



Student Association for Voter Empowerment

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“Lessons Learned From the 2008 Election”
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Good morning Chairman Nadler, Ranking Member Sensenbrenner, and the Committee members; I thank you for inviting me here today and am grateful for the opportunity to testify on “Lessons Learned From the 2008 Election.” I also want to thank your committee staff, Chairman Conyers, and my fellow panelists, all of whom have important perspectives to contribute today.

My name is Matthew Segal, and I am the executive director of the Student Association for Voter Empowerment, otherwise known as SAVE. A national non-profit organization founded and run by young people, SAVE’s mission is to increase youth voting participation by removing access barriers and promoting stronger civic education. I speak here today representing a constituency of over 10,000 members on more than 30 college campuses across the country.

As several journalists coined it, 2008 was the “Year of the Youth Vote.” For the third consecutive presidential election, young voter participation (among 18-29 year olds) increased considerably, with over 23 million young Americans—or 52% of all eligible young voters—casting ballots. This was also a 12% increase in young voter participation since the 2000 presidential election.¹ Beyond just statistics, young people provided unprecedented energy, spirit and volunteer service to political campaigns, which was instrumental in shattering the conventional wisdom that “young people don’t vote” or “don’t want to vote.” Yet notwithstanding these clear successes, a closer examination of the 2008 election demonstrates that young voters succeeded in spite of numerous barriers, not necessarily because the system worked efficiently.

The problems of the 2008 election begin with voter registration:

First, there were several instances of misleading statements made by elected officials regarding the potential consequences for out-of-town college students who wished to register and vote within their campus communities. At jurisdictions including Virginia Tech² and Colorado College³, for instance, county clerks issued statements indicating that if students chose to register at school, then their parents could no longer claim them as dependents for tax purposes. The registrars also cautioned that students could lose scholarships, grant money, and health insurance. And since these false claims originated with election officials, disputing their accuracy was particularly difficult. It was not until civil rights attorneys sued and the IRS declared such claims inaccurate that these registrars issued corrections to their student populations.

Second, students attempting to register at Jackson State University in Mississippi,⁴ Furman University in South Carolina,⁵ and both Radford University⁶ and Mary

¹ “Youth Voting,” *Center for Information and Research on Civic Learning and Engagement*, accessed via <http://www.civicyouth.org> on March 17, 2009.

² Tamar Lewin, “Voter Registration by Students Raises Cloud of Consequences,” *The New York Times*, September 7, 2008.

³ Laura Fitzpatrick, “College Students Still Face Voting Stumbling Blocks,” *Time*, October 14, 2008.

⁴ Individual Interview with Lafeyounda Brooks, President Jackson State University NAACP, October 28, 2008.

Washington College in Virginia,⁷ were repeatedly denied registration status because they listed a dormitory room as their address. This dilemma was (and is) the result of vague definitions of domicile, which registrars may interpret subjectively to include or exclude dormitories. With such different styles of housing (whether a dorm, an apartment, a home, a public assistance agency, etc.), there is room for potential malfeasance or confusion in granting residency to eligible citizens.

Third, voter caging resulted in the removal of young people from the voter rolls. A prominent example of voter caging, which specifically targeted students, occurred in Montana⁸. Republican Party officials intended to use “change of address” forms to remove voters from the registration rolls despite the fact that students routinely use such forms to forward mail during temporary absences. Certainly, a temporary leave of absence does not constitute a legitimate reason for removing a potential voter from the rolls; and after several groups, including SAVE, brought significant public pressure against party officials, the voter-caging plan was abandoned. Had the voter caging continued unchecked, thousands of young voters could have been removed from the registration lists without their knowledge and left with little recourse.

These examples demonstrate the symptoms of a greater problem: the voter registration process is flawed. In addition to the problems I cited previously, election officials are often overwhelmed by an influx of voter registration forms immediately prior to the deadline. As a result, officials are swamped and hard pressed to sort through hundreds, if not thousands, of forms in a matter of days, which often results in delays. Delays in the registration process decrease voter confidence, lead to uncertainty, and open the door to mistakes.

While voter registration issues may have been a dominant problem in the 2008 election, young voters faced additional barriers, including misinformation campaigns and deceptive practices.

Prior to Election Day, students at Drexel University and University of Pennsylvania received flyers carrying false warnings that individuals with outstanding parking tickets were subject to arrest if they voted.⁹ The flyers were posted across each campus, particularly at bus stops serving the student body. Mr. Chairman, I ask for consent to submit a copy of this flyer for the congressional record.

Misinformation and deception did not end prior to Election Day either; sinisterly intentioned individuals used technology to spread false information on November 4, 2008 as well. One specific example occurred at George Mason University in Virginia where someone hacked into the email of the university provost and sent a message to the entire campus community (students, faculty, and staff) stating that Election Day had been

⁵ Anna Simon, “Voter Deadline Looms; College Students A Special Case,” *The Greenville News*, October 1, 2008

⁶ Cora Currier, “Student Voting Challenged in Virginia,” *The Nation*, November 2, 2008.

