

P U B L I C H E A R I N G

before

ASSEMBLY STATE GOVERNMENT COMMITTEE

on

SENATE, NO. 276

(Voter registration on days of general elections)

Held:

April 10, 1978

Assembly Chamber

State House

Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Richard J. Codey (Chairman)

Assemblyman Francis J. McManimon

Assemblyman Michael J. Matthews

Assemblywoman Greta Kiernan

Assemblywoman Barbara F. Kalik

Assemblyman William L. Gormley

Assemblyman Anthony Villane, Jr.

ALSO:

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Committee Aide

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Commissioner of Elections
Bergen County, New Jersey

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SENATE, No. 276

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1978 SESSION

By Senators MERLINO, LIPMAN and FELDMAN

AN ACT concerning voter registration on the days of general **[and
municipal]** elections and supplementing Title 19 of the Revised
Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. As used in this act:

2 a. "Suitable identifying document" means a State of New Jersey
3 driver's license, or other identification issued or recognized as
4 official by the Federal Government, the State, or any of its political
5 subdivisions, which identification carries the full address of the
6 person identified.

7 b. "Applicant" means any person, otherwise eligible to vote,
8 who is not registered to vote and who is applying for a ballot and
9 for such registration pursuant to this act; or who has been
10 registered, but because he has moved or changed his name or for
11 any other reason would be barred from voting at his polling place
12 pursuant to any other provision of this Title and who is applying
13 to vote, notwithstanding any such defect, and to correct any such
14 defect in his registration.

1 2. Any other law to the contrary notwithstanding, any applicant
2 may, on the day of any general election **[or any municipal elec-
3 tion]**, present himself at the office of the county board of elections
4 or the office of the municipal clerk in the county or municipality
5 wherein he is a resident, or such additional place that may be desig-
6 nated by the commissioners of registration or the Secretary of
7 State, and on the submission of a suitable identifying document be
8 issued a ballot to vote **at that office or place**; provided, however,
9 that the applicant at the same time be permanently registered as a
10 voter or file such form as may be necessary to cure any defect in
11 his registration; and provided further, that the applicant makes

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

12 **and signs** a sworn statement that he is not, to his knowledge,
 13 already properly registered to vote and that he has not previously
 14 voted, and shall not later vote, in that election.

1 3. An applicant who does not possess a suitable identifying
 2 document may, on the day of any general election ***[or any municipi-*
 3 *pal election]***, bring with him to the office of the county board of
 4 elections or the office of the municipal clerk in the county or municipi-
 5 pality of which he is a resident, or such additional place as may be
 6 designated by the commissioners of registration or the Secretary
 7 of State, a **previously and** permanently registered voter ***who*
 8 *resides within the same municipality as the applicant***. Upon the
 9 sworn **and signed** statement of said registered voter verifying
 10 the applicant's identity and address, the applicant shall be issued a
 11 ballot to vote ***at that office or place***; provided, however, that the
 12 applicant at the same time be permanently registered as a voter or
 13 file such form as may be necessary to cure any defect in his regis-
 14 tration; and provided further, that the applicant makes **and*
 15 *[signed]** **signs*** a sworn statement that he is not, to his
 16 knowledge, already properly registered to vote and that he has not
 17 previously voted, and shall not later vote, in that election.

1 **4. No applicant who is registered pursuant to this supple-*
 2 *mentary act shall, on the day of said registration, serve as a sworn*
 3 *verifier of the identity and address of any other applicant for the*
 4 *purpose of registering said applicant pursuant to the provisions of*
 5 *this act. No permanently registered voter shall be permitted to*
 6 *verify the identity and address of more than five applicants during*
 7 *any given general or municipal election.*

1 5. All persons who are authorized to register applicants pur-
 2 suant to the provisions of this act shall be required, prior to accept-
 3 ing any signed and sworn statement, to read to all applicants and to
 4 all permanently registered voters who verify the identity and
 5 address of said applicants, the penalty provision of this act.

1 6. Any applicant who shall willfully or fraudulently register
 2 more than once, or who registers under any but his true name, or
 3 attempts to vote more than once, or who willfully registers in any
 4 election district where he is not a resident at the time of register-
 5 ing, shall be guilty of a misdemeanor ***and shall be punished by*
 5A *a fine of not more than \$1,000.00, or by imprisonment for not mare*
 5B *than 3 years, or both***.

6 Any permanently registered voter who shall willfully or frau-
 7 dulently provide false information, who violates any provisions of
 8 this act, or who aids and abets an applicant in violating the pro-

9 *visions of this act, shall be guilty of a misdemeanor* **and shall*
10 *be punished by a fine of not more than \$1,000.00, or by imprison-*
11 *ment for not more than 3 years, or both**.*

1 ***[4.]*** *7.* The Secretary of State shall promulgate such rules
2 and regulations as may be necessary to effectuate the purposes of
3 this act.

1 ***[5.]*** *8.* This act shall take effect immediately.

ASSEMBLYMAN FRANCIS J. MC MANIMON (Acting Chairman): This public hearing will come to order, please.

The purpose of this hearing will be to consider S-276, which provides for voter registration on the days of general elections.

The first witness will be Senator Joseph Merlino.

SENATOR JOSEPH P. MERLINO: Thank you for getting this meeting started, Fran.

Senate Bill 276, which was successfully passed in the Senate, establishes a system of election day registration for general elections. It guarantees to any citizen his right to vote, even if he is not registered or if his or her registration is impaired because of change in residence or getting married without notifying the Election Board.

The bill prescribes that a person who is not properly registered in his election district may go with suitable identification to a specific office where he will be registered and issued a ballot on the spot. There will be no cluttering up of any polling place under this bill.

New Jersey has actually become one of the nation's leaders in registration reform. We approved registration by mail in 1974 and, in 1976, 58.5 percent of New Jersey's eligible residents came out to vote compared with 54.4 nationwide. But the top State and voter turnout in the '76 election was Minnesota, with 71.7 percent of its eligibles. Minnesota has election day registration. Consistently near the top in all national elections is North Dakota with a 1976 turnout of 68.8 percent. And North Dakota has no registration requirements at all. The State of Wisconsin had a 65.5 percent turnout in '76. That was 3 1/2 percentage points higher than the previous presidential election, while the rest of the nation's turnout was lower. Wisconsin introduced election day registration in 1976.

It is not hard to figure out why election day registration encourages more voter participation. The system of preregistration assumes that the average citizen has a high-level of interest in registration paperwork as a salaried election board worker has. In fact, the interest of many citizens in voting is often sparked in the closing weeks of a campaign. But, by that time, registration rolls are closed.

The National League of Women Voters conducted a survey six years ago of states' election systems. From that study - and I am quoting from the President of the National League - "election officials proved to be much more restrictive in their beliefs about who should vote, how accessible registration should be, how simplified voting procedures should be... Citizens, the users of the system, were more sensitive to the real administrative obstacles than were election officials who ran the system." We will find that is just as true in New Jersey as anywhere else. Election clerks tend to be very negative about making it easier for citizens to vote. They often forget that they are the citizens' hired servants, not the citizens' overlords. Talking with some of them, you sometimes get the impression that they believe the citizens must bend to the convenience of the election workers rather than the election workers working for the convenience of the citizen.

In any event, 276 is not proposing a radical change for election workers. It will not congest polling places because unregistered voters must go to the

municipal clerk or county election office in order to vote. That is an important incentive to pre-register - and a control against possible fraud.

Let me say another thing about fraud. Every measure to make it easier for people to vote has been heralded with prophecies of fraud. It hasn't happened. Election fraud, where it occurs, actually is a crime carried out mostly by election officials who jimmy machines or sign the books for nonexistent voters. It is not the voters who commit the frauds.

This bill contains every safeguard to prevent even that remote chance of fraud, with the severe penalties for fraud to be read to the voter and with the requirement for a suitable identifying document or a registered voter to verify his residence. This bill is a very large step forward toward removing administrative obstacles that can frustrate citizens who wish to vote. For that reason, I urge this Committee's prompt action in releasing the bill to the floor for a vote.

ASSEMBLYMAN MC MANINON: Thank you, Senator Merlino.

Are there any questions? Assemblyman Villane.

ASSEMBLYMAN VILLANE: No questions.

ASSEMBLYMAN MC MANIMON: Assemblyman Gormley.

ASSEMBLYMAN GORMLEY: I have just a couple of questions. You indicated that there was 71 percent in Minnesota and 68 percent in North Dakota. What were the percentages before that? Do you have them available?

SENATOR MERLINO: I don't have that available. But the reason for the citation was a comparison with the nationwide voter turnout of 54.4, just to show by comparison how much higher they are in those states which have just about removed every obstacle to registering in voting. Minnesota has been consistently high, if that will satisfy your ---

ASSEMBLYMAN GORMLEY: That is what I am curious about. Before it was passed were they also higher than the national average?

SENATOR MERLINO: They had been consistently higher.

ASSEMBLYMAN GORMLEY: You know everybody talks about fraud when you talk about the bill or any voter registration bill - and you brought that out. Have you reviewed this with the Attorney General or the Prosecutor's Office in one of the counties? When it comes to the time of putting a case together, looking to the hypotheticals that can come up as to proofs in a court of law as to whether you can get a conviction against someone who would take advantage of this - has this been discussed at length?

SENATOR MERLINO: Not at length. The only discussion was almost none at all. But may I further respond to that? The subject matter of this bill has been discussed. There were hearings in the Senate. It was debated rather vigorously on the floor. And no law enforcement agency in this State has come forward with any opposition or even given any indication of any problem in prosecuting fraud - no different than in any other election fraud.

ASSEMBLYMAN GORMLEY: One final question as to the identification that could be used: The driver's license is cited. Would you give the parameters because it mentions "identification issued or recognized as official by the Federal Government, the State, or any of its political subdivisions..."?

SENATOR MERLINO: Well, some identification -- everyone may not necessarily have a driver's license. Most everyone has something which would further identify them: Medicaid, Social Security cards. That's not the tightest one because you can

go in and get as many social security cards as you apply for. But generally it would be what a bank would accept to cash a check plus an identification by an already registered voter.

ASSEMBLYMAN GORMLEY: Thank you.

ASSEMBLYMAN MC MANIMON: Assemblyman Matthews.

ASSEMBLYMAN MATTHEWS: It says, "an applicant who shall willfully and fraudulently register." If they register on election day and someone comes in and doesn't tell the truth and they go in and vote, what kind of measures - I know it is not in the bill and it is probably not a fair question -- but if someone comes in and votes, how would you ever find out on election day? I can see if it was before and you had a chance to check on a person, but if they already have voted and have been devious enough to vote illegally, they are not going to be dumb enough to be caught. How would you catch someone like this that went in and gave a fictitious name and went in, registered and voted, never to be seen or heard from again?

SENATOR MERLINO: No different than any other criminal. They all commit a crime with the idea that they will never get caught. I don't think that there would be that kind of an incident. People do that every day. They falsify things. They commit perjury. They steal. It is no different than any other crime. There is no special significance attached to this, except that you know. You are told right then and there of the penalties surrounding any fraudulent attempt to register to vote. What are the penalties or what stops people now from registering falsely?

ASSEMBLYMAN MATTHEWS: Based on some experiences I have had, I have found that because of the Election Law processes and the expenses involved, they are reluctant to track people down when there have been violations. I know I have presented cases myself where there were obviously fraudulent votes, especially with absentee ballots. I find that they don't enforce it because it is ---

SENATOR MERLINO: Well, it is not the fault of the election process; that's the fault of the system of justice that we have.

ASSEMBLYMAN MATTHEWS: I am saying now that it seems with this kind of thing there is going to be more of an opportunity for people to --- Before, they had to register before the election and there was some period of time before the election to challenge something like this, especially in a small town where most everyone knows everyone else. It is easy to check these things out there. But when you only have one day and there is really no time for any checking ---

SENATOR MERLINO: You have no time to check the address of someone who comes in to register and vote on election day. You have no time at all.

ASSEMBLYMAN MATTHEWS: That's my point, I guess, that if they do vote illegally or fraudulently, how are you going to catch them?

SENATOR MERLINO: How do you know they voted illegally?

ASSEMBLYMAN MATTHEWS: You don't.

SENATOR MERLINO: And when you do, they can be prosecuted. That is not the fault of the election system. It would be the fault of our police system and our prosecutors.

ASSEMBLYMAN MATTHEWS: The thing is that you can do an analysis later on and find out that somebody named John Smith voted with an address that wasn't there.

Now how do you find a John Smith? And, for a thousand dollars, is it really worth it to go out and look for a John Smith?

SENATOR MERLINO: Then why go out to track down anyone who breaks the law because, if it is a disorderly persons violation, it is only \$500? Why bother?

ASSEMBLYMAN MATTHEWS: I understand that. But the thing is ---

SENATOR MERLINO: The thing is also that the system has worked. We are not pioneering this thing. The system has worked in other states and their reports of incidences of fraud are almost negligible. The same argument was given on the post-card registration. The same kind of argument, not as much though, was given when we reduced the time when we closed the books from 40 to 30 days. It seems that when any change is proposed the complaint comes in about the possibility of fraud. We had the biggest fraud in elections when we had the tightest laws around when you had to register 40 days before, etc. The highest incidence of fraud was then, not now.

I think that is a lame excuse: to prevent a person who is eligible to vote other than the fact that he missed the cutoff from being able to register and vote on the same day, by dragging out the flag of fraud. The 1974 bill (postcard registration) was a bill that I sponsored. I sponsored it the year previous to that in '73. Again the strongest arguments against postcard registration was fraud, that someone would go through a big apartment house and get the cards all filled out whether they were residents or not, just to get them on the books. Then, of course, there would be someone on the books that they could vote on election day, whether they were there or not. And that hasn't happened.

ASSEMBLYMAN MATTHEWS: We don't know whether or not it has happened in a lot of cases.

SENATOR MERLINO: But if you don't know, it is no fraud. You are not a criminal until you get caught.

ASSEMBLYMAN MATTHEWS: I wouldn't put a thousand dollar bill on the counter of a bank and say, "If you steal it, you are a crook." I would rather put the thousand dollar bill in the vault.

ASSEMBLYMAN MC MANIMON: Assemblywoman Kiernan.

ASSEMBLYWOMAN KIERNAN: It seems to me, Senator Merlino, that the only people you are really inviting to register that day are those people who have moved from another state within the last 30 days, because with your postcard registration, there isn't a reason in the world why anyone couldn't register simply by themselves. We have gotten them into the high schools and we have gotten them around locally through lots of organizations. Anyone in the State who has moved can vote absentee at their previous place of residency.

SENATOR MERLINO: This bill is designed just to pick up those few who might have fallen through the cracks and those who might have just moved in who have to meet the requirements of residency anyhow - or those who have changed their names within those last 30 days, between the closing of the books ---

ASSEMBLYWOMAN KIERNAN: Can't you vote under your previous name if you have an affidavit at that time?

SENATOR MERLINO: Some people won't go through that.

ASSEMBLYWOMAN KIERNAN: There is only one other question at the moment that I would like to ask you, and that would be if you would explain to me

the rationale that the Senate Committee had in taking out the municipal elections from the bill?

SENATOR MERLINO: Well, I didn't really understand it or agree with it completely. But I think the idea was to proceed cautiously to get some experience of an election or two and then perhaps expand the coverage of the bill.

I don't know of any real logical reason why they did it, but they did it.

ASSEMBLYWOMAN KIERNAN: It couldn't have been that they were concerned with some fraud in the cities because mostly these are city elections we are talking about here.

SENATOR MERLINO: Not necessarily. There are non-partisan elections in some of the smaller communities, I think.

ASSEMBLYWOMAN KIERNAN: This would affect cities, such as Jersey City and so forth, wouldn't it?

SENATOR MERLINO: Jersey City, Trenton, Newark.

ASSEMBLYWOMAN KIERNAN: Those aren't really the smaller cities.

SENATOR MERLINO: Not this year.

ASSEMBLYWOMAN KIERNAN: Thank you.

ASSEMBLYMAN MC MANIMON: Thank you, Assemblywoman.

Senator Merlino, I have just two questions to ask. One is: Wasn't the primary purpose of mail registration to be a catch-all?

SENATOR MERLINO: It caught most of them, yes. But there are still a few that fall between the cracks. No law is perfect. As experienced legislators, you should all be aware of that.

ASSEMBLYMAN MC MANIMON: Right.

SENATOR MERLINO: There is no perfect law.

ASSEMBLYMAN MC MANIMON: Hasn't it always been a policy to know who all the players are when you are involved in such a ---

SENATOR MERLINO: You can learn who the players are and know more about them in the last five days before an election than you can for the thirty-five days before. It is like watching a professional football or basketball game. If you watch the last two minutes, you have seen the whole thing.

ASSEMBLYMAN MC MANIMON: I don't know what kind of games you've been watching, Joe, but ---

SENATOR MERLINO: This is common accepted knowledge. You watch the last two minutes of a National Basketball Association game and you have seen the whole game.

ASSEMBLYMAN MC MANIMON: I like to stay with the amateurs; that's where the real competition is, Joe.

SENATOR MERLINO: Well, I'll tell you, then maybe we should get some pros on the Committee.

ASSEMBLYMAN MC MANIMON: Well, I think we are all right with this Committee.

I have one other question I would like to ask, being that we are going to talk professionally now: How do you account for the fact that this legislation failed in Washington? What was the primary reason for the failure in Washington?

SENATOR MERLINO: I have no idea. I wasn't there, for one thing. Postcard registration failed in Washington, but we have it in New Jersey.

ASSEMBLYMAN MC MANIMON: Yes, I know. I helped move it in this Chamber. That's all.

SENATOR MERLINO: And you will help me move this one, I'm sure.
(Laughter.)

ASSEMBLYMAN MC MANIMON: Assemblyman Codey, the Chairman of the Committee, is here to preside now.

ASSEMBLYMAN RICHARD J. CODEY (Chairman): Our next witness will be George Lee, Assistant Secretary of State.

G E O R G E L E E: Chairman Codey, I am going to give the testimony of the Secretary of State, Don Lan, who is out of the office on election business in North Jersey.

The Department of State has an ongoing responsibility and interest in the election process within New Jersey. In line with this duty, I welcome the opportunity to present our views on Senate Bill 276.

The Department supports the concept of election day registration. We are aware, however, of the potential dangers involved in the passage of such legislation. We hope to point out these areas of concern in order that they may be examined prior to any enactment of legislation.

In theory, our political process, is a system of participatory democracy. Authority is supposed to rest on the consent of the governed. While casting a vote is a most important, elemental form of political activity, a large segment of our population has refused to do so. As long as this segment of our population does not partake in the election process, the system remains lacking. Clearly, government must take a bolder initiative in encouraging the citizen to be part of the election process. Government must eliminate all possible obstacles to registration, while preserving the integrity of the election process.

