

WRITTEN TESTIMONY OF THE HONORABLE KEN BENNETT

**SECRETARY OF STATE
STATE OF ARIZONA**

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

**HEARING ON
"THE STATE OF THE RIGHT TO VOTE AFTER THE 2012 ELECTION"**

**DIRKSEN SENATE OFFICE BUILDING
DECEMBER 19, 2012
10:00 A.M.**

Serving as Arizona's Chief Election Officer allows me the unique opportunity to observe and supervise the state's system of elections. While our office is responsible for transmitting statewide results, certifying candidates and training county election officials; it is important to note that Arizona's County Recorders and Election Directors are on the front lines of election management. From registration to participation, our Recorders implement the laws, procedures and policies set forth by state and federal law.

For nearly four decades, Arizona's voter turnout during a Presidential election has averaged 74%. Forty-three days ago, voters once again participated at that same percentage. While historical rates of turnout have remained consistent over the last 10 presidential elections, many but not all voting trends in the Grand Canyon State have remained the same.

As you know, Arizona makes a process of early balloting available to its citizens. Requesting an early ballot or choosing to join the state's Permanent Early Ballot List (PEVL) allows our County Recorders to mail voters a ballot for each election in which they are eligible to participate.

In 2004, when you had to request an early ballot before each election, more than 800,000 ballots were cast by early ballot. Four years later with the permanent list available, the number swelled to 1.3 million and this year, 1.7 million voters received an early ballot for the general election.

Contrary to published reports, our analysis of ballot processing shows the state's 15 counties handled more ballots in 14 days this year than they did in 15 days in 2008. While it's true that our counties are tabulating more ballots in less time, the 2012 general election saw an increase in the number of "late-arriving" early ballots returned over the final four days of the election cycle.

In Maricopa County, the largest voting jurisdiction in the state, a record 960,000 early ballots were received by the Recorder. One-third were received during the last weekend of the election cycle, and more than 200,000 were actually received on Election Day.

In the days immediately following the election, I witnessed first-hand the size and scope of the challenge that faces our County Recorders and Election Officials who process and count both early and provisional ballots.

Processing early ballots includes the verification of each individual voter's signature to make sure it was the voter who actually signed his or her ballot envelope and then crediting the voter's history for auditing purposes. The ballot is then removed from the envelope by a bi-partisan team and prepared for tabulation.

During this process, bi-partisan teams find thousands of ballots that cannot be read by the tabulating machines because the voter spilled something on the ballot, or used crayon, glitter ink, or other methods to mark his or her ballot. These ballots are given to bi-partisan duplication teams who copy the unusable ballot onto a new ballot that can be successfully counted.

Once the early ballots have been tabulated, the counties can begin tackling provisional ballots. Provisional ballots provide a fail-safe opportunity for every person who shows up at the polls to cast a ballot. It also provides an additional layer of security to prevent a voter from inadvertently casting more than one ballot. Although there was a slight increase in the number of provisional ballots this year, most or all of that increase was the result of voters who were mailed an early ballot but instead voted at the polls.

Additional reasons why a voter would be issued a provisional ballot include: insufficient identification at the polling place; the voter's name does not appear on the signature roster; or the voter has moved but failed to update his or her registration.

Each of these ballots must be reviewed before it can be counted. Election officials must be sure a voter who was issued an early ballot but who also went to the polling place doesn't vote twice. When a voter moves into a new precinct, the election official has to be sure the voter did not vote at his or her old precinct, etc. This verification process takes time and requires County Recorders to reallocate election resources to assess a voter's registration status, identification, and jurisdiction to determine if his or her ballot can be counted.

Waiting for elections personnel to process ballots can be a frustrating time for voters and candidates alike. As the number of people voting an early ballot continues to increase, we plan to explore options to more effectively manage the increasing number of early ballots arriving late in the election cycle. This would allow us to provide final results to the public sooner. Speed has never been the most important factor, accuracy and assuring that every ballot that can count is counted is our top priority.

Arizona has been on the leading edge of election-related improvements. We were the first state to allow online voter registration and the ability for military and overseas voters to receive and upload a ballot electronically. That said, I believe we can do better. Though the system of counting ballots is functioning as it was designed it doesn't mean that we shouldn't look to make improvements.

Over the next few months, we will be meeting with the County Recorders and Election Directors to review what went well and explore areas where we might have the opportunity to speed up the system of counting ballots. I'm confident that by working together with our counties we can keep the things we're doing well and make adjustments to better handle changes in voter behavior.

Our goal for Arizona is to have the best system of elections in the world. We're focused on fair, accurate and efficient elections that voters can trust. Steps we take to improve the process must be consistent with those principles.