups that are doing nonpartisan get out the vote work as well to get access to those lists, to contact voters, to inform them about the issues and then encourage them to come out on election day. Nobody who has testified for this bill, in favor of an easier system of voter registration, has said that job won't have to be done.

The reason we want to make an easier system of voter registration a reality in this country is precisely because it will free groups, both political and nonpartisan, that are interested in helping voters turn out on an informed basis to devote their time and energy to that job, which is an important job. Unless you have voting lists compiled in time you are not able to do that as effectively. You have to do a blind canvass.

Mr. MOLLOHAN. I am one of those people who feel that maybe the propagandizing goes on to too great an extent and I am not necessarily interested in providing an additional audience for that purpose. I am one of those people who think that today with the modern media which we have in the news dissemination areas of the press, radio, television, and whatnot, there is an adequate awareness presented to all of the American people in all walks of life as to what the issues are.

We do not have to expose them unnecessarily to particular interest groups in order to assure that we have equity and fairness in our registration laws and your eligibility to vote patterns.

Miss ROE. We do have a difference on that because I think whatever the media does, and sometimes it distorts—

Mr. MOLLOHAN. You are suggesting a more or less professional job of propagandizing individuals and voters. I can understand your position but I am not sympathetic to it.

MISS ROE. You will have to define what you mean by propaganda.

MR. MOLLOHAN. I am not using propaganda in an uncomplimentary sense. Not at all. I wouldn't want you to think that.

MISS ROE. There is no substitute in my view for personal contact. The media does not do that job. That is why the media does not register people to vote. I think personal contact and personal contact alone is the best tool for informing people about issues and alerting them to things that affect them as individuals and helping to get them to vote.

MR. FRENZEL. If I can interrupt, this bill takes us away from the personal contact and puts registration in the hands of the impersonal mail system.

MISS ROE. You earlier agreed with me that one of the best features of this bill is that it opens up the doors for people who want to do that job. They want to go door to door and help people to register.

MR. FRENZEL. That is one of the features, I agreed.

MISS ROE. It allows them to do that without any redtape and that is why I support it.

MR. MOLLOHAN. If we want greater numbers of people eligible to vote, it would seem to me there is no more simple way than that at the greatest point of time of interest in an election day. If we can establish a program of registration and voting at that point in time then it seems to me we would be doing the job of getting the greatest number voting—maybe not registered—but voting that could possibly be expected or accomplished. Again the results will move it. You have to go to motivation, interest.

MISS ROE. Can you answer why North Dakota doesn't prove that?

MR. MOLLOHAN. How is that?

MISS ROE. Can you answer why North Dakota doesn't prove your point?

MR. MOLLOHAN. I am not saying it does or doesn't. I am going to the fact that it takes more than a right or an eligibility to vote to actually accomplish the act of voting. There has to be a motivation and an interest in the election process and in the results of the election to cause a person to go to the polls. I don't think he is eligible to register at any point in time and doesn't register. He knows and everybody knows in this country that you have to register before you are eligible to vote. The two are one and the same. They are together. They are separate actions in all States except one, but they are in large part identical one to the other.

MR. MATHIS. Mr. Ware.

MR. WARE. Where did you serve as a poll watcher?

MISS ROE. In New York City where I live.

MR. WARE. Where did you accompany the others who sought to have people register?

MISS ROE. In Texas and New Jersey and in Michigan.

MR. WARE. Thank you.

MR. MATHIS. Miss Roe, I would like to follow up very briefly because we do have other witnesses who are waiting to be heard by the committee, the line of questioning Mr. Mollohan was pursuing and that is comparability. We have to compare the facts we have based on this and come to some conclusion on what we are going to do with the legislation. Is there any other legislation that uses the process of

post card registration for voting? You mentioned other nations and the high percentage of turnout they have. Is there any other nation that you know of that uses the post card process?

Miss ROE. No, there is not to my knowledge. But the system in Great Britain I think is somewhat comparable. Unlike Canada the people are not directly added to the rolls but are sent through the mails applications which they can use. They are given many open doors for getting on the registration roll.

The Federal Government actively pursues registration but not to the extent that Canada does of actually doing the door-to-door canvass to register people in person. They have a higher percentage turnout than we do. I think it was something like 75 percent in the past election or past general elections.

Mr. MATHIS. Looking at American voting habits, provisions and what-have-you in this country, the closest thing that we do have to come near this legislation with is the process in Texas. I did not understand the reasons why you explained the percentage of turnout was so low. Could you briefly state that again?

Miss ROE. Surely. Texas has one of the lowest voter turnouts of any State because until this past election to be registered to vote you had to get yourself on the rolls by January 31 prior to a November election. Not only that but you had annual registration in effect. You had to register every year by January 31 in order to be able to vote in November. This put a huge damper on the amount of citizens, the proportion of citizens who had any idea they could get into the electoral process.

Mr. MATHIS. I don't understand what that has to do with the turnout of registered voters.

Miss ROE. When you effectively disenfranchise that large a group of citizens it takes time to involve them. It is not an automatic process when the doors are open. First of all, most citizens don't even find out about the reforms. They don't know they can register right before an election. Also they have had a habit instilled in them of nonparticipation. When women's suffrage was enacted, it wasn't overnight that you had the majority of women registering and voting.

Mr. MATHIS. How long has that process been in effect?

Miss ROE. As I pointed out, the second reason why Texas is not comparable is that this system would not do what the present bill would do. It does not distribute to every household a post card form for people to register. That is very different from what the bill would do that we are now considering.

Mr. MATHIS. How long has this process been in effect in Texas to register by mail?

Miss ROE. I am not sure.

Mr. FRENZEL. Mr. Chairman, didn't you ask her why those who registered did not vote in great proportion? If registration is so difficult as you point out, shouldn't the ones who are registered be highly motivated and the vote 100 percent?

Mr. MATHIS. I have asked that question and the gentleman from West Virginia has had that question and neither of us received a response so I don't think it would be well to pursue it.

Mr. FRENZEL. I don't believe she understood it.

Mr. MATHIS. Why, in your opinion, is the turnout of registered voters in Texas so low?

Miss ROE. Do you know what the percentages are?

Mr. MATHIS. We have 45.1. No, we don't have those figures. Do you have those figures?

With regard to the explanation for the percentage being essentially the same in North and South Dakota where you have the different registration process, I wonder what you think about that?

Miss ROE. I don't think that is a comparison between a hard system and an easy system. To my view it is a comparison between two fairly easy systems of registration. North Dakota, to my view, is not the most ideal system for registration because simply by doing away with the requirement for registration you don't thereby alert people as you do by having a canvass, by having post cards sent out to people 30 days prior to an election.

You help alert them that an election is coming. This doesn't happen in North Dakota. It is a fairly easy system, but you don't have that additional incentive and additional information being sent out to people. I think this is an advantage in the present bill.

Mr. MATHIS. If it is a fairly easy system—how could it possibly be any easier than walking in on election day and saying, "I want to vote."

In South Dakota we understand in many cases the voter registration laws there are similar to the laws in most other States. You have to appear in person within a period of time well prior to the election. I still have not received the answer I am looking for.

Miss ROE. You can usually get deputies to register people in South Dakota and that makes it much easier. I think it is an advantage. I see there is disagreement on that, but I think there is an advantage to having a registration process prior to an election for two reasons.

First of all, it alerts people about the election; it reminds them. Every reminder is a help.

Second, it helps draw up a voting list so those groups trying to turn out voters on election day can boost the turnout and stimulate voter interest and they have a basis for doing that in a rational way.

Mr. MATHIS. You said there were about 40 million people in the last election who did not turn out.

Miss ROE. Who were not registered. There were more people who didn't turn out to vote.

Mr. MATHIS. Of those not registered, about 40 million people. The Census Bureau has furnished statistics, telling us of those people who were not registered to vote in the last election, of them, 12.6 percent were unable to register. Of the 40 million people you say did not participate that 12 percent would be somewhere around 5 million or less. We are told that if the law was enacted the cost would be about \$50 million. That would be about \$10 per person. That seems to me to be pretty expensive.

Miss ROE. I was dealing with facts. The number of people who weren't registered who would have been eligible to register. The Census Bureau was dealing with subjective responses to a survey. That was a different kind of thing.

Mr. MATHIS. You don't have that kind of confidence in the Census Bureau?

Miss ROE. That is not the question, it is just that the survey measured a different kind of thing. People were asked, what is the major reason you didn't vote in the election and most of those who said "I didn't like the candidates" or "I didn't vote for certain reasons" also were not registered to vote.

Mr. MATHIS. Those were the people they were doing the survey for, to determine why they were not registered to vote. Why do you not accept that survey?

Miss ROE. I am not saying I do or don't accept it. I accept certain things in it, but there are other surveys we have—for example, the Gallup poll taken after the 1968 elections, which showed that the majority of people who didn't vote didn't do so because either they wouldn't have qualified under the residency rules then in effect or they simply had difficulty getting time off from their work to register, and so forth. That kind of poll contradicts the Census Bureau survey.

Mr. MATHIS. I wonder if you have a copy of that Gallup poll you might make available.

Miss ROE. It is not with me, but I can send it to you.

[The information follows:]

[From the Gallup Poll, Dec. 7, 1969]

REGISTRATION LAWS BOON TO REPUBLICANS

CHANGES COULD HELP DEMOCRATS

(By Dr. George Gallup, Chairman, American Institute of Public Opinion)

PRINCETON, N.J., DEC. 6.—One out of every four adults in the United States is not registered as a voter, a Gallup Poll survey reveals.

In numbers this represents an estimated 29 million potential voters who are disenfranchised because they are unable to meet residence requirements imposed by the various states, or because they have not taken the initiative to see that their names are placed in the registration books.

State laws which insist upon a period of residence, even to participate in national elections, are largely responsible for the low voter turnout in these elections—in fact, the lowest of any major democracy in the world.

ONLY 6 IN 10 VOTED IN 1968

In the 1968 presidential election only 61.4 per cent of the population of voting age went to the polls to vote for presidential candidates. In the off-year congressional elections of 1966, only 46.3 per cent cast their ballots for congressional candidates.

Unless some action is taken in the coming months to change residence requirements, and to induce more citizens to register, it is probable that fewer than one-half of the nation's potential voters will decide the political direction of the nation in next year's congressional elections.

DEMOCRATS AT DISADVANTAGE

Democrats suffer more than do Republicans from low voter registration. When a sample of the 29 million non-registered voters is examined, twice as many are found to have Democratic leanings as Republican.

How low registration affects the Democrats adversely is revealed by a study of two groups, both predominantly Democratic in their voting behavior.

Young adults, those 21 to 30 years of age, embrace the highest percentage of non-registered citizens. Twice as many in this group are unregistered as is true of the whole adult population. Unfortunately for the Democrats, persons in this age group have consistently favored Democratic over Republican candidates in recent years.

MOBILITY A FACTOR

Gallup studies have shown that it is not lack of interest which keeps persons in this age group from registering so much as residence requirements of the various states. As a group, young adults are highly mobile. In fact, one survey revealed that 4 in 10 had moved their place of residence within a period of 12 months.

In 32 of the 50 states one year of residence is required before one can register and vote. In 15 states the requirement is 6 months; in two, 3 months. One state, Mississippi, has a requirement of 2 years.

The importance of mobility as a deterrent to registration is dramatically revealed in the figures for home owners versus renters, who change their place of residence frequently. Of all home owners, only 16 per cent do not have their names registered. Among renters the comparable figure is 44 per cent.

3,127 ADULTS INTERVIEWED

A total of 3,127 adults were interviewed in person during the period Oct. 17–Nov. 3 and were asked this question:

Is your name now recorded in the registration book of the precinct or election district where you now live?