A vehicle for encouraging voter turnout is that of allowing registration on election day. The experience of those states which have instituted election day registration is encouraging. The dire predictions of massive confusion and fraud have not occurred.

Additionally, the predictions of drastically increased workloads for county and municipal election officials has not materialized. What has developed is a method for gaining maximum voter turnout. There is reason to believe that the same would occur in New Jersey. The bill has within it necessary safeguards to insure against fraud or abuse. The requirements on the part of the prospective registrant to present proper identification or bring with him a registered voter to verify his residence is a necessary safeguard.

Additionally, the limiting to five new registrant verifications by any one registered voter acts as an additional deterrent. The department notes the rule-making authority granted us to promulgate necessary regulations. In this vein, we will be strongly supportive of the proper efforts on behalf of county and municipal election officials to insure that the integrity of the election process is preserved. In developing these rules we will, as in the past, listen carefully to the input of these officials throughout the State. It is these individuals with whom the major responsibility for implementation of election laws remain. It, therefore, becomes incumbent upon us to ascertain from them the best ways for implementing this Act. We emphasize the intention of the Department to insure that this Act will be administered with the least amount of

distraction to the overall responsibility of properly administering the election process in the State. We do not anticipate this bill, if enacted, being a deterrent to that process. What will be needed, however, are proper guidelines for its implementation.

The Department has in the past supported efforts at improving voter registration and subsequent turnout. This bill can be another method of reaching these goals. We are aware that no system exists which is totally immune from incidents of fraud. The potential is present in this bill as well. The Department feels that with the proper guidelines and ongoing supervision, these fears will not become fact. We see instead a potentially effective way for improving the election process in the State.

ASSEMBLYMAN CODEY: Thank you, Mr. Lee. Any questions?

ASSEMBLYMAN VILLANE: One of the problems we have in election polling places is that when people come in, often times - and there is no requirement, as you know for literacy - they are illiterate or retarded or physically or mentally sick and yet they have the right to vote. We extend this right to register on election day. How do we inform people who are illiterate that there is a penalty for falsifying and swearing that they have never registered before? What is to prevent an ambitious politician or a county chairman or a city chairman from getting bus loads of people to a polling place and saying, "Today, we are all going to vote. You just sign your name here and we will take care of everything else"? Practically speaking, that is what is going to happen. And if you spend any time in the local districts in some of the wards that I know about first hand, that is exactly what is going to happen, because it happens now. It happens now, but not as much as it is going to happen because they have to work 30 days in advance which gives us an opportunity to check them. But if you do it on election day, you are opening up a can of worms that you will be sorry you ever did. Have you any idea how you are going to prevent it? Are you going to post a sign written in Spanish, Portuguese and Chinese so that everybody can read it?

MR. LEE: I am half Chinese and half Irish. So maybe I would be able to read that.

Let me say this: five other states in the Midwest do have this process.

ASSEMBLYMAN VILLANE: Do the five other states have populations like we have?

MR. LEE: It has been called to my attention that there has been virtually no fraud whatsoever. I am not saying it can't happen and I would hope that we would supervise this program and there would be someone that would sponsor legislation to clear this matter.

ASSEMBLYMAN VILLANE: The five states that have it - do you have any idea what the ethnic population and the language-barrier problem is in the five other states? Do any of those states have a bi-lingual program in their school system?

MR. LEE: Sir, I can't answer that.

ASSEMBLYMAN VILLANE: Of course you can't because they obviously don't. You know, we are going into a piece of legislation that hasn't had the input or the research that it should have had before you bring a bill like this up before this Committee.

MR. LEE: I thought that was why we were here.

ASSEMBLYMAN VILLANE: Well, you don't have the answers obviously.

MR. LEE: I am sure that there will be legislation that would help in regards to that.

ASSEMBLYMAN VILLANE: Wait a minute. You say that the bill is a good bill. But when I ask you questions like that, you don't have the answers. So how do you expect this Committee to take action and put the bill out?

ASSEMBLYMAN CODEY: Assemblyman Gormley.

ASSEMBLYMAN GORMLEY: I asked this question of Senator Merlino. Has there been any consultation with any law enforcement division as to whether or not this can actually be enforced, as to whether or not there could be successful prosecutions and the cost of prosecutions, or what it would take to put a case together?

MR. LEE: I would say you would have to ask Senator Merlino.

ASSEMBLYMAN GORMLEY: Because when we all talk about fraud and whether something can be enforced, the question is: Will law enforcement officials say there can be a successful prosecution or is it of such a nature that they are just going, shall we say, to let it slide unless it is very blatant?

MR. LEE: That point is well taken.

ASSEMBLYMAN GORMLEY: Thank you.

ASSEMBLYMAN CODEY: Assemblyman Matthews.

ASSEMBLYMAN MATTHEWS: I keep hearing that the postcard registration was successful. I am very parochial because I only know my district. I know that no one really challenged it. It seems that on election day - and, in fact, I am proposing legislation to try to help recount procedures and things like that - there is no question and they just accept what is on the machines unless there is a complaint of some sort and unless there is a call for a recount. I know in my district we don't know whether the postcard registration was successful as far as whether there was any fraud or not. There is no way to know that.

Now I posed this same question to Senator Merlino. It seems that on election day a lot of things happen, especially in the urban areas as opposed to suburban areas. In the suburban areas it is easier to contain because you know most of the people. If it is a town that has been established for a while, you know who moves in and when they move out. Take an urban area like Atlantic City in my district. There have been occasions in the past - and I am sure they are still going on - where they are going to try to get people to vote. And if they come in and give an address and produce a witness and register and vote in one day, how in the world do you check on that? Someone comes in, registers, votes and leaves. They could have been from North Jersey. They could have been from Philadelphia. They could have been from Delaware. Some people could bring their families in. Who knows who they are? And they are never going to see them again. With the drivers' licenses we have now, if somebody is sophisticated enough and wants to win an election badly enough, something like this could certainly be done.

I guess my question is: Number one, how would you catch them? Number two, how would you know they voted fraudulently anyhow because there is really no way to check that after the fact unless somebody brings some sort of a complaint? Then it has to go to local prosecutors and how can you be sure they will follow it through? I had a situation years ago where I produced 93 cases of voter fraud - 93. There were more, but I had documented affidavits for 93. Nothing ever happened.

This is what bothers me.

I have to be concerned about my district and my area. And it seems to me on that one day there is nobody to search their souls. With post card registration, they can register, but it doesn't mean they are going to vote. How many of the postcard registrants did vote? I know this is a general broad-based question.

MR. LEE: I think your point is well taken. There is a potential problem there. Unless someone were to challenge - that's the only way you would know.

ASSEMBLYMAN MATTHEWS: I just said something facetiously, but I wonder about it. How about fingerprints?

MR. LEE: That is a possibility also, but probably very costly.

ASSEMBLYMAN MATTHEWS: That's all I have.

ASSEMBLYMAN MC MANIMON: My basic concern is this. I moved the voter registration bill in this lower house. I was a strong advocate of it and we had good solid rules and regulations put forth in that legislation. Yet if you were to ask any superintendent throughout the State, they will tell you there has been some fraud. They detected it. They know the shortcomings of it already.

My major concern with respect to this legislation is: How can you regulate something that is over and done with before you know it, particularly since it is instantaneous?

MR. LEE: Let me say, Assemblyman, I don't know exactly what is going to transpire. But I know the Election Board members are meeting this week and I am sure they are going to go over the bill. That is why we were hoping this hearing would not be held until we could hear from the Election Board members.

ASSEMBLYMAN MC MANIMON: I am sure you are going to hear from them because I have already had some input as a result of a previous meeting that they had. I think this Committee will be most anxious to hear them when they do speak. But the question I asked is my major concern and I want them to tell me how they can regulate it.

MR. LEE: I think that was in my testimony, that we will welcome any recommendations from them and at least listen to them.

ASSEMBLYMAN CODEY: Mr. Lee, I have just one question. Would you be opposed to our amending the bill? It provides two ways you can register instantly, one showing the document which is supposedly proof of residence; and the other, if you have no proof of your residence, just to bring along a friend who is registered presently in the same town or city. Would you be opposed to it if we said that you had to do both, not only do you have to document your residence with a driver's license or something else, but also, as well, bring along a person who is registered?

MR. LEE: Anything that would prevent fraud, Assemblyman, and would help us in this process, I would be for.

ASSEMBLYMAN CODEY: Thank you very much, Mr. Lee.

Our next witness is Mr. Peter Curtin, the Executive Director of the Democratic State Committee.

P E T E R P. C U R T I N: I would like to thank you for the opportunity to speak before the Committee this morning on Senate Bill 276 which allows voter

registration on the same day of a general election.

I would like to begin by saying simply that it is the opinion of the Chairman of the Democratic State Committee, Richard Coffee, and the majority of our State Committee members that the Same-Day-Voter-Registration Bill provides a convenient and easy means for assuring that all New Jersey residents have greater access to our political process. Additionally, the amendments approved to date by the State Senate provide for clear and enforceable safeguards against the possibility of voting fraud.

As to my earlier comment about the support for this bill by the Democratic Party, I would note parenthetically that the Democratic State Committee has called upon the Republican State Committee and the leadership of the Republican Party statewide, for exactly the same reason of granting greater access to the political process, to speak in the affirmative in support of this particular legislation.

The need for legislation of this nature is apparent when one considers the statistics on voter participation, and particularly in the past Presidential election. On the average, only 57 percent of all eligible voters voted nationwide in the 1976 Presidential election. In the five states that have introduced the concept of Same-day-voter-Registration, however, the average turnout was 69 percent in 1976, a 12 percent increase over the national average. Although it is evident that registration restrictions are not the only problem affecting voter turnout, it does appear that the significant increase in these five states can be attributed, at least in part, to the easing of registration requirements.

It has long been held by observers of our political process, as well as those who are involved in its day-to-day operations, that less restrictive registration requirements would enhance our two-party system. This legislation would enable both parties to enlist the participation of many people in our State who have never been involved in the political system. This legislation simplifies the mechanics of registering to vote and thereby encourages every citizen to exercise his or her right and responsibility to participate in the decisions that affect every one of us. The bill would consequently provide for more responsive and accountable elected officials. The procedural limitations now found in our electoral system often prevent many citizens from utilizing these rights because full public awareness of impending elections frequently does not surface until just prior to the election day. As a result, many individuals who might be interested in participating in an election, but were not previously registered, miss a chance to express their opinions and exercise their right to vote. In sum, eliminating registration restrictions through passage of the same-day-voter-registration bill could greatly encourage broader participation in the election process, and provide for a more enlightened and knowledgeable electorate. And I think that is a matter that is beyond dispute.

The broad-based Affirmative Action Committee of the Democratic State Committee has endorsed this bill. Most of the Democratic County Chairs and the leadership of the Democratic State Committee are on record as supporting this bill as a matter of Democratic Party policy. Our Committee has received a substantial quantity of mail from citizen groups supporting the bill. Because of the growing interest over S 276, on behalf of the Democratic State Committee, I am requesting that additional hearings be held on this bill in the very near future. This request is being made in light of the fact that the Democratic State Committee is presently in the process of contacting the five states - Ohio, Oregon,

Wisconsin, Minnesota and Maine - who have such a law now, and could provide further insight into the impact and implementation of this measure. Moreover, several statewide organizations and individuals who would have a direct interest in the issue of same-day-voter-registration have expressed to us a desire to comment on the bill, but would like some additional time to further research the bill and prepare their statements.

Let me reiterate. It is the firm conviction of the Democratic State Committee of New Jersey, and I hope that of the Republican Party, that this legislation would eliminate yet another barrier to individuals participating in our electoral process. This is an excellent and timely next-step to the electoral reform enacted over the last four years, from postcard registration and the public financing of gubernatorial general election campaigns to the institution of same-day-voter-registration. We firmly believe that the passage of this legislation will make New Jersey stand out as having one of the most open and accessible electoral processes in the entire nation. It is especially important to note that much care and attention has been given to adequately respond to the concerns and fears expressed on the potential problem of voter fraud. I hope that your Committee will report this bill unanimously and that the General Assembly will approve it wholeheartedly. But, first, I hope that you will extend this hearing to allow further discussion on this very progressive legislation.

I think it is important to note that as the various individuals testified today, many questions regarding not the concept or the general direction of the bill, but the mechanics and the procedures, will surface. And that is all the more reason why I think we should have an opportunity for further discussion and perhaps allow this Committee to recommend appropriate amendments to the bill to insure that the concerns expressed here today and at some time in the near future are not overlooked and that the mechanical problems, such as those that will be suggested by the State Election Officers Association, might be addressed and perhaps resolve some of the problems. Thank you.

ASSEMBLYMAN CODEY: Thank you, Mr. Curtin. Any questions?

ASSEMBLYMAN MC MANIMON: For clarification - you made the statement that there were five states that have adopted this. I was under the impression that there were only four states and one was in the process of rescinding.

MR. CURTIN: I mentioned five states because the State of Ohio has on a somewhat restricted basis --- They repealed it, but they are considering it on a restricted basis anew. So we will count it four and one-half for the sake of argument.

ASSEMBLYMAN MC MANIMON: Thank you.

ASSEMBLYWOMAN KIERNAN: You must have a different mailing list than I do, Peter, because this is my mail and there isn't a letter for it in the mail.

MR. CURTIN: I recognize the fact that there are people who are expressing genuine concern and we have heard from many of those people. But I think the difference between those people who are for it and against it is that, in many instances, those who are against it are, at least at this point, against it either because they lack information as to the mechanics, which I think still ought to be worked out, or that they are just genuinely concerned with the prospect of voter fraud. I know that that concerns this Committee and it concerns many people who will be involved in the legislation and the implementation of it.

But, by and large - and that's a pretty impressive folder - by and large, I think the concerns are limited to those two areas. And the people who are strongly in favor of it are in favor of it conceptually and in favor of it for the general election for 1978 and thereafter, but recognize the need to straighten out some of the mechanical problems.

ASSEMBLYMAN CODEY: Thank you very much, Mr. Curtin.

Our next witness will be Mr. Joseph Brady, Superintendent of Elections, Hudson County. I am sure, coming from Hudson County, you know a lot about elections, Mr. Brady.

J O S E P H T. B R A D Y: I am a neophyte compared to other counties, especially the rural ones.

I have a prepared statement which was issued to each member. I would like to read it into the record.

My name is Joseph T. Brady. I am Superintendent of Elections of Hudson County, as well as President of the New Jersey Association of Election Officials. This Association is composed of every County Board of Election member and Superintendent of Elections in the State. We have, in the past, attempted through legislation proposed by ourselves, and also by supporting legislation proposed by others, to unify the laws governing elections in our State. We want to see the electoral process in Bergen County be the same as that in Cape May, as well as in every other county situated geographically in between. My remarks today express the overwhelming sentiment of the Association as regards to S 276, more commonly called the "Instant Registration and Vote Bill."

Recently at a meeting of our group, this bill was discussed and debated for approximately two hours. At the end of the discussion, a vote was taken which disclosed that 68 were against the bill, 10 were for it, with one abstention. Don't forget, gentlemen and ladies, this was by the same persons who are charged with administering the provisions of the bill if it becomes law.

Before going into the objections voiced by the members, let me preface my remarks by stating this Association is not against change. We were one of the few groups in this State in the vanguard advocating mail registration of voters. We saw safeguards in that bill, stricter than in the in-person law, which caused such sentiment. We even testified before the U.S. Senate in support of the Federal Mail Bill with some reservations. One reservation was - they wanted a wholesale mailing to every person in the United States and we were against that because it would create many duplicates.

We accepted without argument and debate the reduction of the registration period from 40 to 30 days, even though such legislation placed an enormous burden upon each Commissioner of Registration in this State. We accepted many other proposals that made our life harder, but voting easier, or which helped to unify our election process.

Now we are faced with S 276, which we, the election experts in this State, are overwhelmingly against. And I say experts because we are dealing with the administration of elections 365 days a year. We believe it can cause chaos and confusion for all. It is a proposal for registering and voting on general election day. Did anyone look at the side of the coin that says, "How will you administer it?" Did anyone look at the side of the coin that says, "Will there be any fraud?" Did anyone look at the side of the coin that says, "How much will it cost?" We in

the Association doubt it. The membership honestly believes that the intent behind this bill is that it will increase voter participation. But these election officials come back with the question - "How?" Many examples advanced at our meeting could be offered, but none would be more vivid than a recall election I just conducted in North Bergen this past April 4th. It was one of the most bitterly fought elections I have witnessed in my 30 years of experience of election matters. For five long months, there were charges and counter charges on recall and nomination petitions, court battles, charges of harrassment and intimidation of campaign workers, and all sorts of legal maneuvers. All of these events were carried daily in the local press, on radio, and television. Yet, in spite of all the publicity, 17,000 persons voted out of a registration of 27,000. Sixty-three percent saw fit to cast a ballot in an election that received as much publicity locally as any Presidential election ever received nationally. If we cannot get persons who are registered to cast a ballot, what makes one opine that the non-registrants shall increase voter participation? At least, the 10,000 who did not vote in North Bergen took the time to register.

Another facet that bothers the Association is the possibility of fraud. We are not yelling fraud just to be heard. We are not crying there is a potential for fraud; if we were, we would yell, "Don't open a bank - it may be robbed." Our opinion that there is a potential for fraud is sincere. Past experience has proven, time and time again, that in municipal elections the difference between victory and defeat is a handful of votes. The amendment to the bill eliminating municipal elections applies only to May elections and not to partisan municipal elections conducted at the same time as General Elections.

Since there is no provision for challenge in this bill, or for an election official, whether on county or municipal level, to seek additional information, or to allow this official to reject or deny registration, there is no elimination of the possibility of fraud.

What is to stop two illegally registered voters to verify ten illegal applicants and have these persons cast 10 ballots in a municipal election which was decided by six votes, only to disappear and never be heard of again after the election. What kind of a court case is to ensue? The answer is an election contest under the Election Law and I need not tell you how long that will take to be decided.

Registration by documents is also subject to fraud. The bill does not require a document with an applicant's picture attached. Documents are not fool-proof. Witness how many checks are fraudulently cashed each day - and many cashed with the backing of documents in support.

Oh, yes, the bill provides that before the applicant registers the penalty provisions of the bill be read to him, whereby he may be imprisoned for three years, a \$1,000 fine or both. There are 63 sections to Chapter 34 of the present Election Law enumerating crimes and penalties. I do not know, but I'm sure it is infinitesimal, the number of persons prosecuted under this chapter for fraudulent registration.