⁷ Heather Brady, “UMW Registers in Fredericksburg,” *The Bullet*, September 24, 2008.

⁸ Interview with Matt Singer, President Forward Montana, October 2, 2008.

⁹ Julie Harte, “False Flyers Aim To Intimidate Voters,” *The Daily Pennsylvanian*, October 9, 2008.

moved to November 5.¹⁰ Deceptive practices also occurred pervasively in Florida, Texas, Missouri, Montana, and Wisconsin through the usage of cell phones. Text messages circulated claiming people should wait to vote until Wednesday due to long lines.¹¹ In some cases, the message began with “Breaking News from CNN” as the headline. To worsen matters, the frequent use of text messages by the Obama and McCain campaigns increased the believability of this false information. In addition, reports indicated that similar misleading messages were sent via Facebook.

For an experienced voter, the misleading claims and deceptive practices may appear dubious; however, for young, inexperienced, and first-time voters, having to ascertain the validity of a factual text message versus a deceptive one can be a particularly arduous task.

For the numerous young voters who navigated the registration process and avoided deception, absentee ballot procedures, difficulties finding the correct polling location, and excessively long lines on Election Day were additional barriers.

Throughout the election season, students expressed their concerns regarding absentee ballots with SAVE. We learned that too many students share a perception that absentee ballots are not counted and that they would like to be given notification of whether their ballots are received. The absentee ballot process in Michigan reflects another specific concern with election procedures. Along with some other states, Michigan requires individuals who registered to vote by mail or with a third party to vote in person their first election. Local registrars across Michigan attempted to provide an avenue to satisfy the requirement, only to meet resistance from the state Attorney General.¹² Statewide, 65 of 83 county clerks initiated a program allowing new voters, who had registered by mail, to verify their identity at any participating clerk’s office, thereby providing them access to absentee ballots. Since the vast majority of college students attend school away from their parents’ home, the program would have mitigated the burdens associated with traveling home to vote. The attorney general’s decision to eliminate the program roughly two weeks prior to the election, however, unnecessarily complicated the voting process.

For some young people who voted on Election Day, finding the proper polling site turned out to be more difficult than anticipated. Students at South Carolina State University expected to vote at a polling station on campus, only to learn on Election Day that no such location existed.¹³ The students were redirected to two different polling places instead, which exacerbated confusion and led many to cast provisional ballots. A similar incident occurred at Virginia Tech, where a polling station was moved six miles away from campus to a location with virtually no parking.¹⁴ The polling place at Virginia Tech

¹⁰ Josh White, “Hoax Voting E-mail Targets George Mason University Community,” *The Washington Post Online*, November 4, 2008.

¹¹ Madoline Markham, “Secretary of State Condemns False Text Messages,” *Columbia Missourian*, November 4, 2008.

¹² Kathleen Gray, “Cox Disputes Shortcut to Aid First-Time Voters,” *Detroit Free Press*, October 25, 2008.

¹³ Michael Connery, “South Carolina State Polling Site Never Went Live,” *Future Majority Blog*, November 4, 2008.

¹⁴ Domenico Montanaro, “Voting Obstacles in VA, PA,” *MSNBC First Read*, November 4, 2008.

was less than half the needed size to accommodate the 5,600 registered students on campus. As a result, students waited in burdensome lines.

Aside from Virginia Tech, numerous other college towns experienced long lines. At the University of Connecticut Storrs, students waited three hours. At one point, they were told to form a separate line from non-student voters.¹⁵ The longest waits in the country lasted approximately 11 hours at Lincoln University in Pennsylvania.¹⁶ These extremely long lines were caused by a lack of voting machines, only 5 machines for 3,000 voters. And there were also long lines at numerous other schools, including (but not limited to) Temple University, Penn State, and University of South Florida.

Long lines are a particularly personal issue to me, given that my first voting experience at Kenyon College in Gambier, OH was marred by 12 hour waits—the longest in the country at the time. In fact, our final student voter cast his ballot at 4:00am the day after the election. Long lines are not only physically taxing; they are a clear violation of our civil rights—precluding citizens from their financial, familial, and work obligations.

Election officials must make a concerted effort to prepare for high turnout among young voters and voting machines must be allocated proportionally with a ratio of machines per registered number of voters. I come today to this committee with the exact same question I asked of it over 4 years ago (when I first testified here as a 19-year old new voter): what safeguards or standards are currently in place to ensure that elected officials, whether intentionally or inadvertently, cannot allocate 2 voting machines to one district and 10 voting machines to another district that is identical in scope or composition?

Whereas long lines or deceptive flyers create a clear graphic image of voting barriers, perhaps the most insidious obstacle for young voters are stringent voter identification laws. In separate incidents, students at Butler University and Earlham College in Indiana voted provisionally because they were unable to satisfy their state's strict identification requirements. Similar circumstances prevented a number of University of Illinois students from voting.¹⁷ According to reports, some students made multiple (two, three, four, or five) trips to the polls, with several only being able to cast a provisional ballot. Local election officials stated that neither college IDs nor copies of a lease were sufficient to prove residency.