The following table shows the percentage of adults *not* registered, nationally and by key groups:

	<i>Unregistered adults</i>	<i>Percent</i>
National -----		25
Men -----		24
Women -----		26
21–29 years old -----		50
30–49 years old -----		24
50 and over -----		12
Own home -----		16
Rent -----		44

The above figures represent the most accurate registration figures for the nation. While some states try to keep lists up to date, the difficulty of removing the names of those who move, or die, is enormous.

It should be pointed out that in four states, voting laws permit those under 21 to vote. In Georgia and Kentucky the age is 18; Alaska, 19; and in Hawaii, 20. These small segments of the population are not covered in the above figures.

In some communities, registration is not required. In the present survey a total of 2.3 per cent of adults, or an estimated 2.7 million, said they were not required to register in the precinct or election district where they live. This percentage has been included in the total registration figure of 75 percent.

GOVERNMENT'S RESPONSIBILITY

Most democracies place the burden of keeping registration lists up to date on the government and not on the individual. In Great Britain, for example, the government goes to the people. Registration officers in each district have the responsibility of canvassing each household to see that all eligible voters are listed. Names are then published for each district.

Mr. MATHIS. Thank you very much for your testimony.

Mr. FRENZEL. Mr. Chairman, may I make a request before the next witness comes up?

Mr. MATHIS. Certainly.

Mr. FRENZEL. I have taken a mail survey of all of the secretaries of state. I have not completed it. I have received about 30 replies so far. I expect to have the survey completed by the time the committee next meets and I would ask unanimous consent that when complete I may publish in the committee record the responses of the various secretaries of state together with a recapitulation thereof.

Mr. MATHIS. Without objection, that will be received.

[The information follows:]

SECRETARY OF STATE POLL COMPILED BY CONGRESSMAN BILL FRENZEL

A poll was taken of the Secretaries of State of the 50 states in an effort to determine the amount of support for a federal postcard registration system. A questionnaire similar to the one in Appendix A was sent to each of the 50 Secretaries of State. Included in the questionnaire was a cover letter explaining the purpose of the poll and an outline of the postcard registration bill (S. 352). Each Secretary was asked to describe any experience his or her state has had with coupon or mail registration now or in the past, and to choose between the following four alternatives:

1. I feel that a system of federal postcard registration is a better alternative than our current state system.

2. I prefer our current registration system to the proposed federal postcard system.

3. I feel that at a given cost other alternatives (such as mobile registration) may be better than the postcard system.

4. Any of the above systems would be acceptable.

The following chart indicates how the Secretaries of State responded.

RESULT OF SECRETARY OF STATE POLL TO FEDERAL POSTCARD REGISTRATION

State	Response—				
	Received	No. 1	No. 2	No. 3	No. 4
Alabama.....	×		×		
Alaska.....					
Arizona.....	×		×		
Arkansas.....					
California.....	×	×			
Colorado.....	×		×	×	
Connecticut.....	×				
Delaware.....	×		×	×	
Florida.....	×		×		
Georgia.....	×				
Hawaii.....	×		×		×
Idaho.....	×		×		
Illinois.....	×		×		
Indiana.....					
Iowa.....					
Kansas.....	×		×		
Kentucky.....					
Louisiana.....	×		×		
Maine.....	×		×		
Maryland.....					
Massachusetts.....					
Michigan.....					
Minnesota.....	×		×		
Mississippi.....	×		×		
Missouri.....	×		×		
Montana.....	×		×		
Nebraska.....	×		×		
Nevada.....	×			×	
New Hampshire.....	×		×		
New Jersey.....	×		×		
New Mexico.....	×		×		
New York.....					
North Carolina.....	×		×		
North Dakota.....	×		×		
Ohio.....	×		×		
Oklahoma.....	×		×		
Oregon.....	×		×		
Pennsylvania.....	×	×			
Rhode Island.....	×		×	×	
South Carolina.....					
South Dakota.....	×	×			
Tennessee.....	×			×	
Texas.....					
Utah.....	×				×
Vermont.....	×		×		
Virginia.....	×		×		
Washington.....	×		×	×	
West Virginia.....					
Wisconsin.....	×				×
Wyoming.....	×		×		
Total.....	38	3	29	7	3

As the above chart indicates, a total of 36 Secretaries of State responded. This is a response rate of 72%, an extremely high percentage for this type of questionnaire. Out of the 36 responses, only two Secretaries felt that a system of federal postcard registration is a better alternative than their current state system. Twenty-eight stated that they preferred their current registration system to the proposed federal postcard system and seven felt that at a given cost other alternatives may or will be better than the postcard system. Three Secretaries thought any of the alternatives were acceptable or were neutral. The total number of responses is 40, which is greater than the number who replied, 36. This is due to the manner in which the questionnaire was constructed; it was possible for a Secretary to check both alternatives 2 and 3. Four Secretaries of State did just that, which accounts for the discrepancy.

From the data cited above, it is quite clear that a vast majority of the people who will have to help administer the postcard registration system do not believe it will work as effectively as the present system. Only two of the Secretaries or about 6% of those who responded expressed support for the bill. If the officials who will be administering the bill express an almost unanimous lack of confidence in it, it is difficult to see how the plan can be made to work. Judging from the vehemence of their response, Congress should not expect these officials to make a whole-hearted effort to implement this program. Certainly, Congress should be reluctant to pass legislation which has such strong opposition among those who will be charged with the responsibility for administering it.

The Secretaries of State of the states of Pennsylvania and South Dakota supported the idea of federal postcard registration. The Secretary of State of Pennsylvania stated that, "I whole heartedly endorse and support S. 352. Once Congress takes this action most States will follow." The Secretary of State of South Dakota said that, "Stringent rules and regulations of voter registration have disenfranchised many qualified electors. Because of our mobile population we need uniformity and understanding between states with state control."

The Secretaries of State of Alabama, Arizona, Colorado, Delaware, Florida, Hawaii, Idaho, Illinois, Louisiana, Maine, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, Vermont, Virginia, Washington and Wyoming all prefer their current registration system to the proposed federal post card system. The Secretaries of State of Colorado, Connecticut, Delaware, Nevada, Rhode Island, Tennessee and Washington felt that at a given cost other alternatives (such as mobile registration) may be better than the postcard system. The Secretaries of State of Georgia, Utah and Wisconsin expressed no preference or thought that any of the systems would be acceptable.

A major objection to the postcard registration system was that it would not increase voter registration and participation. The Secretaries of State of Delaware, Idaho, Nebraska, Montana, North Carolina, Oklahoma and Washington thought that postcard registration would do little or nothing to increase voter participation, although the Secretary of State of Hawaii thought that S. 352 would "increase voter registration and voter turnout in states that presently have strict registration requirements and make it inconvenient for their residents to register." On the other hand, the Secretary of State of Nebraska, in commenting on the prospects for a National Voter Registration Administration stated:

Looking down the road ten years I do not believe that one hundred thirty five million dollars spent every three years would increase over one or two percent the national percentage of turnout of voters. Even if we got everyone registered in the United States, or nearly everyone, your bill still does not provide any means for "beating the voter over the head and getting him to the polling place." Here in Nebraska I believe we have given a maximum effort for registration and yet only five out of every eight of the registered voters went to the polls.

Other Secretaries also thought that their state is presently doing a good job. Our state has a high percentage of our estimated voting age population registered and this will become even higher with the cut-off date before elections now extended by ten days. We have provisions for registration by mail, appointment of as many deputy registrars as necessary per county and all notaries public may serve as deputy registrars. Federal post card registration would only serve to increase the problems without significantly affecting the number registered. (Montana)

The Secretary of State of Washington felt that federally funded postcard registration might dry up state and local funds for registration drives.

It is unlikely to expect, however, that state legislatures and county officials would be willing to continue programs of their own to encourage and facilitate registration in the face of an overwhelming federal program such as the one proposed in S. 352.

Secretaries of State such as those from Oklahoma and Idaho worried about dual registration systems and their possible effects on voter participation.

Oklahomans who register to vote under our present system may continue to be registered and eligible to vote simply by casting a vote once during any four-year period. These voters undoubtedly would be confused by receiving a registration application every two years and probably would execute the form, thus resulting in a dual registration. On the other hand, voters not registered in person under Oklahoma law, but registering for federal elections under the provisions of S. 352, would doubtlessly be frustrated to learn that they could vote for President, U.S. Senator and U.S. Representative, but not for Governor, State Representative, State Senator, County Sheriff, Mayor or any other state or local office.

At least one Secretary of State thought that postcard registration would even be counterproductive.

Out of a possible 351,003 persons of voting age we had registered 293,078 as of November 1, 1972 or 83.49%. Of these 293,078 we had 241,512 cast their ballots on election day or 82.40%. If S. 352 should become law I feel sure that this percentage would decline. (Delaware)

Most Secretaries seemed to think that factors other than registration obstacles were to blame for low voter turnout.

We urge you to assist us in putting into proper perspective the real cancer in our electoral processes. The true sickness is apathy—the failure of persons who are registered to exercise their right to vote. We submit that simply registering more people by “lottery” tactics does nothing to improve the problem. Only after we have attained a continuing turnout of 80–90% of our registered voters should we attempt to go out and pull people out of the woodwork to simply fill up space on the registration books. In North Carolina our priority project is to increase voter participation first, then design programs to flush out other prospective voters.

Another important objection to postcard registration was the difficulty in administering the system. Several Secretaries of State felt that postcard registration would be administratively unworkable.

Administratively, the proposed post card registration of voters for federal elections is completely unworkable. States could not properly process these cases in the given time frame prior to the election and therefore would be unable to produce accurate lists of qualified voters for use at the polls on election day. Duplication would be extremely difficult to properly correct within the state and impossible to ascertain from state to state in such an extremely short time. (Virginia)

I am of the opinion that your bill would be a duplication of effort, would result in dual registration and voting systems, would require additional personnel on the local level, and certainly result in added cost to the taxpayers. (Florida)

At least one Secretary of State thought that postcard registration would place an excessive burden on his staff and would result in a volume of mail of tidal wave proportions.

During fiscal 1973 . . . 31.27% of our registered voters' records were changed in some manner. To magnify this many changes by the herculean task of checking post card registrations for validity, duplication, legibility, etc., and return a notification to that group of people who registered by post card would create chaos and it would be impossible to hire enough temporary employees to accomplish this. (Delaware)

Many of the postcards might be illegible and incomplete.

My first concern is whether we could get correct information from the applicants and to follow up quickly enough otherwise. Our deputy registrars are instructed to fill in the applications for the applicants. Even with these trained personnel, we still get a tremendous amount of applications for which the applicants have to be tracked down and the information corrected. (Hawaii)

We have consistently observed, when an applicant is asked to respond with certain information on those applications, that between twenty and twenty-five percent of the applications received are incomplete or inaccurately prepared by the applicant. In those instances, an additional contact, either by mail or phone must be made with the service voter to complete the necessary information. (Washington)

Another problem is that of accidental re-registration.

If registration post cards are distributed to every household, persons already on the registry lists will re-register, thus requiring a crash program of checking thousands of registrations trying to sort out duplications. People don't always follow instructions, sometimes signing their names in full and sometimes using names by which they are usually called or initials. If two identical names turn up from the same address, is it father and son or has the same person registered twice? When county clerks are inundated with thousands of post card registrations 30 days before an election, the problems of preparing valid registry lists are obvious. (Wyoming)

There is also a problem peculiar to rural districts. Leading experts on voter registration have indicated that his problem can occur in many states.