Mr. Chairman and members of the Committee, this is a poorly constructed bill even with all its amendments. No mention is made of the manner of voting, except the voter is issued a ballot. Does he or she vote on a voting machine or on a paper ballot? Are we going from the machine age back to the paper ballot

days? Let's assume it means the use of voting machines and we take Hudson County as an example. Do not forget, Hudson County is a small county when you total municipalities. It has 12 to Bergen's 70. With all the variations of the ballot in Hudson, it would take 38 machines to be on hand in the Commissioner of Registration's Office, as well as 38 in each of the 12 municipal clerks' offices in order to properly service every possible voter if my interpretation of the bill is correct. That would necessitate 494 machines, and since the county only possesses 530, where would we obtain the 459 machines needed to service the polling places on General Election Day? Don't forget machines cost approximately \$2,000 apiece.

This theory is predicated on the interpretation of the language in the bill in Sections 2 and 3, lines 3, 4, and 5, which reads, "or in the office of the municipal clerk in the county or municipality wherein he is a resident." To me, that would appear to be "any municipal clerk's office in the county wherein he is a resident."

If paper ballots are used and are to be treated in the same manner as absentee ballots, how are they transmitted from the Commissioner of Registrations Office and the Municipal Clerk's Office to County Board of Elections for tabulation? What happens if a municipal clerk registers an applicant and issues a ballot at 7:55 P.M. in a community 35 miles from the County Board, as can happen in Burlington County? How can that ballot possibly be received by the County Board by 8:00 P.M., as is now mandated? Or are these election day registrants to be given special treatment over persons who registered under present law and made proper application for an absentee ballot? Also, who supplies these ballots to the Commissioner of Registration and Municipal Clerks? Again, using Hudson County with its 12 municipalities as an example, the Commissioner of Registration and each Municipal Clerk would need 38 different paper ballots in sufficient quantity to service everyone.

The bill also provides that an applicant may appear before the County Board to register. In those counties of New Jersey wherein there is a Superintendent of Elections, the County Board has nothing to do with registration, as the Superintendent is the Commissioner of Registration.

The bill supplements Title 19, but no specific mention of the chapter being supplemented is cited. Presently, the Commissioner of Registration is solely responsible for voter registration within his or her county; however, no amendment to Title 19:31-2 granting that responsibility is made. I am not "nitpicking" on these last several flaws, but only cite them from experience in sitting in on so many lawsuits involving elections wherein the court was asked to determine "legislative intent."

Gentlemen, as I said in my opening remarks, our Association is not against change, especially we are not against greater voter participation in elections. Many times we hear that a free country like New Zealand averages 99 percent voter participation in elections, while here in the United States we are much, much lower. In my book, it is all according to who figures the percentage plus the fact that it is a felony not to register and vote in New Zealand.

Our Association, after long discussion, has overwhelmingly concluded that S 276 will not work or provide the remedy for greater voter participation.

We are aware that a free society cannot require its citizens to vote. We supported the abolition of obstacles that stood in the way of a more free and

open participation by supporting mail registration and the lengthening of the registration period prior to elections. We now register our students in high school, our adults by mail, our newly sworn citizens at time of naturalization. We distribute mail registration forms to social, civic, political, religious and labor groups in unlimited amounts. Yet, voter participation has not increased in spite of these methods. Thus the registration programs which New Jersey provides cannot be faulted.

I would like to emphasize that the Election Officials of the State do not criticize the sponsors of the bill. We are of the opinion that their thought of greater voter participation is to be complimented. Unfortunately, this bill is not the panacea that will bring a host of new voters to the polls. On behalf of the majority of the membership of our Association, I strongly urge that this bill not be released from committee. I appreciate and thank the committee for this opportunity to present these views on S 276.

Thank you.

ASSEMBLYMAN CODEY: Thank you, Mr. Brady.

Are there any questions of Mr. Brady?

ASSEMBLYMAN MC MANIMON: I am only sorry that Mr. Lee is not present to hear those statements. Will you see that he gets a copy of that?

MR. BRADY: I would also like to contradict the remarks of Senator Merlino who earlier said that many times the jimmying of machines, the fraud in connection with paper ballots, etc., result because of election officials. I think we instruct the election officials on the district level in sufficient time. And also I know of no election official in the State during my tenure being involved in any jimmying of machines or fooling around with paper ballots.

ASSEMBLYMAN CODEY: Thank you again, Mr. Brady.

Our next witness will be Mayor John Rafferty of Hamilton Township.

MAYOR JOHN RAFFERTY: Ladies and gentlemen, this morning very briefly I would like to express just one reason why I think S 276 should not leave committee. My thoughts are not limited to this one reason, but I know during the course of the day there will be many others up here expressing reasons that I concur with 100 percent. This, I feel, is a broad reason. I put it together succinctly and I will be the soul of brevity, but I feel that it should be put on the record.

It seems that one of the greatest problems we have in the American society is that we, as an American people, have become extremely permissive and, in doing so, have broken down a great deal of discipline that was an important element of the early American system that was founded some 200 years ago. Since that time, we have observed a steady deterioration of that aforementioned quality.

The bill before you for review this morning is another step in further deteriorating the order of the American code. We all fully recognize that nothing good comes easy. We recognize that what we have earned through hard work and sacrifice is much more appreciated than that which is given on a silver platter. I believe one of the best examples of giving people something for nothing and thereby breaking down and deteriorating the spirit of individualism and self-respect is the present welfare condition we find ourselves living with. From a very necessary social program for those individuals who find it difficult through

extenuating circumstances to maintain a basic level of existence, we have regressed to a give-away type of situation where just about anybody and everybody can be subsidized by government. We have literally encouraged this mode of life through our lackadaisical "take the easy" way attitude. Through this permissiveness and this give-away system, we have actually nurtured generations of social cripples in our welfare system. We have cases where grandparent, child and grandchild have been collecting welfare.

I tie this into the present effort to pass this instant registration bill, paralleling it to another action of giving the people of the State of New Jersey one more handout. The right to vote is something that all Americans should cherish. It should not be taken lightly, nor should the procedures that allow one to exercise that right be tampered with. It has always been my firm belief that if someone wants to take part in the electoral process, if someone feels that strongly about his county or his state that he wants to cast his ballot, then he or she should make that effort, taking the time to register to vote.

The present manner in which one registers to vote is a very convenient and simple one. It takes a minimal amount of effort for one to register. Presently, we have in our State, mobile registrations whereby people actually bring vans into neighborhoods, knock on doors, and request that the people take a few minutes to walk a few hundred yards or be driven to that van to complete the necessary forms for registration. Not only that, but we have open for the greater part of the day, our county court houses and municipal buildings for anyone who cares to walk in and register as a voter. On top of that, our postcard registration or mail registration is in effect where one need only complete a form and drop it in the mail box and be a registered voter.

How much more do we want to do in this regard? Someone who is so lazy and so uncaring that they can't take advantage of our present rules and regulations regarding voter registration should not be handed this responsibility so easily. What purpose will it serve to give those individuals the opportunity to exercise their right to vote when they, themselves, care less whether they vote or not. Let us not destroy any further the spirit upon which America was built. In this respect, continue to let people do something for themselves. Let those who recognize the importance and those who appreciate being free individuals realize that it is the individuals who care that will determine how this State is to be governed. Our efforts should be directed in the area of educating the masses as to the importance of exercising their voting privileges. The people should be made aware from one end of society to the other of what their vote means and how they can easily register to be part of the electorate of our country. Educating people is where our efforts should be directed and then let the people decide whether they feel it is important enough to get themselves out of an easy chair or take themselves out of a relaxing atmosphere to walk a few hundred yards so that they may be part of the American system.

As I indicated in the beginning of my comments, this is only one aspect of a myriad of other reasons why this bill should remain in committee.

I thank you very much for your kind attention.

ASSEMBLYMAN CODEY: Thank you, Mayor. Any questions?

Our next witness will be Mr. Anton Hollendonner, Superintendent of

Elections, Mercer County.

A N T O N H Q L L E N D O N N E R: Thank you, Mr. Chairman and ladies and gentlemen.

Instant voter registration is deceiving. It looks good. It sounds good. But it could be the worse thing that we ever became involved in. Almost all election officials, as well as municipal clerks and county clerks, oppose the act as it is. These clerks and these officials have also opposed federal voter registration and federal instant voter registration programs.

Apart from the cost and other burdens imposed upon election officials, as testified to by prior witnesses, let me quote from an article in the March 1978 Newsletter of the International Association of Clerks, Recorders, Election Officials and Treasurers, announcing the defeat of the instant registration proposal in Ohio. I quote: "The immense possibility for fraud is the reason why instant voter registration is so unwise."

Senate Bill 276, although its purpose of encouraging voter participation is praiseworthy, falls far short of that goal in my opinion. The provisions that permit any voter to appear at a designated location on election day with unverified identification documents or with a witness who volunteers to vouch to the bona fide residence is a farce. Outdated driver's license -- false identifications are easy to secure. I point out under the State law and the regulations of the Division of Motor Vehicle, there is no requirement that a person who wants to secure a driver's license must have a bona fide residence in the State of New Jersey. You can apply giving a business address. You can apply and give almost any address and secure a driver's license.

The bill does not even require such false documents by permitting a witness to vouch for the registrant if he has no identification documents. Whether they are false or otherwise, you don't need them if you can get a witness to come in and say, "Yes, he resides in Mercer County or the State of New Jersey." That is sufficient.

The problem with S 276 lies with the fact that the instantaneous action is impossible to regulate. It is over and done with before we know it. There is no need for instant registration in New Jersey. We have mail registration which permits any citizen to register up to 30 days prior to any election with relative ease. The only persons affected by S 276 are those who have to be encouraged to register at the last minute at the urging of candidates who suspect a close election and want to make a last-ditch effort. There are no safeguards to prevent them from enticing nonresidents, those who have been disenfranchised, or those who have moved and failed to record a change of address, to register and vote. In close elections, such unguarded activity could be catastrophic. Since in most cases the voter disappears into anonymity after the election, remedial action is often impossible.

With regard to the claim of increased voter participation, I feel this claim is unfounded. The sponsor who testified in behalf of the bill indicated that one of the purposes of the bill was to encourage more people to participate in the election process. But he doesn't say why he eliminates municipal elections that are held in April or May. He doesn't explain why he has excluded primary elections, unless he wishes to state that he is not that interested in voter participation in those elections.

Mercer County has been in the forefront of voter registration for years with out-of-office mobile registration programs. Despite this activity and with the present mail registration, voter enrollment in Mercer County still remains at approximately 156,000. It has been that way for the last ten or fifteen years. Despite all of the programs we have, there has been no appreciable increase.

The sponsor of the bill in referring to increased voter participation as his motivating force behind the introduction of the bill caused me some question and some concern because, in answer to some of the questions from the Committee, he indicated that -- first, I think he said that there would be a substantial number of persons who would be able to register to vote. But then in answer to some of the questions, he said that there may not be too many in volume, but he was interested in getting those who fall between the cracks. It is just as easy for that person to climb out of the crack and sign a registration form and go ahead and vote. But he is interested in getting the voters to climb out of the cracks, those few who fall in between the cracks.

Voters participate when they are concerned. Instant registration does not cause a voter concern; it causes serious administrative concern.

Thank you very much.

ASSEMBLYMAN CODEY: Any questions?

ASSEMBLYMAN GORMLEY: In your experience when programs like this come along, do you find it creates apathy to a degree in the people who would have registered under the older system? They could say, "Oh, we can do it at any time and use the more simple system." In that way, it causes apathy to a degree. Have you found that to be true?

MR. HOLLENDONNER: I still find a great deal of apathy. Let me state it this way: I don't think that this type of a program will increase interest. The apathy is there. The apathy has been there for a long time. The only time you can get a voter out is when he is concerned about an issue or when there is an important issue in which he is interested. Apathy is the big problem. I don't think making it easier for a voter to register is the answer. It won't encourage him to go out and vote.

ASSEMBLYMAN GORMLEY: Thank you.

ASSEMBLYMAN MC MANIMON: I discussed with you before the matter you mentioned in the third paragraph from the bottom on the first page. I think that pretty much covers one of the major problems. You stated that the problem with S 276 lies with the fact that the instantaneous action is impossible to regulate and that it is over and done with before we know it. In other words, you sincerely feel that there is no way that you can really control that.

MR. HOLLENDONNER: Let me just point out some examples that I have had. I favored, as did the Association, mail registration. I favor it at the present time. But I wish some of the officials who consider some of these laws could come into my office. The other day, we had a mail registration form: the same person with three different registrations - three different. We called the witness in Middlesex County and asked why in the name of heaven did she submit three registrations. She said, "Well, I really didn't know, but the voter insisted that he had to do it three times." I can show you records where I have had the same person register in Mercer County from four different addresses. I can show you, going back to the last gubernatorial election, where individuals were deputized, I guess, by the Secretary of State's Office to go out on a big voter registration

drive - and I don't criticize the Secretary of State's Office for this - where there was out and out forgery. These workers were going out and they were being paid by the number of registrations they brought in. We found there were about four or five where the witness, the person who was soliciting the registrations, admitted to me that she signed the voter's name. Now the only reason we found this is because I like to feel that we have an active, investigative staff in Mercer County. We have at least thirty days before the election to check. We get thousands of duplicate registrations every year. They are eliminated.

The cost of administering and investigating is tremendous as far as Mercer County is concerned. But we do have the thirty days. There is no way that I can have the same opportunity with instantaneous registration. They go in, they vote, and that's it. Mail registration forms have been given to me with fictitious addresses. You can't locate them.

I think Joe Brady and other witnesses have said if you have a local election or an election that hinges on 10, 15 or 20 votes, forget it; you are going to get 35 or 40 people in. They are going to vote. They are going to be fraudulent and there is not a thing you can do about it.

ASSEMBLYMAN VILLANE: Is it possible at the present time with the kind of registration we have - and I know you have picked up a lot of discrepancies -- but is it possible now for someone to be registered two or three times and to vote two or three times?

MR. HOLLENDONNER: It is possible, but in all likelihood just for one election. It is possible for one to register immediately before the deadline or register with the Municipal Clerk's Office on the day of the deadline. It might take two or three days, or maybe a week, for the form to come in. If we cannot process it prior to the election, then that is a good possibility. It is not a likelihood. Once we mail out the sample ballot or once we mail out an identification card, the post office department usually returns it. The return of the sample ballot is the first indication that we get that there is something wrong with that address.

ASSEMBLYMAN VILLANE: Now is it possible, for instance, for somebody to register perhaps in Monmouth County and say that he lives at 20 Lincoln Avenue, and then register in Summerfield? Do you have a computer cross-check of names?

MR. HOLLENDONNER: No. If we get a registration form in our office and that mail form indicates a prior registration in Middlesex County, we contact Middlesex County.

ASSEMBLYMAN VILLANE: Suppose you don't put "prior" - you just register.

MR. HOLLENDONNER: If you check off "first time registered," - that's right - we wouldn't check.

ASSEMBLYMAN VILLANE: In other words, it could be possible that I could register in all the 21 counties ---

MR. HOLLENDONNER: It's possible.

ASSEMBLYMAN VILLANE: (Continuing) --- and then just say that I lived there or had an office there or that's my domicile, and you would send a registration card out.

MR. HOLLENDONNER: That's correct. The problem there is that by law we are required to make certain presumptions. If someone says, "I'm a citizen,"

- and we have numerous instances where persons register who are not citizens - by law, if they sign the affidavit, we are required to assume that it is valid.

ASSEMBLYMAN VILLANE: Would it be a greater problem to check the authenticity of multiple registrations under a new form than it is today?

MR. HOLLENDONNER: Yes, it would be. Any legislation that creates additional activity for an office would be more burdensome and would be more costly. I don't know what the answer is.

If you want a suggestion from me and if you are really concerned and you feel that instant registration is the only alternative - I don't advocate this - but perhaps I can suggest that rather than giving the municipal clerks the authority, you have legislation, if you want instant registration, requiring the prospective voter to come into a Board of Elections' Office or Superintendent of Elections' Office where the investigation can be made. If it can be determined that that person is a qualified resident, then issue him an emergency voting authority as we do on election day. Give him the voting authority and then he can go to his appropriate voting district and vote at the polling place.

ASSEMBLYMAN VILLANE: That would make an extra trip for the political hacks that are rounding up these so-called voters.

MR. HOLLENDONNER: That's true.

ASSEMBLYMAN VILLANE: I want to ask you one other thing. Is it really a fact that the Secretary of State --- Did you say the Secretary of State conducted a registration drive?

MR. HOLLENDONNER: In the last gubernatorial election, - I think they called it Operation '77 - I have forgotten the phrase they used - but they had approximately 25 or 30 individuals who were hired whose responsibility it was to go into cities like Trenton, Camden, Elizabeth, Newark, to secure voter registrations. They were paid on the basis of the number of registrations they received.

ASSEMBLYMAN VILLANE: And that was paid for by the State?

MR. HOLLENDONNER: Yes.

ASSEMBLYMAN VILLANE: Is that legal?

ASSEMBLYMAN CODEY: That was called, "Operation - re-elect Byrne."

ASSEMBLYMAN GORMLEY: I'm glad you said it.

ASSEMBLYMAN VILLANE: I have heard about that and I have heard it is being done today. But I really question the legality of using taxpayers' money at the discretion of somebody in a department politically oriented to pick the areas to register people.

MR. HOLLENDONNER: I can't give you an answer. I'm only an administrator.

ASSEMBLYMAN VILLANE: I understand. Thank you very much.

ASSEMBLYMAN CODEY: Thank you very much, Mr. Hollendonner.

Mr. Michael Brown of the U. S. Labor Party.

M I C H A E L B R O N N: My name is Mike Bronn and I am representing the U.S. Labor Party.

Mr. Chairman, the U.S. Labor Party has participated in extensive investigation of vote fraud in Ohio and Wisconsin, traceable to same-day registration procedures. Furthermore, the U.S. Labor Party has in its possession a suppressed report from the Deputy Attorney General in Washington, D.C., opposing same-day

registration on the federal level and warning in strong terms of the increased likelihood of vote fraud should the proposed bill be enacted.

Also, the U.S. Labor Party has compiled extensive press coverage from Wisconsin, Ohio, and other states, which reports on the evidence of vote fraud traceable to same-day registration and which editorializes strongly against the procedure.

It is not true, as some have stated, that there is no evidence of vote fraud stemming from on-site registration. Quite the opposite is the case. In fact, of the two states which "piloted" same-day registration, Ohio has repealed the measure through a 1977 referendum; and in Wisconsin, a bill is presently awaiting to be brought on the floor with more than a dozen bi-partisan co-sponsors for its abolishment.

In other words, in two states where the procedure was tested, there is overwhelming support for its repeal.

