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NEWS from U.S. Senator Bob Dole

(R.-Kans.) New Senate Office Building, Washington, D.C. 20510 (202) 225-6521

STATEMENT OF SENATOR BOB DOLE SENATE COMMITTEE ON POST OFFICE AND CIVIL SERVICE S.1177, POSTCARD VOTER REGISTRATION THURSDAY, MAY 8, 1975

Mr. Chairman, I have studied this proposal and listened very carefully to the testimony of various witnesses before this committee. In my view, S.1177 is simply not the most effective legislative vehicle for resolving the problem of low voter turnout.

In fact, Mr. Chairman, I am not yet convinced that what we do or do not legislate on this specific issue has so much to do with that problem as does the question of how we legislate on all issues.

The figures indicate, for example, that in the most recent election of 1974, somewhat fewer than two out of every five eligible voters in this country participated. That statistic, quite understandably, attracted the interest of journalists, and students of American politics. I am unaware, in any of the follow-up that was done to analyze why voters stayed away from the polls, that difficulties in getting on the registered voter rolls predominated or even accounted for a meaningful percentage of reasons given by non-voters.

LOW VOTER TURNOUT NOT RELATED TO REGISTRATION SYSTEM

Mr. Chairman, political commentators and observers had a field day reporting on the general voter apathy, loss of confidence, and disinterest which prevailed during the first post-Watergate election. Sadly, I believe their reports. The reasons for the overall low voter participation in 1974 does not seem to be closely related at all to the systems of voter registration in place in the various states around this country.

And reforming those systems, super-imposing a National system for the registration of voters in federal elections on top of the state registration systems does not seem to answer the problem meaningfully.

I do not challenge for a moment the view that postal registration as proposed in S.1177 might make it somewhat more convenient for some voters to get on the rolls. Indeed, it would make it almost automatic for those who are prepared to make the minimal effort required to fill out the forms and mail them back to the Voter Registration Administration, provided of course that the forms are kept simple and straightforward as possible.

KANSAS' VIGOROUS REGISTRATION EFFORT

In my own State of Kansas, the voter registration effort is a vigorous one and the results, in terms of numbers of people registered and percentages of eligibles on the rolls, are evidence of its effectiveness. The testimony of our most capable Secretary of State, Elwill Shanahan describes our State system and its performance in much greater detail than I shall go into now.

But I would like to cite some figures from the 1974 experience to illustrate my general point, if I may.

The total number of voters registered to vote in Kansas in that year was 1,114,027, which is approximately 75% of the total voting age population in the State. This is a relatively high figure, compared to other states. It is high, in my view, because of two factors which our State Election Administrators have wisely provided for and which, unfortunately, are not provided for adequately in the bill before us, S.1177.

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The first of these is permanent registration. Once a voter in Kansas is registered to vote, he or she is kept on the rolls so long as there is no change in name or residence. There is no periodic requirement to re-register, in other words, so long as the vital information supplied to the registrars as to name and address remains accurate. The State Bureau of Vital Statistics notifies election officials of deaths. Under the proposed postal regulation system, permanently registered Kansans would receive registration forms every two years. Doubtless many would fill them out and return them, thinking it necessary to re-register. This would only add, unnecessarily in my view, to the confusion of the voter and to the administrative problems of registrars.

Under the present Kansas system, we have little incidence of voter fraud. In addition, only a single act of registration is required to establish eligibility to vote in all elections, federal, state and local. And this leads to my second observation

ENTHUSIASTIC AND EFFICIENT REGISTRATION

The system in Kansas has worked well because it is enthusiastically administered. Election officials are authorized to set up registration booths in well-traveled public places and Secretary of State Shanahan tells me that these are set up at locations as diverse as schools, nursing homes, churches, grocery stores, banks. It is seldom necessary to make a special trip down to City Hall to register.

I have no doubt that the enthusiasm and efficiency would continue in Kansas under any circumstances including S.1177 becoming law. But, should S.1177 become law, I am assured that it would necessitate in Kansas -- and apparently in many other states -- the maintenance of a dual system of registration, one for federal elections and one for state and local contests.