In research I recently ran, if this system should be adopted the R.D. 2 route of Millsboro, Delaware, would cover parts of 7 election districts, 3 representative districts, 3 senatorial districts and 3 councilmanic districts. This would not enable the people who administer elections to assign this registrant to the proper district where he should cast his ballot. This would create quite a problem and would be terribly expensive to contact each person registered by mail in order to assign him to the proper election district. At the present time our mobile registrars and our in-district registrars have maps available and a registrant points out his place of residence on said map thereby enabling the registrars to assign him to the proper district.

Postcard registration would also represent a duplication of effort and might force many states to abandon their present registration systems.

The various county clerks and election commissioners in Nebraska now have their own filing systems for registration of voters. These filing systems are based on the available space in the office or the physical arrangements of their folders and file cabinets. The registration forms in Nebraska, while they contain the same information, are printed on various sizes of forms to fit their particular filing system. If the counties were to go to a post card registration they would all be required to establish new filing systems.

There would also be administrative hassles between the state and local, and federal governments.

Under local jurisdiction, local officials would know and could easily investigate and find out who resides at a certain address. The questioning of a voter's residence could be resolved immediately with the local investigation. Under federal jurisdiction, a residential inquiry, paper work, etc. could take a month or more thus possibly denying or permitting one to vote whose residence remains in question. (Illinois)

A third major objection was the increased opportunities for fraud under a system of post card registration. The Secretaries of State of Delaware, Hawaii, Idaho, North Carolina, Rhode Island, Tennessee and Wyoming were especially concerned about this possibility.

S. 352 purportedly has built-in safeguards to prevent voter fraud. However, I submit that neither fraud prevention safeguards nor the availability of federal tax monies can, by themselves, insure the sanctity of a post card registration system which totally relies on unverified information. (Idaho)

The bill in question did not have any provisions with definite proposals to control and prevent fraudulent registration, and many problems could be created if this program is enacted into law without any controls specifically integrated within. (Hawaii)

There are several ways in which this bill makes fraud in federal elections much more likely.

The potential for fraud in voting is abysmal. Voter registration forms would be mailed to every address in Oklahoma prior to elections each biennium. There are no protective devices to prevent fraudulent registrations.

The availability of registration forms would make it easy for a single individual to register an innumerable number of times with little chance of detection, simply by making multiple applications to various election boards. Moreover, Section 405(c) effectively makes a person eligible to vote whether or not he had registered, since no proof of such registration is required to vote. While the measure provides stringent penalties for fraud, there are no means whatsoever to detect fraud.

There is some doubt as to whether or not anyone can be prosecuted under this law.

I question the ability of government to prosecute anyone for fraudulent information which has been supplied on a postcard due to the fact that the signature of the new registrant was not witnessed by either a notary public, employee of a local canvassing board or a member of the general public. (Rhode Island)

S. 352 removes even the most minimal safeguards against fraud.

In our opinion S. 352 eliminated the most vital safeguard of all and that is proof of identification and proof of residence. In order to register in our State a person must present to our registrars the above two (2) proofs. This does not create a hardship on anyone except those persons who are trying to fraudulently register. (Delaware)

It is also impossible to check these registrations to find out if they are genuine.

Proponents of the Senate measure say post card registration can be checked and authenticated by state registration officials, but if it's too much trouble for a person to appear once before a registry official to sign the oath of qualification to get his name on a permanent registry list, how then can anyone sincerely believe that election officials can authenticate thousands of registrations that come to them through the mail. Practically speaking it's impossible. (Wyoming)

A fourth major objection was that postcard registration would represent an unwarranted intrusion by the federal government into areas reserved to the states and would result in dual registration systems.

I am opposed to S. 352, the McGee bill. It is an unwarranted and completely unnecessary intrusion by the Federal Congress and a Federal agency into an area of state responsibility. The intrusion is not necessary since Ohio and most other states of the Union recognize their responsibility in this area. Ohio's General Assembly shows evidence that it will respond to Ohio's needs by passing legislation which has been proposed to facilitate voter registration.

State governments are not sitting on their hands in this important area, and my conversations with other Secretaries of State in the various states leads me to believe that there is great sentiment for action and improvement on the state level. Can there be a valid reason, therefore, for Federal intrusion into a state's area of responsibility and for a Federal regulation which must be applied only to Federal elections and not to state and local elections? I think not.

I think that government should be kept as close to the people as possible and the local Supervisor of Elections office is the proper place for the registration and elections processes. (Florida)

My view is that the idea of the Federal government getting into the area of mandating registration procedures for states is a mistake in any form. This is a responsibility of the states. The method which S. 352 proposes for registration of voters, in my judgment, represents the worst type of legislation that could be enacted in connection with the registration process. (Rhode Island)

There was a good deal of concern about possible disruptions of the local processes of registration.

If enacted, S. 352 would establish a voter registration program for federal elections. Such a program would, in all probability, force the state to scrap its recently implemented card registration system, and adopt federal registration procedures for all Title 34, Idaho Code, elections. The alternative would be to maintain separate registration lists, special ballots, and special absent ballot voting procedures for federal voting. An unnecessary major revamping of our state election code would ensue.

Several of the Secretaries thought that the poor quality of the postal service would make implementation of postcard registration almost impossible.

Until some action is taken to unravel the confusion in the postal service, I do not favor this type of voter registration. Certainly, the money problem incentive is appealing and needed and the intent of the proposed legislation is admirable; but we have had numerous problems with the postal service especially in mailing absent voter ballots. The confusion that we and the county clerks go through on election day because of the mail situation is unbelievable. (New Mexico)

Concern was also expressed about the high cost of postcard registration.

I do not want to seem cynical, but I feel strongly about the following statement: if the one hundred thirty five million dollars were used in some way to lower federal income tax and the burden of tax on the population was reduced I suspect more voters would go to the polls. (Nebraska)

Why set up another huge federal program costing millions which will create alternate problems, confusion and opportunity for fraud? If thousands of faceless signatures are to replace sworn oaths before registry officials, why have registration at all? Why not instead have any person offering to vote on election day sign an affidavit that he is entitled to vote in that jurisdiction? (Wyoming)

There were several miscellaneous concerns and complaints. Several Secretaries thought that the states were already doing a good job and that little could be done to increase voter turnout.

Here in the State of Nebraska we have passed laws assisting registration and voters in every way possible. We have stopped just short of imposing criminal sanction for failure to cast a ballot. I am not convinced that our efforts should totally be directed toward more voter registration. For example, here in Nebraska we have approximately eight hundred fifty thousand voters registered. However, our turnout on election day at the polls, including absentee and disabled was slightly over five hundred thousand so you see more than one third of our registered voters did not get to the polls. In fact, nearly half. I do not see much point in getting more voters on the registration rolls when those who are registered did not care to cast a ballot.

Here in Nebraska we have a voter registration deadline of ten days before the election—not thirty. We provide for registration with the absentee and disabled ballot. Our absentee and disabled ballots are ready for distribution thirty five days before the election. We have provided hundreds of additional places of registration.

In Nebraska during the last week of registration, the various registration officials maintain office hours each evening in addition to the regular hours. We have ruled that the students can register within their home town or college town. We have substantially liberalized the disabled voter situation. For example, the ballots can be removed from the polling place and taken to a wheelchair patient parked outside of the polling place. We provide that any other voter can attest to the disability of a person applying for a disabled ballot. Our law provides for transportation of disabled voters to the polling place. We also have special laws to help the blind and paraplegic voters in that they may be assisted in the voting booth by a member of the immediate family.

Now, the net result of all of this legislation to help voters cast ballots and to register: A lower percentage of turnout of voters at the polls. So you see, all of these state laws that were designed to assist voters and to ease the registration problems had a net result of fewer people going to the polls. Therefore, I am not convinced that we should spend one hundred thirty-five million dollars every three years to help other governmental subdivisions attempt to register more people. In Nebraska we have gone about as far as we can go.

Several Secretaries had experienced difficulties with the Federal Assistance postcard registration system.

We have problems with the post card forms for servicemen and women and dependents, such as incomplete information received too late to obtain the rest in time to complete registration and receiving forms too late. (Montana)

Some of the Secretaries seemed to feel that the local officials concur with their opinion of postcard registration.

Most of the election officials throughout the State, to whom I have spoken on this problem, are opposed to the postcard registration inasmuch as it may open the practice of fraudulent and duplicate registrations. We all feel that the system works very well in Colorado and are strongly opposed to the method of postcard registration.

Issue was taken with some of the arguments proponents of postcard registration use to support their case.

We must take specific exception to one statistic repeated several times during the Senate debate on S. 352. The proponents asserted that "9 out of 10 registered Americans voted" (S. 7044), basing this statement on figures from the Freedom to Vote Task Force Report, where the number of votes cast in all fifty states plus the District of Columbia was compared to the number of voter registrations in the forty states plus the District of Columbia which have statewide voter registration. Based on the voter turnout figures cited by Senator Kennedy in the Congressional Record (S. 7030), in the 40 states which have registration, 73% of the voters turned out in the 1972 presidential election. (Washington)

There were several suggestions for alternative strategies. Among them:

With the registration substantially above the national average—and on a permanent registration basis—I would again strongly recommend to the Federal Government and the states the consideration of our deputy registrar system in Oregon, avoiding the limited number of Post Offices and opportunity for fraud on a postcard system.

Finally, the Secretary of State of Minnesota stated, "Minnesota has instituted a post card registration system. Hopefully, the Congress will study and review outs and similar systems before adopting a like plan nation-wide."

There were several interesting comments from other state and local officials. Local Delaware officials made several insightful remarks about S. 352 and H.R. 8053.

These Bills seem to be based upon good intentions, in that they purport to make it easier for a citizen to register to vote. With that intention we all agree, but we are opposed to their method—"Postcard Registration". This system has been suggested several times for Delaware, and it has always been discarded as being too conducive to fraud.

The two most important factors in Voter Registration are 1) proof of identity and 2) proof of residence. Once a voter has satisfied these two simple requirements under Delaware law, said voter is then eligible for registration and then will be registered. It is provided in the Delaware law that the applicant for registration can be challenged on either or both of the grounds mentioned above. This protection is insured, to some degree, by the fact that Delaware law requires that the two registration officers be from different political parties. In addition, on in-district registration days, the political parties may have a person in the registration room act as a challenger. Said challenger may challenge the applicant on either or both of the above mentioned grounds. All of these safeguards will be lost in a "Postcard Registration" system.

The thing that concerns me the most in connection with the proposed legislation, more than the fact that the postcard registration system would promote "tombstone" registrations, multiple registrations by the same individuals, and the mountainous problems of trying to decipher thousands or millions of handwritten postcards, is the fact that another citizen, by a postcard, may effectively disenfranchise me. This could easily be accomplished by another citizen filling out a postcard form which would have the effect of changing my residence, changing my name, changing my party affiliation, or even indicating that I have moved out of the state and wish to be dropped from the voter polls. It is possible that I would become aware of this fact only when I went to the polls to vote. By then, it would be too late. My right to vote and your right to vote, I assume, are precious aspects of liberty and freedom. I do not want someone else taking this right away from me.

The Attorney General of the State of Wisconsin had several pertinent comments.

There is little in the way of convincing evidence to justify the conclusion that passage of this particular bill would, in fact, achieve its purported objective, which is an increase in voter participation. For example, in states where no preregistration is required or where voting coupons have been used in the past, voter participation percentages for federal elections do not differ significantly from those of other states.

Since the postcard registration bill does not make the use of postcards mandatory for state and local elections, the bill would lead to the need to

maintain dual registration lists at the local level. One list would have to be maintained for postcard registered individuals eligible to vote only in federal elections and the other for those who registered in person and were, therefore, eligible for all elections. Localities would be forced to provide two sets of ballots or voting machines on election day.

Furthermore, the bill raises the likelihood of numerous postcard registrants facing frustration on election day upon discovery that they were ineligible to vote in any but a federal election. The possibility for confusion would seem to be especially likely in cases of voters seeking to record a change of address who might be tempted to use the postcard as a convenient means of registering again.