My testimony will be presented in the following sections:

1. The Congressional opposition to the bill, HR 5400, as it was called, and its withdrawal, and the memorandum from the office of the U.S. Deputy Attorney General in Washington, D.C.

2. A review of the statements made by nationally-prominent individuals in opposition to HR 5400.

3. A survey of the press accounts from around the country opposing same-day registration, citing evidence of vote fraud as well as unmanageable administrative problems.

4. A summary of the Ohio case.

5. A summary of the Wisconsin case.

6. A brief report on the evidence of vote fraud in New Jersey from last November's election, even prior to the enacting of this proposed bill.

ASSEMBLYMAN CODEY: Mr. Bronn, let me start out, number one, by asking you to limit your remarks to maybe five or ten minutes.

MR. BRONN: They will be.

ASSEMBLYMAN CODEY: Number two, I don't want to hear testimony on a bill in Congress, but on this bill.

MR. BRONN: Chairman Codey, the only reason I wanted to bring that up was to give an indication of the nature of opposition from Congressmen - bi-partisan Congressmen.

ASSEMBLYMAN CODEY: We are taking testimony on Senate Bill 276, not on HR whatever. What they have to say about that bill is fine with them, but that is not the purpose of this hearing.

MR. BRONN: May I mention and read an excerpt from the statement of the Deputy Attorney General in Washington, D.C.?

ASSEMBLYMAN CODEY: Is it on New Jersey Senate Bill 276?

MR. BRONN: No. It was relating to the way it was proposed at the federal level.

ASSEMBLYMAN CODEY: No, just on this bill, sir. Let's be fair.

MR. BRONN: I presume that the following information is deemed relevant and pertinent to the considerations; if not, I am sure you will let me know.

ASSEMBLYMAN CODEY: I will.

MR. BRONN: We have compiled very extensive press coverage which clearly

demonstrates that in the cases of Ohio and Wisconsin, in particular, there has been massive and overwhelming opposition to the measure which is currently being proposed for New Jersey. Many people on the Committee have raised the question: What evidence of vote fraud has there been? Has this, in fact, contributed to vote fraud? Can you give me some facts and figures? Or, are we simply speaking in a speculative manner?

I have cited a number of editorials as well as articles from the press in the Midwest, from the press in Atlanta, Georgia, and other parts of the country, which nevertheless, I think, gives the appropriate picture of the kind of consideration and investigation of the empirical data following the use of such procedures in other states. Rather than go through in exhaustive detail what those quotes are, I have them available in the written material which we made available to you, Chairman Codey.

I shall simply cite that the U.S. Attorney in Illinois testified in opposition to it. The head of the Illinois Board of Elections testified in opposition to it. The GOP National Committee has rejected the measure on a federal level and where it has cropped up in various parts of the country. On and on and on that list goes. However, for the sake of brevity, I will pass over those specifics. You can certainly check them out yourselves. But I would like to clear the record, so to speak, on the cases in Ohio and Wisconsin because this is very pertinent information for people considering how to vote.

Voters in Ohio voted overwhelmingly on November 8, 1977, to abolish same-day voter registration in the state. This has been widely interpreted as a rejection of President Carter's federal election-day voter registration legislation.

By a vote of 59 percent to 41 percent, Ohioans for the Preservations of Honest Elections, the nonpartisan group which placed this Referendum No. 1 on the ballot, carried the proposal to repeal Ohio's "same day" law, which was passed in January, 1977, over Republican Governor Jim Rhodes' veto.

A committee spokesman declared on WCBS radio in New York in the second week of November, 1977, that the vote "shows that the U.S. population does not favor laws which increase the danger of fraud," and that "the Ohio vote means it will be impossible for the Carter Administration to bring its election reforms to the floor of Congress next year."

One determining factor in its repeal, I should add, was the call by the Ohio Chapter of the International Brotherhood of Teamsters to its members to vote for the repeal of the same-day measure.

The issue of vote fraud in Ohio had been a central one for a year before the 1977 elections. In December, 1976, after Gerald Ford lost Ohio to Jimmy Carter by about 11,000 votes, which, by the way, is less than one vote per precinct, the U.S. Labor Party, joined by individual Republicans, proved in Federal Court that more fraudulent votes had been cast in the election than the determining margin of the Carter victory. Labor Party evidence showed that certain sections of the AFL and CIO were involved in carrying out this activity.

In its court case before Federal Judge Kinneary in Columbus, Ohio, the Committee for Fair Elections, which was a group composed of the U.S. Labor Party and individual Democrats and Republicans, presented the evidence. The evidence proved that in Cleveland and Toledo alone, two cities, at least 15,000

fraudulent votes had been cast. The margin was 11,000 in the victory.

Judge Kinneary ratified the evidence and the methods of collection, but refused to grant the Labor Party petition to stay the meeting of Ohio's electors until a new election could be held, on the grounds that intent to fraud had not been proved. In other words, you need to prove both that fraud was carried out and that there was intent to fraud. You have to produce the body, so to speak.

A similar decision had been handed down a few days earlier in New York State by Federal Judge Jacob Mischler in the case brought to that court by the U.S. Labor Party and individual Conservatives and Republicans.

Lastly, on the Ohio case, further proof of fraud was later given by Ohio's Secretary of State, Ted Brown. His office conducted an investigation into same-day registrants who voted in the Cleveland mayoral election. Of the 10,000 same-day registrants, 46 percent were found to have registered irregularly or illegally - 46 percent.

Let's move on to Wisconsin very briefly. There is a bill about to come on the floor in Wisconsin with more than a dozen bi-partisan co-sponsors for the repeal of the measure in Wisconsin that allows people to register on the same day.

I have here in a stack of evidence the memorial resolutions passed by city governments of Bayside, Green Bay and other such cities in Wisconsin, stating their support for the measure to repeal this procedure.

Furthermore, in an investigation that was carried out - and again I have it on the masthead of the County Clerk of Middleton, Wisconsin - of the registrants after the fact, in which postcards were sent out right after the election, the percentage of return in city after city of postcards sent back, marked by the Post Office "undeliverable" or "addressee unknown" was 6, 7 and sometimes 8 percent: Appleton, 5 percent; Green Bay, 4.3 percent; Monona, 7.7 percent - on and on it goes. Of course, turning up the person who did that is another story.

Furthermore, we have a memo from Gerald Ferwerda, who is the Executive Secretary in the State of Wisconsin, stating that contrary to belief, in states where the measure had been enacted, there was no substantial increase in turnout at the polls at election day. And that study is verified by this study, which I urge all of you to take a look through, called, "The Election Day Registration: the Minnesota and Wisconsin Experience in 1976," and particularly the last several pages which summarize and which say explicitly that this is the case.

In summary, there is on the record evidence of significant vote fraud in these two states, traced to same-day registration by leading government officials. I would state that it is irresponsible for any member of the New Jersey State Legislature to vote on this matter without first appropriately investigating this information. I would hope, for example, the Secretary of State in New Jersey takes it upon himself to contact Secretary of State Ted Brown in Ohio and get first hand the report from him. We have spoken with him and he is more than willing to provide that information.

Lastly, and just to underscore the kinds of things which have been mentioned in passing by previous speakers. There are already massive indications of vote fraud and irregularities in the 1977 election in New Jersey. Mrs. Bessie

Hicks, who was the Republican Ballot Security Officer in the City of Newark in 1977, has made available to me some of the xeroxed copies of the registration sheets which she and her daughter went through painstakingly, and crossed out the people whose names nevertheless appeared on the registration rolls that morning. There were people who were either deceased or there was no such person at the address that was given. You can see and people in the audience can also see the significant percentage of names that have been crossed out of nonexistent voters.

How many of these people voted in the election, we still don't know. That investigation has to be conducted.

I would simply reiterate then that I would propose that particularly members of the Committee conduct the kind of thorough investigation and examine the evidence from Wisconsin, Ohio and other such states instead of relying on hearsay which claims that there is no evidence of vote fraud and that everyone seems to love this bill in other states, and what's the matter with people in New Jersey, and which wants us to open the floodgates to potential fraud in the hope of getting a few people to crawl out of cracks. Thank you.

ASSEMBLYMAN CODEY: Any questions?

ASSEMBLYMAN MC MANIMON: The publication you had there, was that by Richard Smolka from the American University?

MR. BRONN: American University - that's right. He is a Professor of Political Science.

ASSEMBLYMAN MC MANIMON: He is considered one of the experts in voter registration.

MR. BRONN: Right. I will leave with you the xerox of the last several pages.

ASSEMBLYMAN MC MANIMON: I noticed you showed a registry list of names crossed out.

MR. BRONN: Right.

ASSEMBLYMAN MC MANIMON: I think it is a common practice though for most Superintendents throughout the State to update their lists and purge names that don't belong on them. I can see in a city such as Newark where you could have a certain percentage of deaths in the course of a month and the lists may not be completely up to date.

MR. BRONN: The problem on this is that these names nevertheless appeared as valid names election day and it was left to the individual poll watcher on the spot to counteract this on a one-by-one basis. All I am stating - and this is my last point on this - is that this gives some indication of the kind of chaos and confusion and serious investigation which has to be conducted. You obviously cannot do that on the same day.

ASSEMBLYMAN MC MANIMON: But I am saying that once that registry list comes out, they still conduct an up-to-date purge; and most Superintendents, I think, will verify that. So, actually, when that registry list comes out, there are deaths that take place prior to its publication and prior to election day.

MR. BRONN: According to Mrs. Hicks, that was not the case. She, unfortunately, could not come down here today herself.

ASSEMBLYMAN CODEY: Any further questions?

Mr. Bronn, that is only a list of registered voters that is made up months in advance of the election. Those people who are on the challenge list

are still listed on the voters' list as eligible to vote when, in fact, they are not eligible to vote or, at least, are on the challenge list. So that is not a fair ---

MR. BRONN: Well, one more thing on this then, you may be aware of the fact and if there is an Essex County Superintendent of Elections present or a representative -- It was my understanding - and you may know this, Mr. Codey, since you are in the county - that with the postcard registrations, just as another example, a full list of potential voters was assembled and then sample ballots were sent out. I was told by two different sources that 12,000 sample ballots came back in Essex County, alone, which is quite a substantial number. What I was told was that those 12,000 were not investigated or purged from the rolls. (Mr. Bronn's written statement can be found beginning on page 1X.)

ASSEMBLYMAN CODEY: That's why we win by 60,000.

We will now recess and resume at twenty minutes to two.

(Recess for Lunch)

AFTERNOON SESSION

ASSEMBLYMAN CODEY: Our first witness this afternoon will be Thomas Warwick of the New Jersey Municipal Clerks' Association.

T H O M A S W A R W I C K: Thank you very much, Chairman Codey, members of the Committee. I am Thomas J. Warwick, Municipal Clerk of the Township of Hamilton, in the County of Mercer. I am appearing before you today representing the Municipal Clerks' Association of the State of New Jersey. Mrs. Norma Cisco, Clerk of Sparta, New Jersey, the President of our Association, was unable to appear before you today and has asked me to represent her.

My purpose is to impress upon this Committee our strong opposition to the passage of Senate Bill 276. Since the introduction of this bill, the Clerks' Association has done considerable research on similar laws of this nature and their impact on the election systems in other states.

After an exhaustive study, they are firmly convinced that this bill, if adopted, would in no way enhance our present registration system and our election process.

For the record, I offer this brief but sincere message: The membership of the Municipal Clerks' Association of New Jersey, Incorporated, wish to go on record in opposition to any mandated on-sight voter registration at the election polls. This professional Association of the city, township, borough, and village clerks cite the temptation of voter fraud under this system which would increase voter distrust and, therefore, voter apathy. Furthermore, the potential for manipulating elections would be substantially increased under the proposed legislation.

Serving as election administrators, the municipal clerks are not convinced that on-sight registration is effective in increasing voter turnout. In addition, non-fraud related errors, already confirmed in the states that have enacted on-sight voter registration, indicate that local, state, and national elections can be jeopardized by use of this registration system.

The Municipal Clerks' Association of New Jersey strongly supports positive methods of increasing citizen participation in the voting process. One of its major objectives is to gather and disseminate information on programs which are effective in registering voters and informing citizens of the importance to exercise their franchise and vote.

Members of the Committee and General Assembly, the Municipal Clerks proudly join with other groups appearing before you today in opposition to this bill and ask that you work to defeat this bill and maintain our present system of registration. Thank you.

ASSEMBLYMAN CODEY: Thank you very much, Mr. Warwick. Are there any questions? (no questions) Thank you again, sir.

Our next witness will be Lucy Mackenzie of Common Cause.

L U C Y M A C K E N Z I E: Thank you very much, Mr. Chairman. I am Lucy Mackenzie, Executive Director of New Jersey Common Cause. Thank you for the opportunity to present our views here today.

Common Cause supports S-276 because we believe that every possible opportunity to register and vote should be made available to the citizens of New Jersey. In Senate debate on this bill, Senator John Russo said, "There is almost a suggestion that we make voter registration a little inconvenient."

Unfortunately, there is a widespread feeling that people should be willing to suffer a bit to earn the right to vote. And, I personally found this exemplified in Mayor Rafferty's testimony, which to me was rather offensive in its condescending attitude.

The United States today remains the only major democracy where the responsibility to register lies entirely with the citizen. Since this is the case, Common Cause feels that election day registration should be adopted as a complement to postcard registration, to make it as convenient as possible for citizens to register and vote.

I know that there are legitimate fears of election fraud, and they should not be taken lightly. Common Cause, the League of Women Voters and a number of legislators were at first reluctant to support the concept of election day registration. For many of us, the amendments to S-276 were crucial. They are excellent amendments, and the best one removes election day registration and voting entirely from the local districts. Many potential problems are thus avoided, such as long lines, voter confusion and poll workers' resistance to a new procedure.

The bill contains many anti-fraud provisions, and I am sure you are all familiar with them. Those who oppose election day registration because of the potential for fraud must be reminded that the possible abuses they cite in general can take place under New Jersey's present system of voter registration. There is now no routine check of registrants. An applicant does not have to provide identification and does not even have to appear in person. On the other hand, election day registration would be a boon to the many people who have recently moved into the district. A study of election day registration in other states reveals that at least half of the new registrants were individuals re-registering as a result of a change of address. These are the conscientious, interested citizens whose legitimate needs would be met under S-276.

From women's suffrage to postcard registration, efforts to increase voter participation have met with strong opposition. Although the objectors were sincerely concerned, their fears have not been realized. The reasons for declining voter participation are many and complex, and there is no pretense that this bill will solve the problem. But, we are impressed with the fact that in 1976, the five states with election day registration had an average turnout rate 12 percent higher than the national average. We would like to see the system given a chance in New Jersey.

Mr. Chairman, I would like to add to these remarks by saying that I was somewhat taken back by some of the testimony we heard this morning because it was completely at variance with my own research. I went back to the office and I called both the League of Women Voters and Common Cause in Ohio to find out what the situation was there. The situation is extremely complex and I won't try to explain it to you entirely, except to say that the bill there was much more comprehensive than this one and it included postcard registration for the first time.

The campaign to repeal the law was a purely partisan campaign. Both of these organizations felt that it was very unfairly presented to the voters. But, of course, as you know, it did succeed.

The League of Women Voters representatives told me that there is a statewide official, presumably the Secretary of State, who is in charge of

checking out election day registrants. He sent out postcards to everyone who registered in the 1977 election, on election day, and voted. The League representative has been back to his office at least a dozen times to ask him what he has found out about voter fraud and he has had absolutely nothing whatsoever to report to her so far. So, I think that any allegations of fraud in Ohio should be taken very lightly.

Mr. Smolka's book was quoted to you as being extremely critical of election day registration and, indeed, it is. Mr. Smolka does not like the idea of election day registration at all. But, he is honest enough to write that his fears were completely unfounded and I would like to read a couple of quotes to you. Under the section Minnesota, they have a system also where cards were sent out to those registrants who appeared on election day. "There was nothing in the pattern of undeliverable forms that caused any of the auditors or city clerks in other jurisdictions to believe there might be an organized effort at vote fraud." That was from Minnesota.

And, in Wisconsin, "In each county there were some persons who could not be found, but no district attorney considered this grounds for believing that vote fraud had occurred, much less evidence on which to base a prosecution." On January 27, 1977, Thomas E. Martin, Assistant U. S. Attorney wrote about Wisconsin. "To date, no one has been able to substantiate or corroborate in any manner allegations of organized voting fraud. No one has produced a single license plate number; a positive identification of a suspicious registrant; no one has directed our attention to any registration form in particular; no one has identified or alleged that certain identified persons handed out money or threatened employees; no one has come forward who was a witness to a conversation indicating knowledge of a vote fraud scheme. Many people have suspicions and many people have shared their speculation with us, but to date no one has proved any concrete evidence to substantiate their allegations or suspicions.

"Although the State Board of Elections placed vote fraud on its agenda for three consecutive months, no one took advantage of the opportunity to register specific complaints with the Board." I would like you to register that too. Thank you very much.

ASSEMBLYMAN CODEY: Don't leave.

MRS. MACKENZIE: Oh, excuse me.

ASSEMBLYMAN CODEY: Dr. Villane.

MRS. MACKENZIE: Doctor.

ASSEMBLYMAN VILLANE: I was just wondering a couple of things. Have you ever really experienced an election day campaign in an urban area, yourself, personally?

MRS. MACKENZIE: No.

ASSEMBLYMAN VILLANE: You haven't?

MRS. MACKENZIE: Well, I live in Princeton, so I think that answers your question.

ASSEMBLYMAN VILLANE: And you have run for office?

MRS. MACKENZIE: I have indeed.

ASSEMBLYMAN VILLANE: Do you know what street money is?

MRS. MACKENZIE: I do. We have all heard a lot about that.

ASSEMBLYMAN VILLANE: Do you know how street money is used?

MRS. MACKENZIE: Yes, I believe I have a general idea.

ASSEMBLYMAN VILLANE: How?

MRS. MACKENZIE: Well, it is mostly to bring people to the polls. That is my understanding.

ASSEMBLYMAN VILLANE: Do you know that in fact street money is used to pay people per capita for how much they bring to the polls and on the way to the polls, they are paid to influence in the way to vote?

MRS. MACKENZIE: I won't say that I know it, but I have heard it, of course.

ASSEMBLYMAN VILLANE: Any urban politician can tell you this.

MRS. MACKENZIE: I wouldn't dispute your statement. I will let you take that up with Mr. McManimon.

ASSEMBLYMAN VILLANE: I really appreciate -- you know, you group has done many wonderful things and you have really done a lot but sometimes you can be so altruistic that you can't be realistic. I am telling you realistically what is happening and I can tell you realistically what will happen if this bill is passed. This is just another adjunct for politicians to use people, and especially minority people and especially illiterate people and especially people in half-way houses and nursing homes.