DUPLICATION OF EFFORT

In those circumstances, the considerable efforts which Kansas registrars make to take the registration process to the people, would be duplicated quite unnecessarily -- and expensively -- by the far more impersonal post-card process. Adding to the confusion of a dual system would be the possible requirement for printing dual ballots. These would be necessary to cover the unfortunate voters for whom the confused dual system has produced a confused registration status that might permit them to vote only in federal elections and not in state elections.

I cited the relevant 1974 figures for Kansas to back up one other point, the assertion that it is voter interest in a given election which determines voter participation more than any other single factor, including the type of registration system in force. Nationwide, the percentage of eligible voters who cast ballots in 1974 was less than forty. In Kansas, that percentage was 52,

The reason for this much higher than average participation in Kansas was the nature of the campaigns and issues on the ballots compared to other states.

ISSUES, NOT REGISTRATION, GOVERN TURNOUT

In Kansas, we had State-wide elections for several offices. The race for the Governorship, like the Senatorial campaign, offered clear contrasts on the issues and were in both cases, hotly contested in the sense that polls showed the races to be close. In addition to the electoral campaigns for these and other federal, state and local offices which prompted strong voter interest, there was a State Constitutional proposition on the ballot which was quite popular and is credited for contributing significantly to overall turnout.

It is this interest factor which in my view accounts for the higher than average Kansas voter participation in 1974. And our excellent voter registration system as it now stands and which I would hesitate to amend by passage of S.1177, made it conveniently possible for interested Kansas voters to qualify to cast their ballots.

The points I have raised refer in the main to the lack in Kansas of any demonstrated need for the voter registration innovations provided in the bill. Those points are made with greater particularity and in more detail by Secretary of State Shanahan's testimony.

There are other factors too, which I wish to raise.

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UNNECESSARY COST AND FRAUD

The question of cost estimates vary but whether the annual operating costs prove to be \$25 million as some feel, or \$120 million for a Presidential year as others fear, it is a substantial amount, made even more so in my view because of the uncertainty we have about its ultimate impact on the low voter turnout.

The question of fraud is a major concern. Does this bill establish so great a potential for fraud as to cancel out whatever gains in voter turnout might possibly be anticipated? Obviously we don't know, but two possible problems suggest themselves.

First is the problem of the "invisible voter." What of the voter who, with fraudulent intent registers by mail as provided for by the legislation? If that same voter then applies for an absentee ballot, the whole electoral transaction could be accomplished by mail without there ever having been the necessity for the voter to present himself personally to any election official. The fraud under these circumstances, if it were attempted, would be very difficult to discover.

Similarly, there is some potential for fraud in one other matter which in my view is not adequately addressed by the bill. Residency requirements, if any are imposed are a matter for state determination. The question of who is a resident could conceivably be left, under the proposed system, to the self-designation of the registrant. A resident of one state, who registers under the State's own system -- confused by the necessity to maintain a dual system of registration -- would have to prove residency to the satisfaction of his local registrar. Under the postal system, he may simply assert residence by filling out the form and there would be little time or manpower to verify it even should a question arise. Conceivably, it would be possible to register as a bona-fide resident of one state under the state's own system and then proceed to register a second time as a resident of another state under the postal system with fraudulent intent to cast two ballots.

Perhaps such fraud could be more easily detected than in the case of the "invisible voter" but one who set out to register twice could take advantage of the very tight time schedules provided for under the act. Such a person could return the postal form only a scant thirty days prior to an election and feel secure that the fraud would go undetected at least until after the election, if ever at all.

CONSTITUTIONAL RAMIFICATIONS

There are as yet undetermined Constitutional ramifications of the national system of registration. The issues here are by no means clear cut, but the questions raised have not been resolved to the satisfaction of Constitutional authorities.

For all these reasons, while I am in accord with the effort to increase citizen participation in the electoral process, I cannot at this time lend my support to the legislation before us because I do not view it as an effective vehicle for change.

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