Finally, the Florida State Association of Supervisors of Elections states:

We are of the opinion that Senate Bill 352 or similar legislation, H.R. 4846 would result in dual registration and voting systems; would require additional voting equipment, additional personnel and office space on the local level and would certainly be a tremendous cost to the taxpayers who are already overburdened with taxes from the national through the local level.

We believe if this bill becomes a law it would encourage the most colossal election fraud in the history of this country. Any person could register anyone else under the provisions of this bill; could register under a different name in every precinct of the county; could produce the registration of people who do not even exist, and there would be no way for the Supervisor of Elections to determine if the registrations were legal or fraudulent.

Registration does not appear to be the cause of the low percentage of voter turnout. For the 1972 primary elections in Florida, 2,982,076 voters were registered and qualified to vote. Only 22 percent of this number voted in the First Primary and 18 percent in the Second Primary. In the November General Elections with a registration of 3,487,458 voters, only 73 percent went to the polls—the lowest percentage since 1948.

We, as Supervisors of Elections, believe a more appropriate step would be an in-depth study to find out why those who are registered do no vote—why the apathy?

Mr. MATHIS. Our next witness is the Honorable James F. Dowd III, Deputy Secretary of State, the State of Missouri.

Mr. Dowd, we will be glad to hear from you at this time.

**STATEMENT OF JAMES F. DOWD III, DEPUTY SECRETARY OF STATE,
JEFFERSON CITY, MO., ACCOMPANIED BY BUDDY KAY, STATE
REPRESENTATIVE, ST. LOUIS, MO.**

Mr. Dowd. Good morning, Mr. Chairman and members of the committee. I am Jim Dowd, the Deputy Secretary of State of Missouri, appointed to that position by Secretary of State James C. Kirkpatrick, the Missouri Chief Election Official.

With me this morning is State Representative Buddy Kay of St. Louis, Mo., who is the chairman of Missouri's Election Laws Study Commission, and has offered to consult with the committee should you have any questions.

Mr. FRENZEL. Mr. Chairman, may we have the distinguished representative join the assistant secretary?

Mr. MATHIS. We would be honored.

Mr. DOWD. Our purpose in being here, Mr. Chairman, is to suggest some positive, constructive improvements in H.R. 8053. I'm here to talk about the mechanics of registration from the Missouri viewpoint.

Missouri is unique in many ways, including the manner in which it conducts its elections. We have counties with registration, and some without; we have counties with registration by mail, and others which do not provide for mail registration.

In the most recent session of our General Assembly a bill was passed with strong support from both parties which extended voter registration, with registration by mail throughout the State. It has not yet been signed into law by Governor Bond, but we hope it will be shortly.

I'd like to suggest to the committee that this bill, as presently drafted, will not achieve the ends of its sponsors but that it could with some basic changes, mostly designed to make it functionally compatible with existing State systems.

To make these suggestions, we must first look at what we feel what is wrong with the bill. In our opinion:

- (1) The presumption upon which it is based is incorrect.
- (2) The time frame is unnecessarily short.
- (2a) Inadequate time to determine qualifications.
- (3) Post cards have built-in problems of legibility and incompleteness.
- (4) The bill opens the door to the possibility of fraud and,
- (5) It will require the maintenance of dual registration systems.

1. Inaccurate Presumption: Our experience suggests that it is not registration which has impeded voter turnout. In the registration counties of Missouri, 74 percent of the eligible voters were registered for last year's election. Although only 80 percent of those registered turned out, the percentage of eligible voters that were registered exceeded the percentage of those voters who turned out in the non-registration counties, where 72 percent of the eligible voters cast a ballot.

I suggest that the close correlation between the percentage of voters registered in Missouri in our registration counties, and the actual turnout in our non-registration counties—a variance of less than 2 percent—suggests that a 72 percent voter turnout might have been the maximum that we could hope to achieve, even with a change in our registration procedures.

Now, in saying this, I might mention I don't consider myself one of those liberal intellectuals. A table is included in my prepared statement and I invite you to draw your own conclusions of the data I have presented there. I might suggest too that the Missouri situation, with registration counties sprinkled throughout the State, presents a similarity with the North Dakota and South Dakota situation.

Mr. Down. Based on our experience, H.R. 8053 is unworkable as it is presently drafted for the following reasons:

The time is too short.

All the permanent registration systems in use in the country today depend entirely on the fact that voters may register throughout the year. No system of prior registration of which we are aware contemplates that all the registrations would be made within 60 days prior to the election.

We know of no policy reason why the bill should preclude the post office from distributing the registration cards prior to 45 days before the closing of registration. Certainly we concur with Mr. David Dinkins, president of the Board of Elections of New York City, who testified before the Senate and suggested that the distribution should take place in January preceding the election so as to provide sufficient time to process the cards.

There is insufficient time to determine the qualifications of voters.

Utilization of a nationwide mail registration system is likely to prompt a change in habits on the part of our county clerks.

They will feel obliged to check more closely into the qualification of registrants. This will, of course, take some time, substantially more time than is permitted by this bill. Their guard will be up because this bill will not only permit people to register without having to go before a registrar, but also to vote without having been seen by an election official. A 12-year-old felon from Illinois could register in Missouri and, if he lies about his qualifications, vote absentee ballot the rest of his life—unless the registrar is permitted sufficient time to check his qualifications.

A basic premise of this bill is that all the determinations that need to be made by a registrar can be made within 30 days, that being the average closing period for registration throughout the country. But if hundreds, or thousands, or tens of thousands of post cards are received on the 31st day prior to the election, it will not be possible for a registrar to make the determinations necessary to fulfill his oath of office.

Some cards will not be able to be processed.

The Missouri experience with mail registration may be helpful to this committee. Even if our cards are complete, some are still unable to be processed.

A good example is the voter who completes his card properly listing as his voting address "Canton, Mo." or "Rural Route 1, Harrisonville, Mo." In each case, the registrar is unable to assign the voter to a precinct.

The county clerk in Cass County is not helped with the address "Rural Route 1, Harrisonville." Rural Route 1 passes through five different election districts. It is impossible for that voter to be assigned to a precinct unless more information can be gathered.

Fortunately, our county clerks are a persistent group. First, they try to call the voter. They frequently find, however, that his household is one of the 17 percent of Missouri households that does not have a phone or which has an unlisted number.

He tries to write the registrant soliciting further information, but a reply is all too seldom forthcoming. Registered mail does not work because the voter refuses to accept it, thinking it is a service of process.

But finally the day comes when the county clerk spots the registrant and his wife walking down the street, passing the court house, and calls them into his office. He points to a large map of the county on his wall and asks the voter to point to the location of his house. The husband points to one spot, the wife to another.

My point here is that these problems, with our limited mail registration system, occur too frequently to encourage us that a nationwide post card registration system will be a success.

The difference between a mail voter registration system and paying taxes, buying automobile licenses and the many other governmental duties that we perform by mail is that we must somehow tell the registrar exactly where we live in the county in terms of voting precincts.

I have not yet completed my study of addresses in Missouri, but I estimate at this time that possibly as many as one-quarter of Missouri's 115 counties do not have any residences identified with the street address. They either have rural routes or the voters pick up their mail at a central post office location.

H.R. 8053 provides an opportunity for widespread fraud.

We are not aware of any situation in Missouri where mail registration has been used for fraudulent ends. But the concern of Missouri, and that of other States, is not just proving fraud and prosecuting the offender after it has occurred.

It is the avoidance of the possibility of fraud in elections which is of paramount interest to the States, and I suggest that this bill, by making such an abrupt change in the manner in which voters will register, will open the door to fraud in a manner which has not been experienced heretofore by the various States.

The bill will require the maintenance of dual registration systems, as well as dual ballots.

If I accurately read the thoughts of legislative leaders in Missouri, we will not rise to the "bait" of having the Federal Government pay 130 percent of our registration system, and will not adopt the Federal system as our own.

Since we will have a dual registration system, we will also have the problems that come with it. The first problem will be the necessity for dual ballots, with an introduction of a new "short Federal ballot" for voters who have registered only by sending in the post card.

The second problem will be explaining to the voters who have only registered for the Federal election why they are not able to vote in State elections.

The net effect of this bill will be to open wide the doors of registration for Missourians who want to vote for their 14 Federal officers, while slamming it shut on their right to vote for their 15,000 State, county, and municipal officials. This bill does not make it simpler for people to vote; rather, it disenfranchises them insofar as it will keep them from voting for their Governor, county prosecutor, and city alderman. Observed in that light, this bill becomes a fraud, a sham upon the public.

Our first recommendation is that H.R. 8053 not be given favorable approval by this committee. The bill, in its present form, should not be permitted to pass.

If the committee is of the opinion that it must report out a bill, then we suggest that it must be a modified version of H.R. 8053.

We suggest that H.R. 8053 be amended in the following ways:

Eliminate the 45-day requirement.

We suggest the post cards be distributed at least 3 months prior to close of registration and preferably 6 months. This might provide sufficient time for registration officials to process the cards after they have been received. If the time is found to be too far in advance, it could be shortened at a later date. We suggest that this would be a wiser legislative move than enacting the bill in its present form, only to find out that 45 days is too short a time period to process the cards.

The bill should be amended to exempt States with mail registration systems.

Missouri, like some other States, provides for registration by mail. The imposition of another mail registration system upon those States can only cause confusion. If they are doing the job which the bill would require them to do, why impose it on them?

I suggest that an exemption be extended to any State which permits voters to register by mail if the State permits registration for any reason and requires that notaries provide their services regarding registration without charge to the voter.

I might point out that Missouri does not fit the exclusion I have just described, insofar as absentee registration is only available to the sick, disabled, or those absent from the county. We do feel that the categories of those eligible to register by mail could be expanded, and are willing to "go that extra mile" if it would avoid dual registration system. We are of the opinion that the notarization of the registration form provides a valuable safeguard and helps to "insure the purity of the ballot box" while not being unduly restrictive. (Other suggested changes are included in my full statement.)

But even with those changes, the bill will not solve the problem of registered voters who don't exercise their right to vote and will still result in a dual system in some States. I return to my first suggestion that the committee not take favorable action on this bill.

Given the climate for change and given the incentive for positive State action by bills such as H.R. 8053, it is my firm opinion that the States will respond quickly—within the next few years—to provide registration procedures which will meet the intentions of the sponsors of H.R. 8053 and S. 352.

I thank you for your attention and I would be pleased to answer any questions you might have.

Mr. MATHE. Mr. Dowd, thank you for a very informative and enlightening statement.

Mr. JONES. I would like to take this opportunity to thank Mr. Dowd for appearing here. He does have in my opinion a very worthwhile statement.

Mr. WARE. Thank you for your testimony, Mr. Dowd.

Let us assume that the proposed bill or an amended version of it would become law. Would the State of Missouri seek to follow the law in order to get the funds that are provided under the bill or for any other reason?

Mr. Dowd. If the bill required dual registration, my answer would be no, sir. We are not interested in being bought. There is a little more to it than that. Our system in Missouri, our present mail registration system requires that the voter first make an application in writing to the registrar. He must apply in writing so we have an address, a return address frequently; we have some kind of communique in writing which helps us identify the voter to start with. The registrar sends out the forms to the voter. He executes them. He must have them notarized and returns them.

Now, notarization has not been found to be a problem in Missouri. The office of the secretary of State mails out some 75 notary commissions each day so we have plenty of notaries and with a requirement that they provide their services free of charge for notarization of these registration forms.

We don't think that would be a problem, but we think that both of these provide a safeguard for our system which we find valuable and would not want to give that up for the system envisioned by this bill.