MRS. MACKENZIE: But, can't they do that anyway, Dr. Villane, under the present system?

ASSEMBLYMAN VILLANE: But, they can't do it so blatantly because we have an opportunity to check within that 30-day period. Under this situation, I can go to a nursing home with a bus and I can pay the fellow that owns the nursing home \$50 and say that we are going to take the people on an outing. And, we will take those people to a poll and say, "The man that runs this house" - and they are very frightened people; I don't know whether you are experienced with half-ways houses--

MRS. MACKENZIE: I am sure that is true.

ASSEMBLYMAN VILLANE: Okay. And, do you know, in fact, that that is really a fact of life and that happens and if we pass this bill - the bill that you are endorsing rather naively - we are going to be opening it up even more to unscrupulous politicians and ward heelers. I really say that to you. It is not a question to you. It is a fact of life and I really wish you would consider that. That is really what happens.

MRS. MACKENZIE: Well, I assure you that we have considered the fraud aspect and it was in response to Common Cause and the League of Women Voters that the present amendments were adopted, which I think go a large way to meet the objections on the basis of fraud. Again, I would have to point to the places where it is being done. I think the things I read to you were extremely convincing.

ASSEMBLYMAN VILLANE: They are convincing in the fact that they are not New Jersey. You know, in New Jersey, for instance, you don't have to speak English to go to a poll and vote in New Jersey. You don't have to understand or read English. Did you know that?

MRS. MACKENZIE: But, that is true whether you register on election day or not.

ASSEMBLYMAN VILLANE: Okay. That is true, but, you know, out West they don't have that problem. We get people into polls in New Jersey that can't read, write, or speak English and if you read to them - you know, "Under penalty

of law if you sign this thing you are going to receive the penalty of a \$1,000 fine" - they don't understand what you said. All they know is the guy in the bus, or the truck, or the car said vote Column I -- Column A all the way, I guess you have never heard of that.

MRS. MACKENZIE: Yes, I have heard of that.

ASSEMBLYMAN VILLANE: All right. So, I mean, please, your group should really be aware of what is theoretically correct to give the electorate the right to vote and what is practically happening. That is what you ought to watch out for.

MRS. MACKENZIE: Thank you.

ASSEMBLYMAN CODEY: Mr. Matthews.

ASSEMBLYMAN MATTHEWS: Once again, I have the greatest respect for Common Cause but since last year when we started with the right to postcard registrations, it seems that we really have no checks. There has really been no analysis done and it seems that unless somebody calls for a recount - unless some individual takes the initiative - there are no real studies going on about how many people have voted legally and how many have cast their vote fraudulently. Though we talk about the laws and we talk about the checks and balances, there is no way to implement them and they don't implement them, only by exception.

I would like to see Common Cause - and you talked about the League of Women Voters - do some statistics on what we have found as far as legalities go in regard to the postcard registration. Because, once again - as I said earlier today - I have had some bad experiences myself in which I had to take the initiative and still got no results on it. And, in our particular area - which is a combination of urban, suburban, and rural - we have had a lot of problems in the past with the 40 day registration. They were voting from apartment houses that didn't exist and things like this and we tried to clean it up. But, I think in theory I would like to see everyone be able to come to a poll and register. We as politicians are aware of the laws and how to get people out. Most people have too many of their own problems and they are concerned about their day-to-day lives, and justifiably so. When it comes to voting, they would like to vote but they forgot to register. That doesn't mean they are not good Americans or that they are not patriotic.

MRS. MACKENZIE: I am glad to hear you say that. I appreciate that.

ASSEMBLYMAN MATTHEWS: You know, I am realistic in that aspect. But, we live with it day-to-day because we want to be elected - or re-elected - or we wouldn't do it. But, I think that we ought to make sure that we protect the whole democratic process. I think before we go into something new, we ought to examine what we have done before to make sure it is working. I think that if we learn by the experience of what we have done and make sure we clean up that act, then we should go into something new.

I realize that probably this would benefit the Democrats more - of which which I am one - than it would the other party -- whoever they might be.

MRS. MACKENZIE: You might be interested - the minority members on the Committee might be interested - to know that in several of these states, the minority was helped more than the majority. It was completely surprising to everyone, but in the rural areas the voter participation did increase. Although we admit this is not a panacea, there is no question that it it will increase voter turnout because the people who go there don't go there

to register, they go there to vote and they definitely are going to vote. They would not have registered otherwise.

ASSEMBLYMAN MATTHEWS: But, as Doctor Villane pointed out, I have seen street money. I know in my particular town street money is not necessary, but in part of my district they feel it is necessary. I just envision someone going into a local tavern and getting one-half dozen people and saying, "Hey, let's go out and vote" and work it on them. I can see this because I have been there and I know the kind of things that go on during election day - on both sides. This is what bothers me because, once again, I have been there. I certainly want everyone to vote but I think I brought this out and others have brought it out during the day, that once they vote fraudulently you can make the penalty very strict. In fact, I would even, if I were to amend this bill, say a mandatory five-year jail sentence or something like that.

MRS. MACKENZIE: Wow.

ASSEMBLYMAN MATTHEWS: I would really put it to them and say that you had better be right when you vote - to know what you are doing. To me, to say, Yeah, we will catch them -- they are not going to catch anybody; they are not going to know who to catch. Are they going to catch the John Smiths, as I referred to before? Where are you going to catch them at? If they are going to do it, they are going to do it right; they are not going to do it to be caught.

I don't know how-- I guess I feel bad when I ask you a question, more or less, because it is hard to ask a question in a case like this because I can't ask how are you going to insure an honest vote; that is not your group's responsibility.

MRS. MACKENZIE: No, hopefully.

ASSEMBLYMAN MATTHEWS: It is the responsibility of the law. I guess what I am saying is to compliment what Doctor Villane was saying, I would like to see some effort put into how it is working out today, as opposed to us looking for something else in the future. We ought to insure that what we have today is at least reasonable. Once again, to say there is an absence of vote fraud is very true, but there is no process really to go after vote fraud. We don't have any commission to go out and check for vote fraud and make sure there is none and I dare say, in my own district, if you went out to check, you would find a lot of people voted illegally last time and we have been cracking down on it for the last seven or eight years.

The thing is, had I won by a smaller margin of votes, then somebody would have had a recall procedure. Once again, I disagree with that. I don't think somebody should initiate that -- not recall, I mean recount. The recount should be automatic. A citizen or someone should not have to call for a recount. That should be done automatically. That is just a plug for a bill that I am having drafted right now.

MRS. MACKENZIE: We will remember that.

ASSEMBLYMAN MATTHEWS: I hope you will support that.

MRS. MACKENZIE: Thank you.

ASSEMBLYMAN MATTHEWS: Thank you.

ASSEMBLYMAN MC MANIMON: I have one question about something I am concerned with. Lucy and I are old friends. We go back to when she was quite active in the League of Women Voters, particularly when we moved the postcard

registration. I talked to you on numerous occasions about that. I think you know we reduced it from 40 to 30 days with the registrations and then we went into the postcard and we felt sincerely, right then and there, that that was a catch-all. But, there is another added philosophy to that that I think we are losing sight of and that is that every right and every privilege must have an element of responsibility.

I think that with instant registration, we are losing that element of responsibility because now I will reflect back to a statement that was made earlier this morning with respect to professionals and the amateurs. The professionals will know how to parlay it.

MRS. MACKENZIE: I understand.

ASSEMBLYMAN MC MANIMON: Ball games aren't won in the last two minutes with amateurs; they are with professionals. That reflects back to my earlier statement, that I think we had better get back to truth and just what are really trying to attain. How do you honestly and sincerely regulate instantaneous registration?

MRS. MACKENZIE: Are you asking me?

ASSEMBLYMAN MC MANIMON: Yes.

MRS. MACKENZIE: Well, I would, again, have to refer you to the bill. We feel very strongly that the amendments that were adopted were excellent ones. I can't tell you how strongly I feel -- excuse me one second Doctor Villane--

ASSEMBLYMAN VILLANE: Which amendment?

ASSEMBLYMAN CODEY: Doctor, let her finish, please.

MRS. MACKENZIE: The most important amendment - I will again say - is the one which removes this procedure from the local districts. In reading about the way it went in other states, almost - I would say - 90% of the problems that came up administratively were due to the fact that you were mixing these new registrants with the old registrants and the lines were too long so it became confusing. So, I think that this is a very ingenious amendment.

ASSEMBLYMAN MC MANIMON: Realizing that that amendment was adopted, you would reflect back to paper ballots?

MRS. MACKENZIE: Yes, sir. Are you saying that I am advocating paper ballots? I don't know; that is a complicated question, Assemblyman McManimon, and I don't think anybody has the answer yet. I think it is a problem because if it is being done on the municipal level - and it is under the bill - you are going to have some mechanism for voting there. If it is a voting machine, a large voting machine - as has been pointed out - is expensive. I realize that the districts have extra machines but there may not be enough to go around. But, I would point out another thing that could be done and that is electronic voting. An electronic voting machine costs \$200, compared to \$2,000 for a big one. And, if you don't want to go the paper ballot route, which I can certainly understand, this is something that should be considered.

ASSEMBLYMAN MC MANIMON: The reason why I ask these questions, Lucy, is - and it is rather ironic - because my Congressman initiated it in Washington; my Senator happened to initiate it here in this respected legislative body...

MRS. MACKENZIE: You are really on the spot.

ASSEMBLYMAN MC MANIMON: ...I notice today we had the Director of the Democratic State Committee and my Chairman happens to be the State Chairman; and I have to admit, personally, within myself, I disagree with them; I question

the constitutionality of it with reference to the continuity of the election process - and I think we will hear about that a little later from one of our other speakers when he gets a chance to speak.

MRS. MACKENZIE: I respect your opinion, Mr. McManimon.

ASSEMBLYMAN CODEY: Assemblywoman?

ASSEMBLYWOMAN KIERNAN: Yes, Mrs. Mackenzie, I was very interested when you mentioned you are from Princeton because one of the questions I wanted to ask someone today was this: I have a friend out in Madison, Wisconsin, whose son attends school out there, and when this legislation first took place out there I was told that that was how they were hazing them for the fraternities - that you had to vote 10 times to get in and that they were getting away with it. You know, I am not saying that because they did it there, they are going to do it in the colleges here, but it does raise a very interesting question about that particular population. We have a couple of towns that have large student populations and those students are very often registered in one place or the other. It seems to me that - again, not saying that students are crooks because I have a bunch of college kids in my family - it is an opportunity for a person to cast a vote at least twice and, what's more, to "take over" a college type town.

MRS. MACKENZIE: Well, it is very difficult for me to understand, Assemblywoman, how this could happen under this system because -- What town do you live in? I have forgotten.

ASSEMBLYWOMAN KIERNAN: Little, tiny Harrington Park.

MRS. MACKENZIE: Okay.

ASSEMBLYWOMAN KIERNAN: I know every voter by name.

MRS. MACKENZIE: In Harrington Park, if you had a college there, the student would go to the Municipal Clerk, presumably, and register and vote. He could hardly reappear again later in the day.

ASSEMBLYWOMAN KIERNAN: No, what I meant was that they would have their absentee for voting where they lived otherwise and they would walk in to the new place where they were living and register and vote.

MRS. MACKENZIE: I see. Well, I can't answer that. But, again, I will go back to where you cited that it was happening in one of the states, the person who knew about this apparently didn't do anything about it.

ASSEMBLYWOMAN KIERNAN: Well, I assume that they did, because it was a very public spirited person who was outraged by it. So, perhaps it hasn't gotten to that point.

One other question, through you, Mr. Chairman, you said that the amendments in the bill were pleasing to Common Cause.

MRS. MACKENZIE: Yes.

ASSEMBLYWOMAN KIERNAN: I don't think you meant all of them, or am I incorrect in feeling that perhaps Common Cause would have preferred to have municipal elections also covered by this bill?

MRS. MACKENZIE: I don't think I can comment on that. I was not with Common Cause at the time and I haven't discussed that particular amendment. I guess I will have to echo Senator Merlino. I don't know why that was put in there, frankly. I would rather not comment on that particular amendment.

ASSEMBLYWOMAN KIERNAN: Okay. Thank you.

ASSEMBLYMAN CODEY: Assemblywoman Kalik.

ASSEMBLYWOMAN KALIK: Mrs. Mackenzie, I am going to go further. Assemblywoman Kiernan spoke about the possibility-- Her remarks were more to my way of thinking than the bus loads of people being taken from the nursing homes or bars, or whatever - that requires tremendous organization and I must say I have not seen that kind of political organization in all my years of politics. However, what does concern me is that we are based on - or our democracy is based on - one man one vote and I truly believe instant registration, until we have computer capability nationwide, cannot be devoid of fraud. And, this is for the very reason that Assemblywoman Kiernan spoke of. There are absentee ballots going out, as you well know, up until seven days before election. There is registration by postcard. And, now we are going to add instant voting, which would permit, let's say, someone who is registered in two or three different states to vote.

Let's take Burlington County for example - okay? We have Fort Dix. Someone in the service--

MRS. MACKENZIE: You have what? Excuse me?

ASSEMBLYWOMAN KALIK: We have someone in the service who is registered in Utah, or Wisconsin, or wherever it is, and who has lived several other places and has voted in several other places - okay - all by absentee ballot. Then they go to Beverly at 9:00 in the morning with a friend from Beverly and register and vote. Then they appear in the Edgewater Park Municipal Building an hour later with someone from Edgewater Park and vote. Then appear in Palmyra down the road, ten minutes away, and they vote. They come back up Route 130, on the other side, and vote in 10 other municipalities, just for the sake of voting - and I am not even claiming political reasons but just for the sake of doing it and saying I can vote ten times in one day.

MRS. MACKENZIE: I wish I knew someone that anxious to vote.

ASSEMBLYWOMAN KALIK: This is really the kind of thing we are going to be permitting. I believe that we should have absolute registration. When you are 18 years old, you are automatically registered to vote and given a number - your social security number - and, therefore, that is the number you vote with for the rest of your life.

MRS. MACKENZIE: Well, let me--

ASSEMBLYWOMAN KALIK: Instant voting on election day -- we just don't have the technical capability in the State of New Jersey to do that. It is available; we just don't have it yet.

MRS. MACKENZIE: To answer that in a small way - about the person who goes through the municipalities in your county - you are suggesting they take someone - a friend - from that municipality?

ASSEMBLYWOMAN KALIK: Yes, from each municipality.

MRS. MACKENZIE: But, then, of course, as I understand it, that friend has to be a registered voter.

ASSEMBLYWOMAN KALIK: So what?

MRS. MACKENZIE: And so that person would certainly be on record with a name and address.

ASSEMBLYWOMAN KALIK: I have a friend in every municipality in Burlington County.

MRS. MACKENZIE: No, but they would be in a bad way when it was found out what they had done.

ASSEMBLYWOMAN KALIK: If it was ever found out.

MRS. MACKENZIE: Well, I would hope that there would be some check afterward. Obviously, there would be a check at the next election because the--

ASSEMBLYWOMAN KALIK: Let's assume it was found out - okay?

MRS. MACKENZIE: Yes.

ASSEMBLYWOMAN KALIK: And a vote came in very close and there was a recount - okay?

MRS. MACKENZIE: Yes.

ASSEMBLYWOMAN KALIK: And there was fraud discovered - all right?

MRS. MACKENZIE: Yes.

ASSEMBLYWOMAN KALIK: Who is to decide who that election goes in favor of? Where is this voter? Where has he disappeared to? How do we impose a penalty upon him, or her? The ability to come back after the fact is so limited.

MRS. MACKENZIE: But, I see absolutely no difference between this and what we have now.

ASSEMBLYWOMAN KALIK: We have 30 days, and I am not sure that 30 days is an absolute necessity, but at least we have 30 days to back-check our books - to cross-reference our books - to send out a sample ballot or to send out--

MRS. MACKENZIE: But, if you are registering fraudulently - and I know I have heard of many cases of this - people can arrange with other persons to receive their absentee ballot for them. This is certainly not unheard of. If you are that intent upon getting around the law, it is far from impossible. So, what I am saying--

ASSEMBLYWOMAN KALIK: I am not saying that it is impossible under today's laws. What I am saying is that what we are really doing is making it easier for that type of person to perpetrate a fraud and to go against our one man one vote ruling. At the same time, we are really opening up the opportunities for great numbers of people who are disenfranchised to vote.

I agree with you that 30 days may be too long because none of the action really happens before that last 30 days and by then it is too late to get these people to vote because the registration deadline is over and the ballyhoo has just started. Maybe 30 days is too long. Maybe we ought to go back to a week or 15 days or something like that. But, I am not so sure I can support instant voting until we are computerized enough to be able to make those kinds of checks to prevent fraud on a one man one vote basis.

MRS. MACKENZIE: I see. Well, to sum up -- Do you have a question, Mr. Chairman? May I give a one-sentence summary?

ASSEMBLYMAN CODEY: Proceed.

MRS. MACKENZIE: In answer to all of these objections - and perhaps yours too, Mr. Chairman--

ASSEMBLYMAN CODEY: I haven't said anything.

MRS. MACKENZIE: I had heard you were opposed to the bill that is why I am including you. We simply feel that any gain that might be realized from the bill outweighs the possible ill effects. Obviously, not everyone agrees with that.

ASSEMBLYMAN CODEY: Thank you very much.

MRS. MACKENZIE: Thank you.

ASSEMBLYMAN CODEY: Our next witness will be Mr. Samuel Naples of the State Association of Elected Officials.

SAMUEL NAPLES: Ladies and gentlemen of the State Government Committee, I am going to speak on this measure from experiences going back to 1920 and the return to a system that was, in those days, filled with fraud. This bill, under Senator Merlino, would return us to the dark days when the inequities of registration procedures, before permanent registration, brought about fraud throughout the entire state.

We had poll books; you registered annually. Suddenly, there was an improvement made in the system which was later reflected in additional frauds in certain areas. The law was amended to provide that in municipalities - and I am going back many years ago - fifteen thousand population would be under permanent registration. In all of the other municipalities in this state of under fifteen thousand - and there were hundreds of them - would be under house-to-house canvass, which placed upon the person who lived in the large towns the responsibility of listing himself and registering as a permanent voter. But, it also said to the suburban voter, in a small towns, you will be on a house-to-house canvass. In many of these areas, many of these people were missing, as they said they were, in the house-to-house canvass and walked in to the polling place on election day and said, "I proved that I live at Kenelworth Drive. I have been there and you missed me in the canvass. I want to register and vote." The was that there were inequities that were produced by that system that said that in the large towns you had to be listed in order to vote and in the small communities you could walk in the last minute and insist that you still lived at a particular place -- no permanent registration. Then, the law was amended to bring about permanent registration on a statewide basis.

