

Testimony in regards to S.29
Vermont House of Representatives, Government Operations Committee
4/16/2015

Members of House Government Operations,

I am writing briefly to offer my support for the Election Day Registration bill. From my perspective as the City Clerk in Montpelier, now serving my second term, the changes made by the bill co-exist at a happy confluence of personal principle, and self-interested pragmatism. When you add in the fact that, in a recent informal poll I put out over Front Porch Forum and Facebook, 92% of my constituents in Montpelier who responded indicated their support for EDR, it truly becomes a no-brainer.

First, the purely pragmatic. At the last General Election that included a Presidential race, my office processed more than 100 voter affirmations by residents who had registered to vote in good faith through the Department of Motor Vehicles or some other third-party collecting registrations, but who – through no fault of their own – did not appear on the city’s voter rolls. In each case, the workflow during a very busy election was disrupted to do some sleuthing on the statewide checklist, explain the process to the confused voter, explain what may have gone wrong, and instruct the person regarding their rights and responsibilities in regards to filling out the voter affirmation form, before receiving a ballot.

In application, if not actual law, it is a clumsy form of Election Day Registration. Simply formalizing EDR would allow me to streamline the process to save time and increase efficiency. That fact became blazingly clear to me during my first Election on the job, well before this bill was even discussed.

I must add that different Clerks have different experiences, based on everything from how many polling places they supervise to the physical layout of those polling places. As such, not all Clerks will see the kind of practical advantages to EDR that I will, and I strongly urge a full consideration and accommodation, to the extent possible and practicable, of those concerns. As real as the advantages this bill will provide for me, as a Clerk in Montpelier, are the challenges it may create for other Clerks.

Second is the matter of principle. Inasmuch as the Public Works Department is the caretaker of the physical infrastructure of my City, so am I, as Clerk, the caretaker of the infrastructure of Democracy for my City. It is a sacred trust. I believe we fail in that trust when the integrity of the Democratic Process fails.

When you hear that word “integrity” used in this discussion, it is always in the context of voter fraud concerns. But using that term only in that context is a myopic use at best, and willfully blind at worst. What is just as much a breach of electoral integrity as a fraudulent vote being cast, is when a fellow citizen who, in good faith, desires to exercise his or her birthright as an American and cast a ballot, but gets turned away without being allowed to vote. A hypothetical election that turned on a single vote is just as tarnished if one ballot is shown to be fraudulent, as if a citizen trying to vote in good faith was turned away.

So where is the balance at present (and which side do we want to err on)?

In the frequent, passionate discussions between clerks on the matter, there seem to be three stories in circulation of possible fraudulent voting having occurred in Clerks' memories. Only one of those seems to have been followed up on by the Clerk and verified. That is over a period spanning the collective memories of many Clerks.

Last Town Meeting Day, at my one polling place in Montpelier alone, I turned away 4 residents who wanted to cast ballots in good faith. I turn away approximately that many every election. Multiply that by the number of polling places in this state and consider how many citizens are being turned away.

Some will suggest that these people deserve to be disenfranchised; that if they couldn't confirm their inclusion on the voter rolls - that they are somehow "not the right kind of people" who we should "want" to vote.

As a Clerk, I am horrified whenever I hear such a comment come from a fellow Clerk. It is anathema to everything we should stand for. As the Public Works department doesn't build physical infrastructure for their judgment of the "right kind of people," nor should we ever pretend to support the democratic infrastructure for only those, in our judgment as Clerks, who are "the right kind of voters." To play gatekeeper to our most fundamental freedom as Americans is to disrespect those who have fought and died to provide those freedoms for generations. If America is to be America, voting must be defined as a right, never cast as a privilege to be handed out based on their personal assessment of a citizen's worth.

Let me be perfectly clear; no human system will ever be perfect. There will always be mischief-makers and mistake-makers. It is our responsibility to make that as airtight as possible, and when we judge what "airtight" means, we must look at both sides of the equation.

And that equation is far from balanced. The integrity of our elections is challenged, but it is challenged by the routine turning away of qualified voters, rather by virtually non-existent fraudulent voting. Should that equation ever flip, and fraudulent voting rise to become an actual problem, it will be incumbent on all of us to consider tipping the scales back the other way towards greater safeguards – and I, as a Clerk, will be happy to lead the charge in doing so.

But the simple undeniable fact is that we are not there. And as such, I believe it is my sacred duty to support Election Day Registration. I sincerely hope that you all, as members of the House Government Operations Committee, will agree, and see it as your sacred duty to pass it.

Thanks you very much for the opportunity to offer testimony.

-John Odum, Montpelier City Clerk