Some legislative leaders have mentioned to me that if the bill is adopted in its present form and if it imposes a dual system on Missouri, they would probably support a move to eliminate registrations for Federal election. That is not cutting off their nose to save their face. That reflects their opinion of this bill, and their opinion is that it is not going to prevent fraud and since it is not going to prevent fraud, why waste Missourians' tax dollars, albeit Federal money?

Let's just do away with registration for Federal elections. That would possibly be one result which may come out of the adoption of this bill.

Mr. WARE. Follow the North Dakota system, in other words?

Mr. DOWD. Yes, sir. Which we have at the present time in many of our counties.

Mr. FRENZEL. Mr. Dowd, thank you for your testimony. I must say it is exceedingly blunt and exceedingly forceful.

Representative Kay, would you verify Mr. Dowd's statement about the feeling within the legislature that you would go your own way?

Mr. KAY. I would concur with that opinion; yes.

Mr. FRENZEL. That would be prevalent in both parties?

Mr. KAY. Correct.

Mr. FRENZEL. Thank you very much.

Mr. Dowd, you gave us a couple of examples of the difficulties you would find in registration, one being the difficulty of establishing the actual status of the voters' residence. Can you give us some other examples of how registration drives can get snarled?

Mr. Dowd. Several come to mind. We are going to have a great deal of confusion by virtue of the fact that we have just extended voter registration to some 66 counties in Missouri which have never before had it. The secretary of state will be telling people throughout the State that you must now register.

If at the same time we are promoting this a postcard arrives that says "Fill this out and you are going to be registered," they are going to send it in and those folks are going to be mad as hornets when they can't vote for the secretary of state in the next election or for their mayor, their Governor or county officials. That is one kind of confusion we see.

Another example in States which have had registration for some period of time—this may not seem possible, but this is the kind of situation that States like Missouri, States like North Dakota, will find themselves in if this bill is imposed.

Callaway County in mid-Missouri, it is a rural farming community—adopted registration under our local option plan, which provides for registration by mail in certain situations in 1968. Its first election under registration was held in 1970. The county clerk expected that some people would present themselves at the polls and not be registered. They just knew that was going to happen. That was the first election under registration.

What they hadn't anticipated was people appearing at the polls throughout the county wanting to vote, not on the books, but saying

that they were registered. They said, "We did register. We followed the county clerk's instructions."

This caused some concern. So later in the afternoon the county clerk assembled these people from across the county in his office and it turned out that the reason for the confusion was Winston Churchill. I might back up here just a moment.

The county seat of Callaway County is Fulton, Missouri, and in Fulton is Westminster College, a small liberal arts college for men. In 1945, Winston Churchill made his famous Iron Curtain speech at Westminster College and several years ago, as a memorial to this man, St. Mary Alderman Barry, a church in London, bombed out during the war, was transplanted, stone by stone and erected on the campus. It is a beautiful church and in the basement is a museum to dedicate the honor of this great man. Because of the number of dignitaries coming into Fulton this particular fall of 1970, all the people of Callaway County were invited to attend this ceremony.

This was at their only college level educational institution in the county. People from all over the county turned up; there were many foreign visitors there. It was a big day in Callaway County. As the people walked into the grounds of the college, there was a great big book on a table there and over the book was a sign which said, "Register here."

This was several months before the election, but guess how many people signed the book and considered themselves registered.

Now, those are the kind of problems we are going to have in rural counties and I submit there may be other stories that could arise in situation where confusion could arise when registration is imposed for the first time.

Mr. FRENZEL. What happens when I am registered in my district or precinct as William E. Frenzel and maybe I sign my card with W.E., or W. Eldridge, or Bill Frenzel? The clerk doesn't know whether I am me or a newly enfranchised son or a no-good uncle living there because he can't get a job. What does the clerk do in that instance?

Mr. Dowd. He is going to tie up the election line for 15 minutes until he figures it out.

Mr. FRENZEL. I have an unlisted number.

Mr. Dowd. I thought when you presented yourself on election day—

Mr. FRENZEL. No, I sent in my card. He is looking at my card and looking at my permanent registration record and I am not in the phone book. Then what does he do, take a bus out to my house?

Mr. Dowd. Consult the business directory or the reverse listings and see if he can find you there, but your point is well taken.

Our office, because of corporate filings and security regulations we concern ourselves with on the State level is a volume mailer and we know what happens when 50,000 pieces of mail come in in a 30-day time span because we have some filings like that.

Even when these forms are filled out by corporations, which you would think would have a higher level of legibility and be more likely to be full and complete than forms required to be filled out by the public at large, we find a great many examples of the kind of problem you just described. They are incomplete, the corporation, the Acme

Land Development Corp. will turn in its report and call itself "Acme Land Devl. Inc." Well, that is a different corporate name. You would think they know their own name, but they don't. And people who register under "William Frenzel," or "W. E. Frenzel," or "Bill Frenzel," are the people who are going to louse up this whole system.

Mr. FRENZEL. With that I quit.

Mr. MATHIS. Mr. Kay, have you any comments you would like to make?

Mr. KAY. I concur with all the things Mr. Dowd stated.

The only thing I might add is before I came up here I checked with the large metropolitan districts in St. Louis comprising 54 or 55 percent of the voters in the entire State. It is the opinion of the president of the Board of Election Commissioners in St. Louis, St. Louis County and Kansas City, that if this would ever go into effect they would have to go back to a system that has been outmoded for some time and that is paper ballots, because there is no way they could take an electronic voting device like the election machines used on election day and go out and have people come in where they only vote partially for a group of Federal candidates, or have another machine to vote for the State or local candidates. There would be a lot of confusion in the opinion of these gentlemen.

Mr. MATHIS. Thank you, Mr. Kay and Mr. Dowd, for appearing this morning. I am sure your testimony will be very helpful to the committee.

[Mr. Dowd's statement follows:]

STATEMENT OF JAMES F. DOWD III, DEPUTY SECRETARY OF STATE

Good morning, Mr. Chairman and members of the committee, my name is James F. Dowd III. I am the Deputy Secretary of State of Missouri, appointed to that position by Secretary of State James C. Kirkpatrick.

Secretary Kirkpatrick is Missouri's Chief Election Official. In his nine years in office, he has lead the fight to modernize and simplify Missouri's election laws. He also is Vice President and President-Elect of the National Association of Secretaries of States.

Secretary Kirkpatrick is out of the country this month, and has asked me to appear on his behalf. Because he had already left when your invitation to testify arrived, the remarks I offer here today are my own. While he has not seen these specific remarks, we have discussed them. Our feelings are harmonious, and these remarks are intended to convey the sentiments of Secretary Kirkpatrick regarding S. 352 and H.R. 8053, as well as my own.

I want to preface my remarks this morning by stating that Secretary Kirkpatrick heartily endorses the testimony offered to this committee by C. C. Wood on behalf of the Honorable Wade Martin, Jr., Secretary of State of Louisiana. We urge your careful consideration of the constitutional arguments raised in that testimony. Secretary Kirkpatrick also endorses the testimony of the Honorable Arlen Erdahl, Secretary of State of Minnesota, and endorses Secretary Erdahl's position that the procedures for conducting elections and registering voters best be left to the states.

Let me start this morning by stating my complete accord with the intentions of the sponsors of this bill and the sponsors of S. 352. Increasing the participation of voters in our electoral system is certainly a worthwhile goal. The record in this country stands in shabby contrast to that of Canada and the nations of Western Europe, and certainly improving that turnout is a desired goal.

We are concerned, however, that this bill will not achieve the ends of its sponsors, and will, in fact, decrease voter participation in our elections.

Missouri is unique in many ways, including the manner in which it conducts its elections.

We have 115 counties. Prior to last November's election, we had 34 counties with county-wide registration and 9 cities of over 10,000 which had registration. Registration was mandatorily imposed on cities of over 10,000, and on the counties in the St. Louis and Kansas City metropolitan areas. The other 30 adopted it voluntarily under our "local option" registration plan. At last November's election, 7 more counties adopted the local option plan.

Those counties operating under the local option plan provides limited registration by mail. The county clerk is to provide registration forms to any voter who applies in writing, indicating that he is unable to register because of illness, disability, or absence from the county. Upon receipt of the application (which may be as informal as a one sentence letter), the county clerk mails registration forms to the voter. The registration form is relatively simple to complete, but must be signed by a notary before being returned.

74 of Missouri's counties have no voter registration. I live in one of these counties, and am not now registered to vote. My polling place is located in my next door neighbor's kitchen.

Our experience suggests to us that it is not registration that has impeded voter turnout. In the registration counties of Missouri, 74% of the eligible voters were registered for last year's election. Although only 80% of those registered turned out, the percentage of eligible voters that was registered exceeded the percentage of those voters who turned out in those non-registration counties, where 72% of the eligible voters cast a ballot. While we are concerned about the 26% who failed to register in the registration counties, we suggest that the more basic question is why didn't 28% of my neighbors in the non-registration counties, with no advanced requirement to comply with, cast a ballot.

1972 VOTER TURNOUT IN MISSOURI

	Number	Percent
34 registration counties:		
Eligible to register.....	2,264,644	100
Registered.....	1,671,778	74
Voted.....	1,312,926	58
Total registered.....		79
72 nonregistered counties:		
Eligible to vote.....	513,018	100
Voted.....	371,737	72

Further, the fact that the percentage of our voters turning out in our registration counties was less than that in our non-registration counties does not suggest that our registration procedures are too severe. To the contrary. I call the committee's attention to the fact that there was a higher percentage of voters registered in our registration counties than actually turned out to vote in our non-registration counties. If all of the registered voters had voted, there would have been a higher percentage turn out in our registration counties than in our non-registration counties. Obviously, it was not registration which kept these people away from the polls.

I also suggest to the committee that the close correlation between the percentage of voters registered in Missouri in our registration counties, and the actual turn out in our non-registration counties (a variance of less than 2%), suggests that a 72% turn out might be the maximum that we could hope to achieve, with or without any change in our registration procedures. I suggest that the changes that will have to take place will be in the American educational system—that being the best prospect that I see to influence potential voters with the importance of exercising their right to vote.

Based on our experience, HR 8053 is unworkable as it is presently drafted for the following reasons:

A. THE TIME IS TOO SHORT

All the permanent registration systems in use in the country today depend entirely on the fact that voters may register throughout the year. We realize, of course, that many states have closed periods, and that there is always a last minute rush for voter registration, as there is for anything else. However, no

system of prior registration of which we are aware contemplates that *all* the registrations would be made within 60 days prior to the election. Certainly our present election machinery is not geared to handle this, but that will be the effect of HR 8053.

We know of no policy reason why the bill should preclude the post office from distribution of the registration cards prior to 45 days before the closing of registration. Certainly we concur with Mr. David Dinkins, President of the Board of Elections of New York City, who suggested that the distribution should take place in January preceding the election, so as to provide sufficient time to process the cards. Even if we were to use electronic data processing, we in Missouri are at an absolute loss as to how we could locate enough keypunch operators to process this incoming flood of registration forms.

B. THERE IS INSUFFICIENT TIME TO DETERMINE THE QUALIFICATIONS OF VOTERS

The determination of voter qualifications by many of our registrars today is a perfunctory matter. It is unlikely that I will be asked "are you a citizen of the United States" when I register to vote, although obviously I am not qualified to vote unless I am. Utilization of a mail system, however, is likely to prompt a change in habits on the part of our county clerks and boards of election commissioners.

I submit that they will feel obliged to check more closely into the qualification of registrants, especially of those who are not known to him. This will, of course, take some time, substantially more time than is permitted by this bill. Their guard will be up because this bill will not only permit people to register without having gone before a registrar, but also to vote without having been seen by an election official. A twelve year old felon from Illinois could register in Missouri, and if he lies about his qualifications, vote absentee ballots the rest of his life—unless the registrar is permitted sufficient time to check his qualifications.