But, this did not absolutely bring about the foolproof conditions that the election association wanted. It happens to be that I have spent, since 1920, all my life in elections, and for 28 years in this County I was a Superintendent Commissioner of Registration. What did we do to improve this condition? The Association, mindful of the fact that laws were enacted that were not being carried out, sought to remedy the situation. In counties of this state, there were indictments because people whose names were not taken from the binders - because there was no way to determine that they had failed to vote in four years - were kept in the binders and they illegally voted.

We wanted to perfect a plan whereby all of the voters would be placed on a uniform basis. New Jersey happened to have a state election law which should have been uniform but it was being operated in 21 different ways in 21 of the counties of this state. The Association recognized this from its inception and decided it would bring about the necessary reforms to put an end to this situation. So, we had enacted into law a sample ballot through which we could provide a post office look-up, which would then tell us, upon the return of that ballot - it had to come back to us; it could not be delivered - that that person had moved. That person's name was in the binder and a paster was put on his sheet and if he or she came in to vote, they were made to prove their residences, as against the post office record which showed they had moved.

If they moved within the county, they had forfeited their right to register. So, we provided what we knew as an in-county card and sent it out and

said to that voter, if you wish to protect your voting rights, fill out the attached card; mail it back; and you will then have the right to participate in the next election. If you moved out of the county, it was incumbent upon the election system to notify the county where you moved from that you were registering in this county so that your name could be removed from the roster of the county where you originally lived.

These reforms were all brought about because the State Association of Election Officials was eagerly interested in providing a uniform basis for the conduct of elections.

Now, we are going back here to the old days. And, one of the most objectionable features of this bill is, I am a legally registered voter; I go into my district to vote and the political worker, or the Board member, says, wait a minute, sir, you moved four months ago; you don't live at 27 Butler Street. I say, yeah, I did. They challenge me. One of the most effective protections that is afforded under the statute to provide for honest elections is the right of challenge. And, the people who are instantly registered are not being faced with a challenge. If these people were voting in their own districts, the district Board of Election would know them, the Republican or Democratic Committeemen and Committeewomen would know them, and the protection could be afforded.

Now we are saying bring these people in. Are you aware of the fact that in this nation of ours, the Department of Immigration has produced statistics that show there are almost 10 million aliens living in this country? They would be the kind of people-- Yeah, they have drivers' licenses - and I am going to give you this record to show it - and they can get it and they use it. They are brought in as instant registrants by political workers who seek to get them to do their bidding. An instant registrant, if he had a desire to take part in the body politic, has one year from the date of the last election until the next election to legally register. So, if he neglects that duty and that responsibility, I, as a political worker -- and, believe me, I know every trick in the trade, how to steal an election and how to win them that way-- But, I want to impress upon you that we want to avoid this. So, the result would be that if we did not put these safeguards in here, through challenges, we are going to have a system that would return us to the days when the challenge would result in recount that would cost thousands of dollars.

I was at one recount in this county that took us some 30 days of activity and \$78,000 went into that recount. And, the fact remains that if you plan to rob a bank - as Senator Merlino said - you are violating the law. But, when I want to rob a bank, I will plan it. When I want to steal an election, I plan it. And, I can get these people who are going to be instantly registered to do my bidding. If I take them in, they are going to do what I want them to do.

Now, for many years, I served on many election commissions. I served with Senator Kefauver in 1959, together with the late Bill McFale, Superintendent of Elections of Hudson County, to attend the session to produce uniform residents requirements. Uniformity of residence is established. Here, I am going to go to some office, instantly register, and nobody knows me there. I am going to take the word of some guy that I am engineering to come in and bring a voter in to do his bidding. And, I profess that this is not a step in the right

direction.

Now, there are many things that we could do about increasing voter participation. This is not one of them. Let us analyze why there has been a complete lack of voter participation. We all know what it is. This took place during the Watergate era. This was the era when the public was dumbfounded to think that public officials would do things like this and the answer from the voting public was, it don't make a damn bit of difference who is elected, we can't gain anything from them.

The problems that beset us could be avoided by the caliber of legislation such as you people represent - and there has been a great improvement in our legislative representatives - which would bring about the reforms that would terminate the apathy that exists with the voters. But, let us not return to the dark days of many years ago. If we do, we are going to have corruption and we are all going to be a part of it. Unfortunately, I have spent my years and since I have retired in 1970 I am still actively engaged with the State Association on a volunteer basis to help and assist the counties. I have canvassed every county in this state under the direction of the State Association, to bring about improvements in the election procedures in the suburban areas and we have succeeded.

Now, let us keep uniformity. And, I am telling you now I am getting permission from the State Association next Saturday to present to the Congress of the United States a proof that the lack of uniformity some day would be a terrific challenge to the election of a president of the United States, when you have four states with instant registration and forty-six without it. How about if those four states produced a result that elected a president of the United States? Wouldn't the rest of the nation have the right to protest the fact that they were denied the same right to go in on election day? So, if we want to have instant registration in the conduct of elections, let's have it nationwide.

What happened in 1977 when this measure was presented under H.R.5400? Private investigation, conducted by the Attorney General's office - and I am leaving this with your Committee--

ASSEMBLYMAN CODEY: Mr. Naples? As I said to the representative of the Labor Party, we are only hearing testimony on the bill, not on a bill before Congress.

MR. NAPLES: Okay, sir. I wanted to leave this with you. I just wanted to point out that if we are to have uniformity, let's have it nationwide and not specifically on a state-by-state basis with the elements of fraud that exist. Notwithstanding what these people have said, I have conclusive proof of fraud with pictures of phoney registrations, phoney automobile licenses, and everything else. I am leaving it with this Committee so that they can peruse this before they arrive at a decision as to whether this bill ought to be presented to the Legislature of this state. Thank you.

ASSEMBLYMAN CODEY: Thank you, Mr. Naples. Are there any questions?

ASSEMBLYMAN MATTHEWS: I would just like to say I am looking for a campaign manager for the next campaign. (laughter).

ASSEMBLYMAN CODEY: Thank you very much, Mr. Naples.

Our next witness will be Gloria Jones of the League of Women Voters.

G L O R I A J O N E S: I am Gloria Jones, Election Law Reform Director of the League of Women Voters of New Jersey, representing over 7,500 members in 92 local leagues throughout our 21 counties. Thank you for this opportunity to voice our support of election day registration and, in particular, S-276.

For over 70 years, the League has acted as a citizens' advocate in seeking to remove administrative obstacles to voting and promote simple, clear election procedures geared to the needs of the voter. Building on the gradual opening up of the system as seen in past legislation concerning evening registration hours, out-of-office registration, and mail registration, election day registration seems the logical next step. To those who argue that registration opportunities are already quite liberal enough, we suggest that change is in order as long as any citizen, otherwise qualified to vote, is denied his or her franchise by an administrative procedure. It is in the best interest of us all to promote maximum voter participation since it is the bedrock of democracy. Legislation designed to facilitate voting is one of the ways in which the League believes the problem of low voter turnout can be addressed. Common Cause has noted that in the last election in the five states with election day registration, there was a 69% turnout at the polls as compared with a national average of only 57%. We would like to see that happen in New Jersey and believe S-276 to be an effective vehicle toward that goal.

Opposition to S-276 seems to be based on two fears: Fear of fraud and fear of problems in administration. We would like to address, and perhaps assuage, these fears.

Election day registration has been the basis of some rather flowery and poetic flights of fancy as to the potential for political mischief it presents. According to some Senators quoted by the press, only the most naive would consider supporting such a measure. We recognize that fraud can be perpetrated under S-276 - just as it can be without it - but we also see that the bill, as amended in Committee, does all possible to apprise election day registrants of the serious consequences in store for any citizen who misrepresents himself or falsely swears to and signs the required affidavit.

The idea of bus loads of people, or those proverbial tombstones, beseiging the Boards of Elections to fraudulently register and vote on election day just doesn't seem too realistic. In fact, it would seem easier at present for some fictional politician to purchase votes from registered voters than to pay individuals to register fraudulently and vote illegally - all on election day.

The opportunity to check voter rolls prior to voting would not be present with S-276, as has been noted. However, it must be pointed out that few jurisdictions do, when things get close to the wire at the end, in fact, audit voter lists for duplication and legitimacy.

You all will, no doubt, recall many of the fear of fraud arguments from the time the Legislature was considering mail registration. Happily, those fears proved as unnecessary than as the League feels they are now.

Looking at the administration of S-276, we see none of the feared chaos at the polls or inconvenience to previously registered voters, for the new registrants will not be there but in the offices of the Boards of Elections or Municipal Clerks. Their registrations will be handled by trained clerks - not the often poorly instructed district election workers. While the League is aware

of the increased duties of the county and municipal election officials, we point out that elections are, after all, for the people, not for the convenience of the election officials. People who protest that this bill will cause inconvenience really have it backwards. The legislation will remove inconvenience for those who find it impossible to vote under the present system. Good planning and training will avoid problems.

For voters whose registrations have become defective through a change of address or a name change; for citizens whose interest in voting is aroused as political campaigns crescendo in the final month; yes, and even for voters too forgetful to make the 29-day registration deadline; for all of these, the League urges your positive action on S-276.

ASSEMBLYMAN CODEY: Are there any questions?

ASSEMBLYMAN VILLANE: I have just one or two questions. You seem to assume, both you and Common Cause, that the election procedure of registration will not be held anywhere but in the Municipal Clerk's office or the County Board.

MS. JONES: Well, there is a provision for a possible other place.

ASSEMBLYMAN VILLANE: I will read this to you so you know. It says: "...may...present himself at the office of the county board of elections or the office of the municipal clerk in the county or municipality wherein he is a resident, or such additional place that may be designated by the commissioners of registration or the Secretary of State...." This means this is an amendment that doesn't mean anything at all. It may be a sign that election polling places will be the place you can register instantly.

If you think, for instance, that it is easier to influence a registered voter to vote your particular way, or to get him to the polls on election day if they had prior registration 30 days before, than going into an area and saying: "Hey, come on to the polls and I will give you \$5.00 or a pint of gin" -- I don't know where you people are from, but you don't know the realities of what happens. Those things that I am telling you about aren't out of fictional novels; those things really do happen. And, I am afraid that Common Cause and the League of Women Voters, in an effort to do something that is altruistically, perhaps, the right thing to do, has overlooked the practicalities of what elections are really about.

MS. JONES: That is your opinion, sir.

ASSEMBLYMAN VILLANE: Exactly.

ASSEMBLYMAN CODEY: Are there any other questions? Mr. Matthews.

ASSEMBLYMAN MATTHEWS: It seems as though we are talking about quantity rather than quality. With the postcard registrations, I have no statistics at all on this but I happened to be in the election board last year and I saw piles of sample ballots that were returned. A large number of these were attributed to - once again, according to the person in the election board - or based upon, these postcard registrations. Now, if that is the case, I would like to see some statistics saying, okay, how many people registered with postcard registrations that didn't vote because when they sent them, there was no such address or they couldn't reach them? Now, if these same people who registered that way and were found to be unable to vote, came in on election day and voted, how in the world would you --? I just don't know. It bothers me from the standpoint of if these postcards came back, they

couldn't vote because we had some sort of a safeguard - not infallible, but there was some sort of a safeguard - that prevented them from voting.

But, now, if these same people registered and were allowed to vote, what percentage are we talking about? I don't know but these are the kinds of statistics that I would be more impressed with, rather than you saying to fraudulently register and vote is not realistic. You are saying it is not realistic, but I don't see anything to back that up. I can say it is realistic. I mean, it is the kind of an argument where one says it is and one says it isn't.

MS. JONES: Yes, right.

ASSEMBLYMAN MATTHEWS: What can we back it up with?

MS. JONES: Well, I think a lot of these fraud arguments are pre-supposed on the idea of a fantastic amount of organization to get all of these people to the polls to register fraudulently - to the polls or the Municipal Clerk, or to your Boards of Election, or to some other designated place, which may have been the polls. I think the idea of getting bus loads of people - or any people in any quantity - altogether to do that is unrealistic -- yes, I do.

ASSEMBLYMAN MATTHEWS: I happen to come from a district where I used to watch taxi cabs come up - believe me, because I was on the other side of the fence - and I would sit there, right? I was dripping in the rain and watching because rain is not good for my political party. But, for the other party it was very good, to watch these taxi cabs come up and drop people off by the taxi cab load, and whatever else. Once again, there is organization and, believe me when something like this passes, don't you think the political parties don't go to work on this because, as Mr. Naples said, political parties are looking for ways to get votes. The name of the game is to win the election and they are going to look at these things to do that.

You know, to say it is unrealistic -- I have lived it. I have lived it and I have been trying to clean it up. I am with you; I would like to see everybody vote, but at the same time I want to see them vote legally. I don't think this is really going to-- Maybe, say, 90% are voting legally, but we still have 10%. I hate to throw out statistics that I can't back up either but I would like to see an analysis on how many of those postcard registrations came back that, had they been able to register that particular day, could have voted.

MS. JONES: I don't have that information.

ASSEMBLYMAN MATTHEWS: I know and I don't think anyone does have that information. I think that before -- I go back and I keep repeating myself and I hate to do that but to be able to come up and support something, you ought to see how the previous thing works because we are trying to build up to the best system we can have. But, before we build, we had better make sure that our base is substantial - that we have proven that the foundation is sound up to this point. But, if we have a shakey foundation and now you are going to put something on top of it, it is all going to crumble in the end. We are then going to have nothing and we are going to go back to ground zero.

So much for my editorial.

ASSEMBLYMAN CODEY: Mr. McManimon.

ASSEMBLYMAN MC MANIMON: Yes. I guess the easy thing for me to do would be to support this legislation and then I wouldn't have any headaches. But, you

know, it comes to the point where -- let's get into the truth. Let's discuss government, per se, and the cost of government. No one has even mentioned that. I would like to have an idea of what the cost factors would be to provide for instant registration. I would like to have a complete analysis in this State of what the cost factors have been for postcard registration -- additional mandated costs. And, everybody knows the economy of this State right today.

I stated earlier about right and privilege in the concept of responsibility on the part of all people. You mentioned in your statement that the percentage of increase - or you gave a higher percentage of those areas that presently have instant registration. Did you take time to analyze what their percentage of voter participation was prior to instant registration? I think you will find out that they were still running high; they were on the same par with what they presently are.

MS. JONES: The fact is, there was an increase after the election day--

ASSEMBLYMAN MC MANIMON: Did you ever take time to study the socio/economic makeup of those respective areas?

MS. JONES: No, I did not.

ASSEMBLYMAN MC MANIMON: I think it has a tremendous bearing on the type of participation you have.

You know, there is another statement about bus loads of people. Knowing the makeup of my district, here again I could keep my mouth shut and survive and come out smelling like lilacs. But, I am a realist. I am a street politician and I know what goes on in the streets and I think each and every one of you know. How you, in just conscience-- The League - I am surprised that they can support this type of legislation. When we moved the postcard registration we knew we were putting mandated costs - additional costs - on and that was supposed to have been the catch-all. At the same time, we were demanding responsibility for those involved who were participating. We are taking that away from them and do you know why? We have apathy in this State because we are making things too easy, with no responsibility on the part of the individuals. Thirty days responsibility, I don't think is a lot of responsibility when you figure they have a whole year to be involved. I am just beginning to wonder about our progressive attitude. We did it in education and we regressed 15 years. We are doing it in this area and we are going to regress more.

As Mr. Naples stated earlier: We are going back to the dark ages. I feel this way. I feel it here (indicating). That is why I am saying just what I am saying.

Has the State of New Jersey increased its participation since postcard registration?

MS. JONES: Have they increased their participation?

ASSEMBLYMAN MC MANIMON: Have we increased our participation - voter participation - since postcard registration came into effect? Now, be careful of what you say, girls, because there are superintendents present.

MS. JONES: I don't know.

ASSEMBLYMAN MC MANIMON: Well, I think we should look into that...

MS. JONES: But, we have certainly made it simpler for the voter.

ASSEMBLYMAN MC MANIMON: ...before we put another mandated cost on the people.

MS. JONES: I can't see that the cost of this could be that expensive. These are offices that are open already.

ASSEMBLYMAN MC MANIMON: You heard the statement recently made by Mr. Joseph Brady about just Hudson County alone - to the tune of an additional 450 machines, I believe, he would need in order to accommodate--

MS. JONES: I don't think it has to be done that way.

ASSEMBLYMAN MC MANIMON: I beg your pardon?

MS. JONES: I said I don't imagine it would have to be done that way - with the machines, the additional machines.

ASSEMBLYMAN MC MANIMON: To the tune of \$2,000 per machine - that is just in one county.

MS. JONES: Yes. If you choose to use the machines, yes. I can think that they would come up with a much better policy for implementing this than that -- certainly something much less costly.

ASSEMBLYMAN MC MANIMON: Right today they are downstairs worrying about deficit spending in this State and we are about to mandate additional costs. I ask myself, where are we going? I think we all ought to ask ourselves that question. I thought basically the postcard registration was a good thing for this State. In fact, I utilized the League of Women Voters' research, because I thought they had done an outstanding job on it, to move that legislation in this House. But, I now find myself opposing the opinion of the League of Women Voters and I feel it is just a gut reaction.

ASSEMBLYMAN CODEY: Assemblywoman Kiernan?

ASSEMBLYWOMAN KIERNAN: I would feel less than comfortable with myself if I didn't say some nice things about the League of Women Voters at this point, one of which is that they are women, Franny. He is calling them girls and I thought perhaps it might be nice to mention that. I understand the League quite well. Some of you may know I am a member and have been for, I guess, all of my life - it seems like it. I understand how the principles work and why the League would support a goal of this type and I congratulate you for the principles. I think that in this particular case this bill does not do exactly what the League would want it to do. I also question from time to time whether - intellectually question - we should make it so easy and take people by the hand and bring them to a polling place at that time. If someone has not paid attention to the political campaign up until the last 30 days, I am not at all sure that that is an informed voter walking into that place. And, whether we should make it that easy for someone to walk in on election day and vote, I kind of question that myself. I think people should take part in the process, with either party, or even, at that point - although I don't agree with it - as an independent voter, but not wait until the last minute and say, "Oh, yes. I have nothing else to do. Today the sun is shining. I think I will run out and vote." I am not sure that is what democracy is really all about.

I also wondered if you have given any thought to the fact that some elections are won by a handful of votes and that perhaps a larger handful may be proven to be people who registered incorrectly on the day of election? How would we settle that problem? We couldn't prove, of course, how they voted, so would we have a second election, would you think, or go to the courts as is now done?

MS. JONES: I don't know.