According to a Rock the Vote survey, 19 percent of young adults (18-29) report they do not possess a government issued photo ID that reflects their current address.¹⁸ This is a consequence of the fact that young adults are more mobile than any other age demographic. As a result, young voters are forced to rely upon alternative forms of identification. The substitutions for a photo ID however, such as utility bills, are not easily obtainable for students because colleges and universities generally pay all the bills

¹⁵ Sujatha Jahagirdar, "Campus Stories from CT, OH, FL, and More," *Future Majority Blog*, November 4, 2008.

¹⁶ "Movie Star Among Voters Running into Problems," *CNN*, November 4, 2008.

¹⁷ Julie Wurth, "Students Have Problems Voting at Illini Union," *The News-Gazette Online*, November 5, 2008.

¹⁸ Ben Adler, "Activists: Ruling Hurts Youth Voters," *Politico*, April 28, 2008

(gas, electric, water, etc) for students who live in dormitories or on-campus apartments. These laws therefore compel thousands of students to vote provisionally for which they might never receive verification as to whether or not their ballots count. If we are going to maintain voter ID laws in general, then SAVE firmly encourages all states to recognize college and university IDs as an acceptable alternative.

In response to the issues I have raised in this testimony, SAVE has several policy proposals.

First, the Count Every Vote Act (CEVA), previously championed by the late and honorable Congresswoman Stephanie Tubbs Jones and former Senator Hillary Rodham Clinton, is a piece of comprehensive legislation that addresses many of the problems I previously identified. The Voting Opportunity and Technology Enhancement Rights Act, introduced by Chairman Conyers, is also an exemplary model for election reform.

In regards to voter registration, CEVA provides for Election Day registration as a fail-safe for eligible voters that arrive on Election Day only to learn that they are not on the voter rolls.

In response to misinformation and intimidation, CEVA will increase penalties on individuals who knowingly deceive potential voters regarding election related information.

As far as polling sites and long lines, CEVA creates standards for allocation of voting machines, personnel, and resources, which will create a more efficient system. The standards will be based on population, registered voters, and previous turnout, ensuring more equality across polling locations than currently exists.

Voter identification requirements are the final problem I discussed which CEVA addresses. Instead of restrictive photo identification laws, which are increasing in number, voters would be required to swear under penalty of perjury that they are eligible and the individual they claim to be.

While CEVA and Mr. Conyer's bill are both expansive election reform packages, SAVE is also supportive of smaller legislative initiatives aimed at solving specific problems. On the issue of absentee ballots, SAVE recommends the creation of a tracking system. Under a tracking system, voters could follow the progress of their ballot beginning at the registrar's office, proceeding through the mail to their address, then through the mail back to the registrar, and finally to the day the ballot is counted. Such a system would dramatically increase voter confidence and eliminate much of the uncertainty that accompanies the absentee ballot process. UPS and Federal Express allow this for our packages; we ought to be able to do it for our ballots. We also strongly support the no-excuse absentee ballot bill, the "Universal Right to Vote by Mail Act," introduced by Congresswoman Susan Davis (D-CA).

In addition to the proposals above, SAVE's top legislative priority is passing the Student Voter Opportunity to Encourage Registration (VOTER) Act, a bill that will amend the

National Voter Registration Act (NVRA) to designate colleges and universities as “voter registration agencies” in the model of a Department of Motor Vehicles (DMV). This bipartisan bill, conceived of by our student members, and introduced by Congresswoman Jan Schakowsky (D-IL), Congressman Steven LaTourette (D-OH) and Senator Dick Durbin (D-IL) would provide millions of students the opportunity to register to vote in conjunction with matriculation, class registration or enrollment.

We are very confident in the potential benefits of this legislation based, in part, on statistics in a 2004 study by the Center for Information and Research on Civic Learning and Education (CIRCLE). According to the study, 22% of 18-29 year olds did not vote because they missed the registration deadline while an additional 10% of this age group did not know where or how to register to vote. In other words, a combined 32% of 18-29 year olds did not participate in the election because of uncertainties within the registration process. According to the same CIRCLE study, 30% of young voters registered at the DMV, by far the most common outlet for voter registration. Young voters rely upon the DMV at considerably higher rates than do older voters, only 19% of whom use a DMV to register. These statistics provide significant evidence that extending the successful NVRA model to higher education institutions will aid our demographic.

In closing, we must particularly consider the disproportional access barriers young voters face when crafting our policy solutions throughout the future. We must also be mindful of the need to encourage an active, informed, and thriving young citizenry. I therefore urge the congressional members here today as well as my colleagues on the panel to continue including young people in this crucial discourse.

Yet again, I thank the distinguished Chairman and Ranking Member for inviting me here today, and I look extremely forward to working with you to achieve meaningful bipartisan election reform.