A basic premise of this bill is that all the determinations that need to be made by a registrar can be made within 30 days, that being the average closing period for registration throughout the country. The Supreme Court in *Dunn v. Blumstein* used a similar premise. That premise is based, however, on year-round registration. It is because of year-round registration that the registrar can make the necessary determinations regarding the last registrant who walks in 31 days before the election. But if hundreds, or thousands, or tens of thousands of post cards are received on the 31st day prior to the election, it will not be possible for a registrar to make the determinations necessary to fulfill his oath of office.

I also suggest to this committee that the registrar will not issue a certificate of registration until he has made the necessary determination and that, especially in the first year under a bill such as this, the cautious checking which will take place by the registrar means that many of the post cards will not even be touched, much less processed, by election day.

C. SOME CARDS WILL NOT BE ABLE TO BE PROCESSED

The Missouri experience with mail registration may be helpful to this committee. We have found that almost all of the post cards submitted are legible, but suggest that the requirement that the document be notarized is probably the principal reason for this. Even with a notary, we find that some cards are incomplete or not otherwise able to be processed.

A good example is the voter who completes his card properly, listing as his voting address "Canton, Missouri" or "Rural Route 1, Harrisonville, Missouri". In each case, the registrar is unable to assign the voter to a precinct.

Canton, Missouri has two wards, and unless the county clerk knows whether John Doe lives on the east side of town or the west side of town, he is unable to process that card. The county clerk in Cass County is similarly perplexed with the address "Rural Route 1, Harrisonville". Rural Route 1 passes through five different election districts. It is impossible for that voter to be assigned to a precinct, unless more information can be gathered.

Fortunately, our county clerks are a persistent group. First, they try to call the voter. They frequently find, however, that his household is one of the 17% of Missouri households that does not have a phone or which has an unlisted number. He sometimes tries to write the registrant soliciting further information, but a reply is all too seldom forthcoming. Registered mail does not work be-

cause the voter refuses to accept it, thinking it a service of process. But finally the day comes when the county clerk spots the registrant and his wife walking down the street, passing the court house, and calls them into his office. He points to a large map of the county on his wall, and asks the voter to point to the location of his house. The husband points to one spot—the wife to another!

My point here is that these problems with a limited mail registration system have occurred in far too frequent a fashion to encourage us that a nationwide post card registration system will be a success—especially when all the post cards will be received by the registrar within a four week period.

The difference between a mail voter registration system, and paying taxes, buying automobile licenses and the many other governmental duties that we perform by mail, is that we must somehow tell the registrar exactly where we live in the county, in terms of voting precincts or townships.

According to the Federal Office of Revenue Sharing 25% of the taxpayers who filed their 1972 income tax return failed to correctly list the township in which they resided. Implications of this finding are extremely important for our purposes. The fact is that the township boundaries are not known to the voters, much less the boundaries of overlapping schools districts, fire districts, levee districts, swamp drainage districts, water districts, sewer districts, road districts, and the many other political subdivisions found throughout the State of Missouri and the nation. But, unless the voter is able to identify *exactly* where he lives, the registration official is not able to properly handle his registration. As a practical matter, an "eyeball to eyeball" confrontation with the registrar is just not the easiest way to sign up a voter, it is frequently the *only* way.

It has been suggested to us that the post office could solve this problem by having the postman carry maps as they distribute the post cards, and enter the necessary data on the card for the voter. That is an excellent suggestion and, in my opinion, the only way in which the system could work. But since it is the only way and since the system will depend upon this cooperation, we strongly urge that this cooperation be written into the law.

D. H.R. 8053 PROVIDES AN OPPORTUNITY FOR WIDESPREAD FRAUD

We are not aware of any situation in Missouri where mail registration has been used for fraudulent ends. We do know that testimony has been offered to this committee that other states using mail registration systems have not found fraud to be a problem. But the concern of Missouri, and that of other states, is not just proving fraud, and prosecuting the offender after it has occurred. Rather, the interest of the states is in "preserving the purity of the ballot boxes".

The counties which do not have mail registration are those which are in the metropolitan St. Louis and Kansas City areas. There has been legislative resistance in the past from these areas regarding mail registration and although our state system might be expanded to those certain counties sometime in the future, it is extremely unlikely, in my opinion, that Missouri will accept a mail registration system such as is provided by HR 8053. We place great weight upon the notarization of the forms, and the fact that over 75 notary commissions are mailed out each day from our office suggests that finding a notary is not an insurmountable obstacle in our state.

If I accurately read the thoughts of legislative leaders in Missouri, we will not rise to the "bait" of having the federal government pay 130% of our registration system, and will not adopt the federal system as our own. For that matter, we would not accept an offer of payment equaling twice as much as our registration system today costs us. We feel that the integrity of our system is too important for us to give up, for the registration system that is provided for in this bill.

It is the avoidance of the possibility of fraud which is of paramount interest to the states, and I suggest that this bill, by making such an abrupt change in the manner in which voters will register, will open the door to fraud in a manner which has not been experienced by the various states. My point in mentioning this is a simple one—in an attempt to make certain that the integrity of the system is maintained, county clerks and boards of election commissioners in Missouri are likely to be twice as careful in processing these mail registration forms as they were previously. This will necessarily slow down the registration process, and relates to the point that I mentioned earlier, namely, the time schedule provided for the distribution of the post cards cannot possibly permit the election officials to perform their required tasks.

E. THE BILL WILL REQUIRE THE MAINTENANCE OF DUAL REGISTRATION SYSTEMS, AS WELL AS DUAL BALLOTS

It took Missouri 13 years to adopt statewide voter registration. A bill providing for statewide registration was just passed in the most recent legislative session. It has not been signed into law by Governor Christopher Bond. If it is signed into law, it will provide for registration by mail in 111 of our 115 counties.

Since we will have a dual registration system, we will also have the problems that come with it. The first problem will be the necessity for dual ballots, with an introduction of a new "short federal ballot" for voters who have registered only by sending in the post card.

This bill does not consider whether existing voting machinery will be capable of this change. If election machines cannot be programmed to permit the voting of a short federal ballot, then it is likely that the number of voting machines in our counties using machines will have to be increased to absorb the number of people who are registered for federal elections only. This could be a sizeable number, but no provision is made for the federal government to absorb that cost. Nor has any provision been made, for that matter, for the printing of federal ballots which, in rural Missouri, is rather expensive (due to a requirement that the names be rotated on the ballot in primary elections).

We were advised by local election officials in counties using voting machines that the machines cannot be set to permit the voting of the short ballot, and that paper ballots will have to be used. Any substantial increase in voters resulting from this bill will necessarily result in a substantial increase in paper ballots being cast at precincts using voting machines. This will not improve the accuracy of our election day totals, and certainly will slow down voting procedures. Almost one-half of Missouri's precincts use voting machines or punch-card devices.

The second problem will be explaining to the voters who have only registered for the federal election why they are not able to vote in state elections, and, given the manner in which the voters responded in the past when they have been turned down at polling places, for whatever reasons, this is likely to produce numerous heated arguments on the day of the first election operated under this system.

Since Missouri is not likely to adopt the federal system as its own, the net effect of H.R. 8053 will be to open wide the doors of registration for Missourians who want to vote for their 14 federal officers, while slamming it shut on their right to vote for their 15,000 state, county and municipal officers. This bill does not make it simpler for people to vote, rather, it will disenfranchise them, insofar as it will keep them from voting for their Governor, county prosecutor, and city alderman. Observed in that light, this bill becomes a fraud, a sham upon the public.

For Missouri, this legislation comes at an extremely inappropriate time. Our new voter registration bill in Missouri will require us to engage in an extensive program to encourage Missourians to register. If at the same time as we are urging them to take this action, they can pick up a post card at the post office that will tell them they can register to vote by merely mailing it in, we know of many of them will do only this. Even if the receipt that they receive advises them that this registration qualifies them for only federal elections, we know some of them will misunderstand. In effect, we will be having two registration drives in Missouri, and confusion can only be the winner in that race.

We do not suggest, however, that the Missouri situation is sufficient cause for unfavorable action on this bill. It is our serious and considered suggestion that confusion will result in every state.

We have no argument with mail registration, assuming adequate safeguards are provided to protect against fraud. Nor are we opposed to changes in our election system.

What we do oppose, and do so because it will confuse the voter and result in his disenfranchisement for state elections, is two registration systems running side by side.

F. THIS BILL DOES NOT PROVIDE FOR NECESSARY LEGAL ASSISTANCE

The immediate impact of HR 8053 will be a sharp increase in the number of lawsuits filed against the county clerks and boards of election commissioners. This bill does not provide legal assistance for those registrars and, when law-

suits are filed involving mail registration under the terms of this bill, local prosecutors (who would normally represent the county officers) will undoubtedly refuse to be of assistance, claiming that the question is a federal one.

Unless the Department of Justice is ready and able to provide legal assistance to each of our 115 county clerks and boards of election officials, our registration officials will be on the horns of a very serious dilemma. We know that there will be lawsuits, and feel the failure to include legal assistance to the registration officials is a major shortcoming in this bill.

Even if HR 8053 were adequately drafted to take care of these problems, it would still create an alternative system of registration. This alternative system can only result in confusion. It is extremely likely that the voter will register under the state system or the federal system, but not *both*. The effect of this will be the disenfranchisement of many voters who will send in their post cards, considering themselves registered to vote for all elections. They will be extremely disappointed when they find out they cannot vote.

As a result, our first recommendation is that HR 8053 not be given favorable action by this committee. This bill in its present form should not be permitted to pass.

If the committee is of the opinion that it must report out a bill, then we suggest that it must be a modified version of HR 8053. We suggest that HR 8053 be amended in the following ways:

1. *Eliminate the 45 day requirement*

We know of no policy reason why the distribution of post card registration forms should wait until 45 days before the close of registration. We understand the intention of this provision is to catch the attention of the voter when it is at its peak, when the newspapers, television and radio are full of advertisements for political candidates. From an administrative standpoint, this is *absolutely* the worst time to distribute forms. Not only is registration normally higher at this time, thus imposing additional duties upon registration officials, but the dumping of all these post cards at this busy time will be an avalanche impossible to dig out from!

We suggest the post cards be distributed *at least* three months prior to an election and preferably 6 months. This would provide sufficient time for registration officials to process the cards after they have been received. If the time is found to be too far in advance, it could be shortened at a later date. We suggest that this would be a wiser legislative move than enacting the bill in its present form, only to find out that 45 days is too short a time period to process the cards.

We predict that most of the people who fill out the cards and return them to registrars will already be registered on a state level. Thus, their registration is, in effect, a nullity, if we accept Senator McGee's argument that state registration qualifies one to vote for federal offices. Nonetheless, these cards would have to be processed and a receipt sent to the registrant advising him of the acceptance of his registration.

We also predict that most of the individuals who are not today registered will not complete these forms. Testimony has already been offered here before this committee about the difficulty in mailing forms to those groups who are typically associated with non-registration; people with extremely low income, migrant workers, those citizens without postal addresses, etc.

2. *If a time must be imposed, sufficient time for a mail canvass should be permitted*

Kansas City, Missouri conducts a canvass of its voters by utilizing the postal service; it has proven to be very effective. They prepare cards which list the registered voters of Kansas City. The cards are processed and handled only by mailmen. It is the mailman who checks the box to indicate whether Joe Doe resides at that address. If Joe Doe has moved, the postman indicates the new address, if any.

The advantage of this system is obvious. The method used for verification does not permit the registrant to cover up his fraudulent registration. And the cost is only 5¢ per voter.