ASSEMBLYWOMAN KIERNAN: Because that is a question that has disturbed me a great deal. I would imagine every close election, with any number of people who have registered on election day, would immediately be a contested one. I certainly would do it myself.

MS. JONES: Perhaps that is so.

ASSEMBLYMAN CODEY: Okay. Thank you very much, Ms. Jones.

Our next witness will be Larry Uzzell.

L A R R Y U Z Z E L L: Thank you, Mr. Chairman. I want also to thank your staff director, Wayne Bockelman.

ASSEMBLYMAN CODEY: That is not necessary. (laughter)

MR. UZZELL: I'll do it anyway, Mr. Chairman. I told him more than a month ago that I wanted to testify whenever the hearing was and he got back to me instantly when he knew the hearing was to take place and I am very grateful for that, Wayne.

I know it is late and I am going to try not to repeat the points that you have heard already. I would like to start by commenting on a point made by Senator Merlino at the very beginning of the day. The Senator said that if you see the last two minutes of a game, you have seen the whole game. Now, I suggest that the last two minutes of an election campaign are very often the least constructive part of that campaign. If a politician is unscrupulous - and some are - it is in the last few days of the campaign that you see the demagoguery; you see the smear tactics; you see the airing of charges, which are known to be flimsy in the hope that they won't be refuted until after the election. And, I suggest that if you give candidates even more incentive for stampeding uninformed voters to the polls at the last minute with scare tactics, you are going to see a decline in the quality of politics and the quality of electoral campaigns.

My second point is, on the State Senate floor, a member of the majority party said that the U. S. Justice Department supports the concept of instant voter registration and that statement has never been corrected. As a matter of fact, the senior expert in the Justice Department on election fraud wrote a memo which was largely about the Washington Bill, but not entirely; there were portions of it that dealt with election-day registration in general. And, if the Chairman will permit, I would just like to read a few sentences - about 30 seconds worth, which are not about the Federal bill. If the Chairman will bear with me?

ASSEMBLYMAN CODEY: Go ahead.

MR. UZZELL: This career civil servant, criminal lawyer within the Justice Department, said that pre-registration requirements provide pertinent information about the voter's qualification at least 30 days in advance and provide for a control sample of the registrant's signature. Abolition of pre-registration will, for all intents and purposes, prevent states from protecting themselves against individuals who may seek to vote in several locations. On the basis of such comparisons 25 election officials have been indicted during the past few weeks in the eastern district of Louisiana for forging no-shows on the election day rosters. Similar comparisons have long been used as a principal method of proving election fraud cases in Chicago. The experience of the Criminal Division of the Justice Department indicates that there is a tremendous potential for fraud in election day registration.

I don't know if I stayed within the 30 seconds, Mr. Chairman, but thank you.

My third point - my last one and also my longest and I think my most provocative - is, I would suggest to you that in the long run - in the long run - same day voter registration would lead not to higher turnouts but to lower turnouts. It would create not only the ill effects, which have been talked about before today, but it wouldn't even achieve the one good effect, which the supporters of this bill want to achieve, in the long run. The most common argument that is advanced for this bill is that it is going to help solve the problem of voter apathy. But, if you pass this bill, New Jerseyans will become more cynical about politics and more distrustful of politicians than ever - and they would be right. The mechanical barriers to voting have been steadily dismantled over the past 15 years and voter turnout has declined continuously during the same period. People don't stay home because the store is hard to get to. People stay home because they don't like the merchandise and if you pass instant registration, they will have less confidence in the merchandise than they ever did before.

Now, I do agree that same day registration would provide a kind of quick fix, in the short term. You would have a slight temporary increase, as you did in Wisconsin or Minnesota, but I suggest to you that those figures are going to start sliding again once the voters get to see how the new rules undermine the whole system. The heart of the matter is not that this bill would make vote fraud harder to detect and to punish, although it would. The heart of the matter is that the bill would make vote fraud literally impossible to prevent in advance and a sound criminal justice system is one that tries to prevent crimes, as well as punish them after the facts.

If someone uses a phoney I.D. card to get into the voting booth, you may find out after the fact that he never lived at the address that he gave or even never lived anywhere under the name he gave and the only thing you may know about him is his pseudonym. So, it will take a miracle to catch him. But, let's assume you get a miracle. Let's assume that you meet Senator Merlino's criteria for having a crime - that there isn't a crime unless there is a known criminal. Even if you arrest this person; even if you indict him; even if you put him behind bars; it is really too late to undo the damage that he has already done. Once he walks out of that polling place, his vote is intermingled with all the legal votes, with all the honest votes; you can't invalidate it; you don't know who he voted for; and the only way to design the system to forestall that would be to abolish the secret ballot and I personally think that is too high a price to pay.

In Wisconsin they had an interesting experience which helps to bear out some of these points. The Wisconsin law, unlike today's bill, requires that local election officials verify the address of everyone who registers on election day. They do this by mailing out post cards after the election. The post cards are labeled "Postmaster do not forward. If undeliverable, return to sender." Now in Milwaukee last year--

ASSEMBLYMAN CODEY: I like the way you got that different voice when you said that.

MR. UZZELL: Thank you, Mr. Chairman. In Milwaukee, between four and five percent of these cards turned out to be undeliverable, which means that either the voter didn't live at the address or that there wasn't any such

address in existence. So, no one knows how many of these voters gave the wrong address just by mistake, innocently, or maybe moved shortly after the election, or even committed deliberate fraud and no one is ever going to know. That is between four and five percent if the total electorate is simply shrouded under a permanent cloud of suspicion and uncertainty. If an election is won by a narrow margin, the loser does have grounds to contest the results and call for a new election. And, fraud is so easy under instant registration, that any election result, short of a landslide, automatically becomes suspect. Like it or not, instant registration means a dramatic increase in disputed election results, like the New Hampshire Senate race in 1974 or the New Orleans House race in 1976. There is a man named Richard Tonrey in Louisiana right now, who is a former Congressman - he is also a former convict -- he was just released from jail a few months ago, where he had been sent for election fraud in the 1976 House race. It is the judgment of the Criminal Division of the Justice Department that this man would not have been convicted if it hadn't been for the advance registration requirements in Louisiana.

So, if you pass instant registration in New Jersey, you are going to see more election results being challenged, more races being settled in the courts, more districts going without representation until a dispute is settled, and more and more office-holders being seated under a cloud of suspicion, distrust and cynicism. I would respectfully suggest that this is not the way to inspire more and more people to come out and vote. It will cause nothing but disgust among honest voters. If you want to see such voters deciding to stay home in greater numbers than ever, then I think this bill is the perfect vehicle.

I forgot to identify myself, Mr. Chairman. My name is Larry Uzzell and I am a voter and also press secretary for Jeffrey Bell, who is seeking his party's nomination for the U. S. Senate seat.

ASSEMBLYMAN CODEY: Are there any questions? (no response) Thank you, Mr. Uzzell.

MR. UZZELL: Thank you.

ASSEMBLYMAN CODEY: Our next witness will be Samuel Pimm of the Committee to Stop Election Fraud.

S A M U E L P I M M: Chairman Codey, members of the Committee, my name is Samuel P. Pimm. For the record, I reside in Bergen County. I am testifying on behalf of the Committee to Stop Election Fraud, of which I am Chairman.

I hope that my testimony will answer, or shed some light on some unanswered questions and possibly raise a few points that we have missed this afternoon.

ASSEMBLYMAN CODEY: Excuse me. You are from Bergen County?

MR. PIMM: Yes.

ASSEMBLYMAN CODEY: Did you group investigate the Assembly Election in the 39th District?

MR. PIMM: I happen to be from the 39th District and I monitored that election very closely.

My opposition to the bill is based on four major points: One, does the bill provide adequate protection against the possibility of widespread voter fraud? Two, will the local election officials responsible for the plan's

implementation have sufficient lead time, resources, and money to conduct election day registration in an orderly manner? Three, will instant registration alleviate or aggravate the problem of increasing political alienation at the grass roots level? And four, will the cost in taxpayer dollars be worth the additional turnout and will local governments be able to support the cost of instant registration?

At this time, there are currently five states which have some form of election day registration. They are Maine, Minnesota, Wisconsin, Oregon, and North Dakota. These states allow for registration at the polling place after providing some form of identification and your place of residence. Maine and Oregon require voters to register at a Town Hall or County Clerk's office before voting, similar to the New Jersey bill.

The State of Ohio passed an instant voter registration bill in 1977, but last November it was soundly rejected by the voters of that State in a referendum, 62% to 38%.

The proponents of the instant registration bill point to a higher turnout and low incidence of fraud in these states that already have the program and claim that the New Jersey bill will work in a similar manner. However, as was brought out, these five states are far from being typical of New Jersey. None of them are heavily industrialized or have large minority populations, which are conducive to hiding illegal aliens. In addition, none of these states had a history of voter fraud under traditional methods of registration and all had a relatively high degree of voter turnout to start with.

Senator Merlino mentioned that Minnesota was the leading state in terms of voter turnout after they passed the instant voter registration bill. Well, before they passed the instant voter registration, they ranked second and they moved up one position after they passed it.

Likewise, North Dakota increased their voter turnout after passing the bill by eight tenths of one percent, and moved from fourth to third place. So, there is increased turnout under instant registration, but I think that the increases are quite small and these states that have the bill are known as good government states and I don't think are typical of the situation we have in New Jersey.

In the five states that have the election day registration, turnout increased an average of only two point four percent, from 1972 to 1976. The largest increase was in Maine with a four point one nine percent increase and the lowest increase was in Oregon, where it was only sixty-nine one hundredths of one percent.

At the same time, the national average for that period dropped one percentage point in turnout. The largest increase in voter turnout occurred in Tennessee which does not have instant registration. The turnout there increased six point three percent between 1972 and 1976. The actual number of people who registered at the polls in 1976 was four hundred and fifty-four thousand in Minnesota and two hundred and fifteen thousand in Wisconsin. Most assumed that the higher turnouts recorded were a direct result of the relaxed registration laws. However, the Executive Secretary of the Wisconsin election division, after conducting a detailed study of the turnout in his state, came to the conclusion that no correlation existed between increased turnout and election day registration. He argued that the people who registered at the polls

would have pre-registered if necessary.

Professor Dick Smolker, who is by now famous, of American University, says that election day registration discouraged voters from registering prior to election day. He said that election officials noted the absence of the traditional last minute rush before the close of registration period prior to the election. The majority of those who did register on election day in Minnesota and Wisconsin were believed to be voters who had previously been registered but failed to change their address and some were unnecessary, duplicate registrations.

A point that I would like to bring up, that I don't think has been mentioned before is, as of now no one has been able to explain to my why under the New Jersey bill, if it is passed, you would not be able to register to vote between 29 days and one day before the election. For some reason, the books would be closed which, if they were open during this time period, would alleviate some of the crunch on election day. But, nobody seems to know the reason for that.

Further, as a point on turnout, a 1976 study of voter participation by the Census Bureau indicates that only 2% of non-voters cited registration barriers as a reason for not voting. Therefore, if this is anywhere near accurate, I don't see how doing away with election registration prior to 30 days is going to bring an increased turnout over 2%.

As far as fraud is concerned, when this bill was brought up on the Congressional level, there was a saying that was going around Congress which I think is pretty appropriate. It says that it is a shame that Mayor Daily died because he would have loved this bill. I think the most obvious shortcoming of the instant voter registration plan is that it does not contain any real deterrence to widespread voter fraud. Proponents point to the low incidence of fraud in the states already using election day registration and the penalties contained in the bill as proof that widespread fraud will not take place. Well, just the fact that little voter fraud was reported in the states having instant registration in 1976 points out how difficult it is to detect fraud after the fact, which I think Assemblyman Matthews said when he raised this point earlier.

There are some examples of potential, or what may be construed as voter fraud in these states but they have not been brought to trial and, again, it proves how hard it is just to get a case against someone that is accused of fraudulently voting. For instance, at Mankato State College in Minnesota, three students vouched for 472 other students and later maintained that they had only actually known a handful of them. The court dismissed charges of fraud ruling that any challenge must be brought at the polling place. Of course, without the funds to mount many on-the-spot challenges, election officials fear that the system is wide open to abuse.

In Milwaukee County, 2,421 cases of possible vote fraud have been under investigation following the 1976 election. A post-election survey conducted in just 12 of Milwaukee's 333 Wards, showed that 126 persons, every one of them an election day registrant, cast their ballots in the wrong Wards. This obviously did not affect statewide races, but potentially could have changed the outcome of some local races.

In one county, social workers bussed 24 patients from the County Infirmary to the polls, some of whom were apparently incapable of providing

their names and other necessary information to the poll workers, without assistance from the county employees who accompanied them. These are just some examples of the problems that can arise in states that traditionally have little problem with voter fraud.

When instant registration is opened up in a State, such as New Jersey, which has a history of problems under existing laws, the result could be disastrous to our system of free elections. Concerns about fraud are reinforced by the fact that fake identification documents, of the kind that will satisfy the bill's requirements, are easy to produce and use. One only need to be reminded of Linda Taylor, Chicago's famous welfare queen, who had 250 aliases, 31 addresses, 3 social security numbers, and records of 8 deceased husbands.

Now, there is a very good reason that we have the system of pre-registration that we have today. When you go in to register at the Clerk's office, you are asked to provide some information about whether you have been previously registered to vote and if you were, this will enable the election officials to purge your name from the old list before you are allowed to vote in your new place of residence. And, also, it is to provide a sample of your signature, which can be used at the polls during the election as a control to assure that the registrant and the person who seeks to vote with his name are one and the same people. These requirements serve at least two critical functions in preserving the integrity of our elective system. First, the fact that a prospective voter is required to appear in person and to provide pertinent information about his qualification to vote at least 30 days before an election provides local election officials with ample time to check the veracity of his claim to the franchise to assure that previous registrations may have been voided before the election takes place. This, in turn, assures that a registrant is indeed qualified to vote in the place where he is seeking the franchise and that he is permitted only to vote in that one place.

Secondly, by providing for a control sample of the registrant's signature, registration laws enable many states to protect themselves against voter fraud by additionally requiring a voter to sign a roster at the polling station itself. The signature the registrant executes election day at the polls, can easily be checked against the control on his permanent voter registration card, which in many places is the sole, viable method of insuring that the person seeking to vote is indeed the person whose registration the local election board has previously approved and accepted. This is currently the practice in New Jersey and I believe that that is the only form of check that local election officials provide on the day of election. There is no other identification required when you go in to vote.

Abolition of this pre-election registration will, for all intents and purposes, prevent local communities from protecting themselves against individuals who may seek to vote at several locations where they are unknown, a factor which becomes all the more critical with the continuing increase in the mobility of our population, as well as prevent them from assuring that a voter is indeed qualify to vote before he casts his ballot. The elimination of the control signature, which appears on voter registration cards...

ASSEMBLYMAN CODEY: Mr. Pimm? Can you kind of sum up?

MR. PIMM: Sure. ...will deprive officials of an objective standard by which to judge the qualifications of the persons presenting themselves to

vote, while, at the same time, making proof of election fraud in a criminal case substantially more difficult.

I think that you can see the purpose of having registration - pre-registration - as far as detecting voter fraud. I would also like to say that as far as the point that Mr. McManimon brought up about increased cost, this bill makes no provisions for funding additional election officials or additional voting machines, or whatever is going to be necessary. The bill is very vague about this whole thing.

The tremendous amounts of money that I think have to be expended to implement instant registration -- you can ask the question, is it worth the anticipated 3% or so increase, which has been the average - actually it is less than that - in the states that have instant registration? I think that money could certainly be put to better use on other problems which would go a lot further towards restoring faith in our system, which will bring resulting higher voter increase.

ASSEMBLYMAN CODEY: Are there any questions? (no response) Thank you very much, Mr. Pimm.

MR. PIMM: Thank you.

ASSEMBLYMAN CODEY: Mr. Bruce Campbell from the Monmouth County Commissioner of Registration.

B R U C E C A M P B E L L: Mr. Chairman, members of the Committee. My name is Bruce Campbell and I am an investigator for the Commissioner of Registration's office in Freehold, Monmouth County. I am not an authority on this bill but I have been asked by the Commissioner, who has fallen ill, to read a statement that she has prepared. I wonder if this is possible?

ASSEMBLYMAN CODEY: Sure. Do you have copies of that statement?

MR. CAMPBELL: No, I don't.

ASSEMBLYMAN CODEY: Okay.

MR. CAMPBELL: There are individuals here opposing this bill because it is progressive. There are individuals here opposing this bill because the bureaucracy that they are comfortable with will be disturbed. There are individuals here opposing this bill because an active electorate could choose not to elect them. There are individuals here opposing this bill because they see fraud around every corner.

I believe that all the above objections are invalid. The objections are placing the needs of the bureaucracy before the needs of its people. Fraud can occur on election day registration, but the prediction of widespread fraud is groundless. This is not a naive statement but one based on the fact of my experience in Monmouth County.

If this bill does not pass, you are saying you do not have the faith, trust and confidence in the very individuals who have placed their faith, trust and confidence in you when they elected you.

Research indicates that Wisconsin and Minnesota are the only two states that have election day voter registration. As you know, these states are reputed to have the most progressive and open government in the United States. Ohio has repealed election day registration. As a point of information, Ohio does not have any voter registration in 22 counties. It would be a safe assumption that Ohio is not a progressive state in terms of their electoral system.

In closing, I would like to make a few recommendations: One, registration on election day should be conducted in the Municipal Clerk's office or the Superintendent of Election's office - no where else. This will eliminate any crowding or confusion at the polling place. This procedure would be similar to that of granting an emergency voting order.

Two, a special designation or stamp should be used on all applications - registration forms - to indicate an election day registration. This would be used as a barometer to gauge participation as a source of potential investigations. Don't be taken in by the scare tactics of my colleagues. I strongly urge the passage of this bill and implementation of election day registration.

Thank you very much.

ASSEMBLYMAN CODEY: Are there any questions of Mr. Campbell?

ASSEMBLYMAN MATTHEWS: I can't resist one comment. You said because they put all their faith and trust in us, we should put-- If they didn't register to vote, then they couldn't have voted for us.

MR. CAMPBELL: I agree.

ASSEMBLYMAN MCMANIMON: Who did you give that statement for?

MR. CAMPBELL: This is for Ellen Hect, the Commissioner of Registration, Freehold, Monmouth County.

ASSEMBLYMAN CODEY: Thank you, Mr. Campbell.

All right, our last witness will be Mr. Bob Brown.

ROBERT BROWN: Ladies and gentlemen, my name is Robert Brown. I am a Commissioner of Election in Middlesex County. I was about to say, before I sat down - not realizing that Miss Hect had a statement in the record - that all those who were proponents of this S-276 have managed to leave before they heard all the arguments against the bill. I have been sitting since early this morning making notes of various speakers and I will attempt to answer for you what happens in Middlesex County. As a member of the Board, I can tell you that the four-member Board in Middlesex County unanimously voted to go against S-276.