I should mention here that the voters are not stricken from the registration record until after the Board of Election Commissioners has mailed, by first class mail, a notification of the pending strike to the voter, and failed to receive a return response.

This method is the only practical method that we are aware of (other than a door to door canvass) which permits a "double check" on the actual residence of the voter. It has the advantage of not permitting the voter to himself compound a fraudulent registration, while at the same time avoiding the problems of a door to door canvass. In addition, it is substantially less expensive than a personal canvass.

The time needed from the date the post card is received, until the registration receipt is delivered to the registrant, is at least four weeks. This includes processing time, the time needed to prepare the request for the mailman to complete, allow him a week to perform his function and return the card, and the time needed after the voter's qualifications have been determined to place his name in the proper registration books and mail the registration receipt. But this time period assumes no snafus, no complications, no lost cards, no incomplete cards, no disqualifications being discovered, and, most importantly, an even work load over a twelve month period. Any of the above problems, coupled with an untrained staff thrown quickly together, is bound to slow down the entire process.

3. *The most productive change in the election system would be to require the Post Office to notify registrars automatically of any change of address*

This one simple procedure would enable registrars to send new registration forms, if necessary, to the voter, or initiate procedures to remove him from the registration list, if he had moved out of the jurisdiction. Given the mobility of today's population, the mailman is, as a matter of fact, the one individual most likely to know who resides where. We suggest tapping this valuable source, and making it available on a regular basis. This requirement would, we submit, whether coupled with this bill or not, be a most important change.

4. *The bill should be amended to exempt States with mail registration systems*

Missouri, like some other states, provides for registration by mail. We submit that the imposition of another mail registration system upon those states can only cause confusion. If they are doing the job which HR 8053 would require them to do, why impose this bill upon them.

We suggest that an exemption be extended to any state which permits voters to register without personally appearing before a registrar by utilizing the mail. We suggest the exemption be applicable whether or not the state requires that the registration forms be applied for in writing and whether or not the registration forms be notarized, if the state permits registration for any reason and requires that notaries provide their services regarding registration without charge.

I might point out that Missouri does not now fit the exclusion I have just described, insofar as absentee registration is only available to the sick, disabled, or those absent from the county. We do feel that the categories of those eligible to register by mail could be expanded, and are willing to "go that extra mile" if it would avoid a dual registration system. We are of the opinion that the notarization of the registration form provides a valuable safe-guard and helps to "insure the purity of the ballot box" while not being unduly restrictive, especially if the services of notaries were available without charge.

In closing, I would like to make this observation. In reading the testimony before the Senate Committee on S 352, Senator McGee seemed quite impressed with the fact that some states were able to do an adequate job with registration.

I suggest to the committee that there is another conclusion which could be drawn from this line of testimony. Namely, that the states *are* doing the job in modernizing their election laws. The pace of this change is bound to pick up, and certainly the threat of HR 8053 will be a spur to such change. Further, the National Association of Secretaries of State has taken a strong stand on voter registration and can be expected, I believe, to develop a model registration code to be suggested for consideration by all states.

Finally, the fact that election officials from throughout the country held their first national meeting this year in New Orleans, and plan to establish a national organization to meet regularly, suggests that an increasing amount of interchange will take place between the states about registration and voting.

Given the climate for change and given the incentive for positive state action by bills such as HR 8053, it is my firm opinion that the states will respond quickly—within the next few years—to provide registration procedures which will meet the intentions of the sponsors of HR 8053 and S 352.

Mr. MATHIS. Our next witness is Richard Carlson, director of the election systems project of the National Municipal League.

STATEMENT OF RICHARD J. CARLSON, DIRECTOR, ELECTIONS SYSTEMS PROJECT, NATIONAL MUNICIPAL LEAGUE, NEW YORK, N.Y.

Mr. CARLSON. My name is Richard Carlson. I am director of the election systems project of the National Municipal League, a nonpartisan, nonprofit citizens organization concerned with effective self-government at the State and local levels.

Since its founding in 1894, the League's program has been based on the proposition that informed citizens actively participating in public affairs in their own communities are the key to good government.

The League promotes its goals through conferences, research reports, a monthly magazine, "The National Civic Review," and the publication of model laws and systems such as the Model State Constitution, the Model City Charter and the Model County Charter.

The League's interest in elections goes back to 1920 when it first published a Model Election System. We subsequently published a Model Voter Registration System in 1927 and a Model Election Administration System in 1930. Both models have undergone various revisions since then. In 1971 the League began an intensive evaluation of its earlier proposals on election reform under a grant from the Ford Foundation. This election systems project developed out of our concern for the consistently poor rate of turnout in American elections. During the course of the project, we were fortunate in having as advisers a distinguished committee of election administrators, political leaders, civic reformers and others with a long experience in electoral problems.

The recommendations of the election systems project will be published this fall as a model election system. The provisions of the model will cover State administration of elections and the conduct of voter registration.

Mr. Chairman, with your permission, I would like to submit a pre-publication copy of the model to the committee for inclusion in the record.

Mr. MATHIS. Thank you, Mr. Carlson. I was interested in your remarks on the process used in Great Britain. I thank you for bringing this to the attention of the committee. This is the first concrete testimony involving that system that is used. I would like to know if you have any further facts or statistics that might be made available to the committee regarding that system?

Mr. CARLSON. We have a more elaborate statement on how this works which I could make available to the staff which may fill in details I have left out.

Mr. MATHIS. I think that would be most helpful.

Mr. CARLSON. We also have a statement on how the Canadian system works. We would be happy to give you everything we have.

Mr. WARE. May I suggest the record be kept open for such submission?

Mr. MATHIS. Without objection, it shall be.

[The information was subsequently filed for the record.]

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MODEL ELECTION SYSTEM

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Foreword

The major objective of the National Municipal League has always been the establishment of governmental institutions and procedures necessary as effective instruments of popular control. Central to the fulfillment of this objective has been the reform of election systems.

The League first established a committee on electoral reform in 1920. In 1927 a successor committee on election administration, chaired by the late Charles E. Merriam of the University of Chicago with Dr. Joseph P. Harris serving as secretary, launched a comprehensive nationwide study of all aspects of election administration. This study, sponsored by the Social Science Research Council, resulted in publication of a comprehensive report with particular attention given to the need for registration improvement. Existing systems were then described as "inconvenient to the voter, expensive in operation and ineffective in preventing fraudulent voting." The report was published in its entirety by The Brookings Institution and included the "Model Registration System" and "Model Election Administration System" proposed by the NML's committee. These models, published in 1927 and 1930 respectively, established the agenda of electoral reform for more than a generation and were influential in providing guidelines for a massive improvement in American elections, particularly in the elimination of blatant fraud.

Now, almost two generations later, questions involving election administration and voter registration have been reopened by sweeping changes in voting rights. The concern of both the federal judiciary and the Congress with these matters pointed to the necessity of taking a searching look at current problems and practices and the reevaluation of earlier NML model proposals.

A grant from The Ford Foundation has made it possible for the NML to

undertake this new study of American election systems. The early phases of the study were paralleled by a program of the League of Women Voters Education Fund, also funded by The Ford Foundation, which identified administrative obstacles to voting and proposals for immediate reforms. The National Municipal League's study has been directed at the development of legal and practical ways to overcome these and other obstacles and to furnish positive guidance for an election system which provides maximum convenience for the voter as well as prevention of fraudulent practices. A special committee, including representative groups which have evidenced particular concern with obstacles to voting, provided assistance for the joint activities of the LWVEF and the NML. Two League presidents have provided leadership for the Election Systems Project. William W. Scranton, president when the project was launched and an active participant at all stages of the undertaking, designated Wilson W. Wyatt as chairman of a special advisory committee on election systems. In November 1972, Mr. Wyatt was elected League president. He has guided the deliberations of the advisory committees at six meetings and chaired special sessions on election systems at the 1971 and 1972 National Conference on Government. He also has worked closely with the staff in the preparation of the project reports.

The project has been under the general supervision of League assistant director William J.D. Boyd and under the direction of Richard J. Carlson, who previously served as research coordinator of the Illinois Constitutional Convention. Major research assistance during the greater part of the project has been provided by Jeanne Richman, former vice president of the League of Women Voters of New York State.

The broadly based advisory committee included election administrators, political leaders, academic experts, civic reformers and others with long

experience in election problems. This committee has evaluated project studies and proposals. Special acknowledgement is due Professor Joseph P. Harris whose earlier studies established the basis for League programs in the field. He gave the project the perspective of more than 40 years of intimate involvement in election problems. Former League President Richard S. Childs also provided a link with the League's experience in the field prior to the launching of this project.

Numerous state and local election officials have participated in the project in a variety of ways and have furnished invaluable insights into the practical problems involved in election systems. Members of the project staff visited 21 states and were greatly assisted by the reactions of election officials from 40 states at a special conference of the National Association of Secretaries of State co-sponsored by the League in New Orleans in February 1973. Similarly, participation in the annual conference of the International Institute of Municipal Clerks, as well as innumerable contacts with local election officials, was extremely valuable. The fact that the percentage of eligible voters participating in American elections has regularly been much lower than in the other democracies prompted comparative studies of election systems in six countries. Particular attention was given to the administration of the 1972 Canadian election. Thus acknowledgment is due to J.-M. Hamel, the Chief Electoral Officer of Canada, and the officials in other countries who were most generous in their cooperation with the League's project.

Extensive assistance was provided by a number of special consultants. Richard Scammon, Richard G. Smolka, James F. Blumstein, Robert R. Outis, George Braden and W. Edward Weems, Jr. all made important contributions. The League is also indebted to researchers who provided assistance in making state-by-state analyses of election laws.

As in the case of all major NML programs, the value of the product is due in major part to the breadth of participation of individuals with widely varying experience and points of view. Model building thus is a process very similar to development of an actual legislative proposal and of necessity must involve compromises and accommodations in order to relate to the infinitely complex governmental and civic climate in late 20th century United States.

While the Election Systems Project studies are in the concluding editorial stage preparatory to publication later in 1973 and the proposed Model is under final review by the League's committees, the preliminary edition of the Model is being given limited distribution in response to a large number of requests from various quarters now engaged in programs of electoral reform.

William N. Cassella, Jr.
Executive Director
National Municipal League

Introduction

Upon completion, the Election Systems Project of the National Municipal League will include a model state election system covering voter registration and state administration of elections; a major study of the costs of election administration; a survey of election technology; and a volume of essays on major election issues. Although publication of these materials is scheduled for later in 1973, the League is sharing its preliminary proposals with officials and civic organizations currently considering election reform. Accordingly, we are now making available a limited number of advance copies of the League's Model Election System.

Briefly, the Model advocates strong state control of election administration with state and local governments assuming responsibility for initiating the registration of all eligible voters through a system of door-to-door canvassing. The cardinal principles embodied in the Model are visibility and accountability. Responsibility for the supervision of registration and voting are fixed in a single officer of state government who would preside over an administrative structure with authority clearly fixed at all levels. The League feels that such a system will encourage efficient administration and increased professionalism among election administrators while opening up greater opportunities for citizen participation.

We recognize that many local jurisdictions achieve levels of excellence in the administration of elections. However, many do not, and administrative competence can vary drastically within a single state. Obviously, it is not possible to draft a model election system that will suit every state. Nor is this necessary. Rather, we suggest that each state adapt this model to its own

terminology, local government structure and frequency and timing of elections. In short, this is an illustrative model designed to implement a specific set of concepts. An implementing statute which illustrates how the major recommendations of the model system can be put into statutory language is attached as an appendix.

The National Municipal League hopes this preliminary proposal will contribute to state efforts to revise and update election practices. We welcome comments on any aspect of the model system and the accompanying implementing statute.

Richard J. Carlson, Director
Election Systems Project
National Municipal League

THE USES OF A MODEL; LIMITS AND POSSIBILITIES

"Strictly speaking, there can be no such thing as a 'Model State Constitution' because there is no model state. . ."

--From the introduction to the
Model State Constitution

Like a model state constitution a model election system is beyond the reach of ordinary practice. It is not tailored to the needs of any single state, yet it may answer some need in every state. The League's models establish goals, set standards and propose solutions; they synthesize disparate proposals for reform and present systems for adapting the innovations of one state to the needs of another. Within our federal system citizens and civic organizations play a major role as agents for change. The National Municipal League's Model Election System is addressed to them, as well as to state legislatures and election officials who are looking for better ways to serve the electorate. In this climate the League's new Model Election System is intended to serve as a catalyst for reform.

Since its founding in 1894 the National Municipal League has prepared model laws and systems in many areas of governmental concern. The purpose of these models is to help citizens and governments find practical solutions to their own problems and to enhance the federal system by strengthening the structure of state and local governments. Beyond that, there are certain fundamentals of good government that the League continues to regard as necessary to the integrity of representative government. These are visibility and accountability of public officials, open access to information for all citizens, and convenience to the voter compatible with efficient and economic administration.

In 1920 an earlier Model Election System included proposals to make the ballot safer and more convenient to use. A Model Voter Registration System published in 1927 advocated permanent, personal registration of voters in the place of periodic registration which then widely prevailed. This report and later editions widely influenced legislation as many states adopted permanent registration of voters, following the main recommendations of the Model. A Model Election Administration System published in 1930 also helped bring about administrative improvements in many states. The problems and needs of registration and election administration have changed greatly since that time. The reforms of one era are not always compatible with the needs of another. Today, more Americans are called on to vote on more occasions for more public officials and on more issues than any other people in the world. Nationally, we elect more than 500,000 public officials each year. Within a single county, hundreds of elections, can take place to choose officials for county, town, city and village posts, and for the school, fire, water, soil conservation and other districts. In the face of these tasks and a greatly expanded electorate, the management of elections has remained basically unchanged and the percentage of participating voters has declined.

Clearly it is time to review the standards we have developed for dealing with the electoral problems of the past. In 1971 the National Municipal League, under a grant from The Ford Foundation, began a comprehensive analysis of legal obstacles to voting. Publication of a new Model was a key objective of this Election Systems Project. In preparing it the League has reexamined its recommendations of a generation ago, found some still valid and others deficient in important respects. The principles underlying earlier models remain constant,

however.

The League now seeks a workable design for an electoral system that will satisfy contemporary needs for electoral justice: uniform treatment under the law, equal access to the ballot for all eligible voters and equal weight for each vote. If states fail to meet these standards, they face imposition of a single national system that may conflict with their varying political customs and governmental practices. Thus the pressure is great for states to undertake their own reforms.

While the definition of standards is basic to the development of a model system, implementing procedures may be embodied in law and practice in a variety of ways, as the great diversity among the states testifies. Although these differences have at times allowed for the dominance of parochial interests, on balance the sharing of governmental powers has kept the American political system dynamic. In fact the major strength of the federal system lies in the flexibility the states have to operate within varying conditions. The federal government must avoid imposing measures that could depress the states' ability to develop solutions of their own. At the same time, states must recognize that they have common tasks to perform. If states default on responsibilities they may lose the opportunities to solve problems in ways that are compatible with their own institutions and traditions. The health of the federal system depends on preserving a careful balance between the two levels of government. The Model Election System is designed to help states take the action that responsible government demands.

In defining specific goals for the Election Systems Project, the National Municipal League set some limits on its consideration of the many problems con-

fronting voters and election administrators. If the Model ignores issues associated with the nominating process and with rules for campaign practices and financing, it should not be understood as a failure to recognize their importance. The Election Systems Project is addressed to election practices that discourage voting; its primary objective is to develop procedures that will expand the use of the franchise.

The central recommendation of the Model is a shift from personal registration requirements to a system of state responsibility for initiating voter registration. However, states will not be able to implement the registration proposals of the Model effectively nor provide uniform voting opportunities unless they restructure their systems for administering elections. The Model therefore includes an Election Administration System as well as a Voter Registration System.

These models are not offered as prescriptions for uniformity among the states but rather as guidelines for reform. To the extent possible, the proposals are discussed in the framework of alternatives that states might use to accomplish their common tasks in a manner best suited to their own customs and political preferences. It is to be hoped that by eschewing rigidity the Model will encourage states to consider the substance, if not the exact form of the major recommendations summarized below.

A Model Election Administration System

- (1) To exercise its responsibility for providing uniform registration and voting opportunities, a state should centralize authority over elections in an administrative office headed by a single officer of state government.
- (2) At a minimum, a state should finance voter registration, training for election workers, and state-mandated meetings of election personnel.

- (3) The state's Chief Electoral Officer should have general authority to implement the law, establish rules for procedures and supervise the election system.
- (4) Each state should establish an Election Council to provide partisan balance in the administration of elections.
- (5) A single officer at the county level should be answerable to the Chief Electoral Officer for the local administration of registration and voting.
- (6) A single official should be responsible for the conduct of elections within each precinct.

A Model Voter Registration System

- (1) All voting precincts in each state should be canvassed annually or biennially to locate eligible voters and to add their names to the registration list and to remove the names of voters who no longer reside at their registered address.
- (2) The statewide canvass should be conducted through door-to-door visitation.
- (3) Canvassers should be qualified citizens carefully selected and trained in their duties.
- (4) The statewide canvass should be followed by a short period during which errors in the registration list may be corrected and the names of voters overlooked during the canvass may be added.

CHAPTER ONE

THE NEED FOR REFORM

Introduction

In the 1972 presidential election the legally eligible electorate was the largest in American history. A constitutional amendment had added 18, 19 and 20-year olds to the electorate, and the United States Supreme Court in a major decision had invalidated state laws that specified length of residence as a qualification for voting. Congress, exercising its broad authority to regulate federal elections, had passed legislation providing expanded absentee voting and registration opportunities in voting for President. Yet despite these developments nearly half the adult population failed to vote; it was the lowest turnout since 1948.

Some critics concluded that the reforms had made no difference. They argued that the apathy of individual voters remained the basic obstacle to voting. The results of the National Municipal League's two-year study of election administration among the states does not support this conclusion. The federal actions that preceded the 1972 election led to important and long-needed reforms. Their failure to affect turnout significantly that year suggests that the system needs more than a broadening of the rules governing voter eligibility. Individual voters do not benefit from national reforms until the 50 states and the thousands of local governments that control elections accommodate their procedure to reflect the changes. Lacking guidance, the states failed or were unable to implement the changes in a coordinated manner.

The election of 1972 is evidence of the failure of existing procedures to register a large percentage of the newly eligible voters and to facilitate their participation in elections. The major premise of the Model Election

System presented here is that the problem of non-voting in America is directly related to the machinery states have created for registering voters and administering elections. The Model is designed to provide states with guidelines to restructure their administrative systems so that citizens have greater access to the electoral process.

The Dimensions of Non-Voting

The percentage of voting-age Americans going to the polls in presidential elections has declined from 63 percent in 1960 to 62 percent in 1964, 61 percent in 1968 and 56 percent in 1972. During this same period over 80 percent of those voters who were registered usually voted. The non-voting population is now larger than the entire electorates of such democracies as France, England, Canada and Australia. There were 39 million non-voters in 1960, 43 million in 1964, 47 million in 1968, over 61 million in 1972.

The United States has traditionally had the lowest turnout for national elections among all the democracies. For example, the average turnout for parliamentary elections in France and Great Britain since World War II has been 80 percent, in Canada 76 percent, in Austria 95 percent and in West Germany 86 percent. Taken together these other democracies average nearly 84 percent turnout in national elections, or 24 percentage points above the comparable figure for American presidential elections and about the same level of turnout as that among registered voters.

If the American record of voter turnout in presidential elections is poor, then participation in elections for other units of government, those usually considered "closer to the people," must be described as dismal. While more than one-third of our adults do not vote in presidential elections, more

than half do not vote in congressional and state elections and even fewer participate in local government elections. Indeed, it is not uncommon for the vote in municipal elections to drop to less than one-fourth of the qualified voters.

It is difficult to reconcile our self-image as the most democratic of democracies with our relatively poor showing at the polls. The search for an explanation points to a significant difference between American elections and those of other democracies. Voting in the United States is a two-step process. First the voter must travel to a registration office and establish his eligibility. Only then will he be allowed to vote. Virtually every other democracy places the burden for registration on government, and it is a government agency that has the responsibility for locating voters and entering their names on the eligible list. Canada conducts systematic house-to-house canvasses prior to each election. In England the town clerk is responsible for registering voters through "house-to-house or other sufficient inquiry." He compiles registration lists through an annual mail canvass of all households supplemented by selective house-to-house canvassing. These systems of government-initiated registration make voting far more accessible to the citizens than in the United States.

Development of Registration in the United States

Although the first registration laws were enacted as early as 1800, registration requirements were not the general practice until after 1860. Early in American history most people lived in small, closely knit communities or in rural settlements, and in most areas everyone knew his neighbors. The problem of identifying eligible voters at the polls was minimal. The quality of American

society changed dramatically after the Civil War with the growth of large cities and the beginnings of mass immigration. It was no longer easy to identify one's neighbors on election day. The population growth hastened the emergence of machine politics in the bigger cities and the advent of large-scale election frauds.

As industrial expansion, urbanization and mass immigration changed the nature of American life, states began to adopt registration laws. Reformers hoped the requirement of registration would reduce voting frauds and lessen the influence of urban machines and their immigrant clientele. Without the safeguard of prior registration, non-residents often appeared at the polls and successfully demanded the right to vote and "repeaters" were often used to cast votes in more than one precinct. When ineligible voters are allowed to vote, or if individuals cast more than one vote, the legitimacy of the democratic process is undermined. Registration before an election enables officials to permit only eligible voters to participate on election day. Between 1860 and 1880 the older northern states began to require registration in large cities. From 1880 until 1900 many southern and western states adopted such laws, and in other parts of the country registration was extended to small cities and, in a few instances, to rural areas. While the other democracies were meeting the electoral problems of industrial society with government-initiated registration systems, the American states placed the registration burden on individual voters.

Most of the early registration laws applied only to large cities and registration was based on the theory that the lists had to be frequently discarded and a new registration held in order to purge voters who had died or

changed residence. Such systems were considered to be particularly appropriate for highly mobile urban populations. But dissatisfaction with the great expense and inconvenience of periodic registration led reformers to advocate permanent personal registration. Under a permanent system a voter who registers once remains on the list as long as he continues to reside at the same address. Registration is conducted in a central location throughout the year and voter lists are kept current through various purging techniques such as official death reports, transfers of registration, house-to-house canvass and cancellation of registration for failure to vote. Permanent personal registration is generally less expensive than periodic registration and more convenient for the voter.

Large cities were again the testing ground for this registration reform. Boston has had permanent personal registration since 1896, Milwaukee since 1911 and Omaha since 1913. Oregon enacted statewide permanent registration in 1915. Permanent personal registration subsequently became a major issue during the 1920s. Local civic groups such as the Bureau of Municipal Research in Philadelphia, the Citizens' League of Cleveland and the Chicago Bureau of Public Efficiency included registration reform in their programs. In January 1927 the National Municipal League's Committee on Election Administration issued the first "Model Voter Registration System" which contained a detailed set of specifications for a permanent registration system. The central features of this system remained part of the League program through four revisions, the latest in 1957. The League of Women Voters of the United States placed permanent registration on its legislative program in 1928 after three years of study. Permanent personal registration has gradually become the dominant practice among the states. Every state except North Dakota now provides for some form