Let me answer a couple of your questions. We talk about the potential fraud and, yes, it is there. There are a number of ways that individuals can fraudulently vote, even under the current system. But, what happens when that fraudulent voter has voted and under the current system we, as a County Board of Elections, find that fraudulent voter? What happens when somebody currently violates the law? We have a documented case which we presented to the prosecutor in which an individual voted in the 1975 general election and in the 1976 primary election in the towns of Highland Park and Old Bridge in Middlesex County. The Old Bridge registration was the legal registration. That individual went to Highland Park and voted in the Democratic Primary of 1976 and, in the same day, voted in the Republican Primary in Old Bridge. This case was taken by this Board to the Middlesex County Prosecutor's office and the Middlesex County Prosecutor said, "Well, I don't think the guy really intended to do anything wrong -- nothing happened.

We talk about the nursing home. In the 1976 general election - the Presidential election - there were 18 absentee ballots thrown out by this Board from one nursing home in which one aide voted for all 18 residents. We threw out those 18 votes and it was for the County Committee. This person

This person had written the name of the County Committee people. That is how we were able to determine that particular case.

They talk about the statistics -- the 57% nationwide, and the states where they have an instant registration having an increase of 12% -- well, they are talking averages and on average you can walk across the Rio Grande, except you will drown three feet out from the shore because it is nine feet deep.

They claim that those who are against this law lack information and have a false concern about fraud. Let me tell you some of the things that have happened to us as a Board. Prior to the mail registration law coming into effect, our offices contained 12 girls. As a direct result of that, we now have 18 girls. That is an increase of 50%. Our warehouse, at that time, had six men. It now has eight. That is a 30% increase. The cost of running our Board of Elections prior to the implementation of mail registration has increased 21%, thanks to that law.

By the way, the original law said that the County Boards would be reimbursed at the rate of 50¢ per newly registered voter and that has since been abolished and no funds are forthcoming to the counties to take up the slack in our budgets.

Additionally, the cost of running these elections is not borne by the State of New Jersey. It is borne by the counties. And, the County Boards have to face that Board of Freeholders with that budget and we are the ones who bear the brunt of your laws. It is not you. It doesn't show in the State budget; it shows in our budgets in 21 counties.

I have other notes that I think are of interest. Middlesex County has the Rutgers/Douglass College complex within its boundaries and I assure you that we are constantly faced with the duplicate registrations from Rutgers.

There are a number of other problems that come with this law, but I want to cite for you what really happens when we have trouble. There is currently built into the law a provision that if a voter is denied franchise by the Boards of Elections, first by the local district Board, their recourse is to come to the County Boards of Elections. If the County Boards of Elections determine that the voter is not qualified to vote because he moved, changed a name, or for whatever reason, and that voter is unhappy with that provision - or with our decision - we tell them that there is a county judge sitting in the county courthouse and they should take their case to the judge. I can tell you from experience - and our Board goes down before the judge when we are informed of a voter appearing - that the judge really makes a decision by the seat of his pants, not by Title 19.

We have had individuals go before judges who are residents of other states and have attempted to get a judge to overrule this Board and were it not that one member of the Board or another was present before that judge, that individual would have been granted the right to vote, although he was a resident of Massachusetts.

I have a case in point of a young man who came in and said my page is not in the book and I want to vote. Our girls in the office talked with him and he was irate. I went to the counter and talked with him and just from asking

him how he liked going to Amherst and what he thought of Massachusetts, he told me that they had a very fine law there and that all he had to do was go in and tell them that he needed some funds and they helped him - they gave him a tuition grant. I said, "How did they go about doing this?" He assured me that all he needed to do was avow his citizenship to the State of Massachusetts. When I told the young man that since he had chosen to take the money of Massachusetts and declare himself a citizen, he was no longer a citizen of New Jersey and couldn't vote here, and he ran down to the judge. When I informed one judge that the individual was coming, his clerk informed the young man that he is going nowhere with that. He immediately ran to the next sitting judge. Fortunately, we headed him off and he didn't get to vote that day.

I want to tell you one more story. These are the problems that come with laws that permit the Secretary of State to change, regulate, or whatever you choose to call it. When the postcard registration - or mail registration - law was passed, it required that any group, or any individual seeking to do a door-to-door, or a street, canvass had to publish in the press a number of days in advance that this was going to take place. The Secretary of State ruled that that was not necessary. It took 30 days by that statute for that ruling by the Secretary of State to become legal. Four days prior to the Secretary of State's ruling becoming legal, that advertising was not necessary, Governor Byrne and Mayor Gibson took to the streets of Newark and proceeded to conduct an on-street registration program in violation of the State Law. I attempted to get the Attorney General to prosecute those two individuals for violation of the State statute.

If you are going to have a law, have it possible to prosecute people. The current law has all the mechanisms necessary for the prosecution, except that no one is ever prosecuted. Thank you very much for your indulgence.

ASSEMBLYMAN CODEY: Are there any questions?

MR. BROWN: Oh, one last comment I wanted to make. This is a question you raised. What was the extent of the duplication? Well, in 1976, out of approximately 2,500 registrations by mail, 590 were rejected because they were either duplications or reregistrations - and that is 24% of the total. So, I think that we have pretty well told you our experience with the current law. I see no need to expand upon the possibility of trouble until such time as the current laws are straightened out and we do something about enforcing them as they now stand.

ASSEMBLYMAN CODEY: Thank you very much, Mr. Brown. That concludes the hearing.

(hearing concluded)

TESTIMONY OF MIKE BRONN, REPRESENTING THE U.S. LABOR PARTY

-- presented to hearings of Assembly State Government Committee,
in Trenton, April 10, 1978 in opposition to Senate Bill 276

Mr. Chairman,

The U.S. Labor Party has participated in extensive investigation of vote fraud in Ohio and Wisconsin, traceable to same-day registration procedures. Furthermore, the U.S. Labor Party has in its possession a suppressed report from the Deputy Attorney General in Washington, DC, opposing same-day registration on the federal level and warning in strong terms of the increased likelihood of vote fraud should the proposed legislation be enacted.

Also, The U.S. Labor Party has compiled extensive press coverage--from Wisconsin, Ohio, and other states,--which reports on the evidence of vote fraud traceable to instant registration and which editorializes strongly against the procedure.

It is not true, as some have stated, that there is no evidence of vote fraud stemming from on-site registration. Quite the opposite is the case. In fact, of the two states which "piloted" same-day registration after the bill was withdrawn from Congress--because of overwhelming BI-PARTISAN opposition--Ohio has repealed the legislation through a 1977 referendum, and in Wisconsin, a bill is in the Legislature with more than 30 BI-PARTISAN co-sponsors calling for the repeal of same-day registration.

In other words, in both states where the procedure was "tested," there is overwhelming support for its repeal!

My testimony will be presented in the following sections:

1. The Congressional opposition to the bill--^{HR}5400; its withdrawal, and the memorandum from the office of the U.S. Deputy Attorney General.
2. A review of the statements made by nationally-prominent individuals in opposition to \$5400.
3. A survey of the press accounts from around the country opposing same-day registration, citing evidence of vote fraud as well as unmanageable administrative problems.
4. A summary of the Ohio case.
5. A summary of the Wisconsin case.

6. A brief report on the evidence of vote fraud in New Jersey from last November's election--even prior to the enacting of proposed S276.

Section 1

The Washington Post of May 20, 1977, carried an article entitled, "'Instant' Registration Bill Withdrawn from House."

Same-day registration was introduced in the middle of March, 1977, in both Congressional bodies (S1072 in the Senate, and HR5400 in the House." Representative Frank Thompson of New Jersey was the sponsor in the House. Vice-President Walter Mondale was the most outspoken Administration advocate of the bill.

Says the Post, "President Carter's election day registration bill was abruptly pulled from the House calendar yesterday when managers of the legislation found a number of Democrats wavering in their support. Some Democrats questioned whether there was a majority at all, ~~men~~ in the House.

The article goes on to detail the bi-partisan opposition to the bill.

Let me stress--this was not a partisan issue. Lack of support was bi-partisan.

The Criminal Division and the Civil Rights Division of the Justice Dept. were asked to review the testimony that the Attorney General was sent by the White House. The memo from the Criminal Division was dated April 1, 1977.

I will read the excerpts from the internal Justice Dept memo:

(excerpt included)

Despite these warnings, the Attorney General testified in the other body that he relied upon his staff and that the fraud would probably remain the same. Either Attorney General Bell did not read the Criminal Division's April 1 memo, or he completely missed the point of its thrust.

This created quite a scandal. The suspicion that a Justice Dept "cover-up" was in effect was furthered by the reluctance to release the Civil Rights Division memo that was also dated April 1, 1977.

We would like to point out that when Attorney General Bell appeared before the House Administration Committee, the contents of the memo were not publicly known. Therefore, he was never questioned about them. Neither has he been subjected to rigorous give-and-take questioning about his reasons for dismissing the memorandum.

To summarize: the overt lack of support, and outright opposition, among Republican and Democratic Congressmen -- coupled with the scandal arising from the suppressed Justice Dept. memo -- made it impossible to pass same-day registration on the federal level. The effort was subsequently taken up again by various state legislatures-- who now regret it!

Section 2

In this section, I will give a review of the widespread statements against the same-day registration bill. Lest anyone think that the opposition comes from a "few lone voices" pursuing their own special interests, the evidence in this section and the next will show otherwise.

1. Chicago Tribune, May 11, 1977. "SKINNER OPPOSES EASING VOTER REGISTRATION RULES."

"United States Attorney Samuel Skinner is strongly against legislation now pending in Congress to eliminate the requirement of advance registration of voters." Skinner, noting Chicago's reputation for stolen elections, stated, "I am very concerned that if Congress adopts this election day registration procedure, they will eliminate the possibility of cleaning up the rolls until it's too late."

2. Testimony by Franklin Lunding, Jr., chairman of the Illinois State Board of Elections before the Senate Committee on Rules and Administration in Washington (covered in the May 5 Chicago Daily Defender):

"In fact, if (the universal voter registration act is) enacted, it will create a nightmare for state and local election officials, encourage more vote fraud and result in more election day problems than it hopes to solve." Lunding told the committee that his statement represents the unanimous opinion of Illinois' board and county clerks. He continued, "We have found that people are much less apt to cheat if they think someone will scrutinize the voting rolls

and challenge them before election day. Under the proposal, multiple voting could easily be arranged by having but one piece of identification and using it repeatedly in the course of an election day--with the names and records being buried in an avalanche of paperwork during the day.

"If voters decide to skip advance registration and just register and vote on election day, polling places could be buried under congestion and confusion. This would result in tremendous delays and burdens on election judges who would be required to qualify voters and their credentials, and upon voters who would be required to wait substantial periods of time whether they were previously registered or not. In addition, election officials would never be adequately prepared with voting material or machines."

3. May 6 testimony of Colonel Thomas McCrary, before the Senate Rules Committee. Col. McCrary, now retired, was a member of the Joint Chiefs of Staff from 1955 to 1957, and from there went to a top level position in the Central Intelligence Agency. He is the chairman of the National Coalition of Independents on Issues and the National Committee for Honest and Fair Elections.

In his testimony, Col. McCrary opposes same-day and postcard registration. Note: Col. McCrary is the chairman of the Georgia Independent Party.

4. New York Times, May 1, 1977. "GOP COMMITTEE OPPOSES CARTER'S PROPOSAL TO ALLOW VOTERS TO REGISTER"

"The Republican National Committee went on record today in unanimously opposing President Carter's proposal that all otherwise eligible voters be allowed to register at the polls on election day, to increase participation in the electoral process."

5. Cleveland ^{Press} ~~Plain Dealer~~, May 10. Editorial entitled "Invitation to Fraud."

"The more we hear from the Carter Administration on why voters should be able to register and vote on the same day, the more convinced we are that election day registration would be an invitation to fraud. It now develops, in fact, that lawyers in the Justice Department who prosecute election fraud cases are not at all happy about the prospect of unregistered voters simply appearing at the polls on election day and demanding the right to vote. They argue that advance registration is the best way to prevent fraud and that weeding out the phony or duplicate voters on election day itself would be difficult to do..."

6. Milwaukee Sentinel, July 25, 1977. "STUDY LINKS FRAUD, INSTANT VOTER REGISTRATION."

"Wisconsin's on-site voter registration system is procedurally lax and could lead to widespread vote fraud if used in other states,

according to a new study." The study was conducted by Professor Richard G. Smolka, a professor of political science at American University in Washington, DC.

7. Sunday Chronicle-Herald (Augusta, Ga.), May 15. Editorial entitled, "Encourages fraud."

"The desire to make it easier for more Americans to participate in the democratic process is commendable. The Carter Administration-backed bill which would implement universal voter registration, however, has little to commend."

The editorial cites the discovery of the suppressed Justice Dept memo.

It goes on to cite Sen. James Allen (D-ALA), a veteran lawmaker, "Imagine the potential for fraud through multiple voting, through herding non-registered voters to the polls and voting them like sheep. In the big cities they will clean out every skid row hotel, every street corner, every beer joint or loafing hangout, every X-rated moving house, every massage parlor and march them to the polls ..."

Other press attacks against same-day registration include:

- a. The Journal Herald (Dayton Ohio), March 24, 1977, and April 9.
- b. Youngstown Vindicator (Ohio) May 10, 1977.
- c. Knoxville Journal (Tenn.) May 2, 1977 . Editorial "INSIDIOUS IDEA."
- d. Cleveland press, May 10, editorial "INVITATION TO FRAUD"
- e. Chicago Daily News, May 6, 1977. Gilbreth/Schultz column entitled, "THE VOTE FRAUD ACT OF '77."
- f. Rocky Mountain News, March 25, "OPENING UP ELECTIONS."

In summary: The opposition to same-day registration has been massive, spanning a wide spectrum of political factions. The above cited press accounts--and many others--hit on both the political risk as well as the overwhelming administrative problems.

For the sake of brevity, I will proceed to section 4, having subsumed most of section 3 in the above section. We should proceed to the Ohio and Wisconsin cases.

Section 5

Voters in Ohio voted overwhelmingly on Nov. 8, 1977 to abolish same-day voter registration in the state. This has been widely interpreted as a rejection of President Carter's federal election-day voter registration legislation.

By a vote of 59 percent to 41 percent, Ohioans for the Preservations of Honest Elections, the nonpartisan group which placed the anti-same-day registration Referendum No. 1 on the state's ballot, carried the proposal to repeal Ohio's "same-day" law, which was passed in January, 1977 over Republican Governor Jim Rhodes' veto.

A committee spokesman declared on WCBS radio in New York in the second week of November, 1977, that the vote "shows that the U.S. population does not favor laws which increase the danger of fraud," and that "the Ohio vote means it will be impossible for the Carter Administration to bring its election reforms to the floor of Congress next year."

One determining factor in its repeal was the call by the Ohio chapter of the International Brotherhood of Teamsters to its members to vote for the repeal of same-day registration.

The issue of vote fraud in Ohio has been a ~~central~~ one for a year before the 1977 elections. In December, 1976, after Ford lost Ohio to Mimmy CARTER by about 11,000 votes (less than one vote per precinct), the U.S. Labor Party, joined by individual Republicans, proved in Federal Court that more fraudulent votes had been cast in the election than the determining margin of Carter victory. Labor Party evidence showed that the AFLCIO and UAW--as per Walter Mondale's Election eve instructions to New York City voters to "vote early and often"--had run a "Big Vote" operation relying on tens of thousands of fraudulent registrations and votes.

In its Court Case before Federal Judge Kinneary in Columbus, the Committee for Fair Elections, a group including the U.S. Labor Party and members of the GOP and Democratic Party, proved that in Cleveland and Toledo alone, at least 15,000 such votes were cast.

Judge Kinneary ratified the evidence and the methods of collection, but refused to grant the Labor Party peition to stay the meeting of Ohio's electors until a new election could be held, on the grounds that INTENT D FRAUD had not been proved. A similar decision had been handed down a few days earlier in New York State by Federal Judge Jacob Mischler in the case brought by the Labor Party and individual Conservatives and Republicans.

Further proof of fraud was later fiven by Ohio SEcy of STATE Ted Brown. HIS office conducted an investion into same-day registrants who voted in the Cleveland mayoral primary a month earlier. Of the 10,000 same day registrants, 46 percent were found to have registered irregularly or illegally.

Section 5 -- the Wisconsin Case

As mentioned above, a bill to repeal same-day registration will be put on the floor of the Wisconsin State Legislature upon its reconvening. The bill S180, has several dozen co-sponsors.

The U.S. Labor Party has in its possession resolutions passed by city governments of Green Bay, Bayside, and other towns--stating their support for the bill to abolish same-day registration.

Furthermore, we have in our possession a letter from the election clerk of Middleton, Wisc., stating that of the 622 on-site registrations, 58 have subsequently been found to be fraudulent. This was in the November 2, 1976 elections. In the April 5, 1977 election, 6 of the 107 same-day registrants were found to be fraudulent.

In Wisconsin, postcards were sent out to the name and address given by the same-day registrant in the 1976 election. The percentage of postcards returned right after the election were (sample):

town	percent
Appleton	5%
Green Bay	4.3%
Monona	7.7%
Racine	6.5%

The U.S. Labor Party can make available to the Committee--in exhaustive detail--the further evidence of fraud. We have xeroxes of the envelopes returned, marked "Addressee UNKNOWN" and the like.

Furthermore, we have a memo from Gerald Ferwerda, Executive Secy in the State of Wisconsin, stating that CONTARY TO BELIEF, same-day registration had little or no effect in increasing voter turnout. Hence, Mr. Chairman, that argument is also thrown out the window!

In summary of sections 4 and 5, there is on-the-record evidence of significant vote fraud in these two states, traced to same-day registration by leading government officials. I would state that it is irresponsible for any member of the New Jersey State Legislature to support same-day registration without obtaining first-hand reports from the individuals cited. The claim by some that there is no evidence in the public domain linking vote fraud to instant-registration is either based on ignorance--which should now be corrected--or is wilfull and irresponsible disregard for the evidence.

Section 6

Lastly, I wish to report in brief on the evidence of vote fraud and massive irregularities in the 1977 New Jersey election. Mrs. Bebie Hicks, of Newark, was in charge of Republican Ballot Security in the City of Newark. She has documented the high percentage of names appearing on the registration sheets on election day of deceased persons, of persons who do not live at the address given for their registration, and non-existent buildings.

How many of these "people" "voted" in the election is yet to be determined.

The point, however, is that there already exists in New Jersey significant problems in guarding an honest election. I think it is obvious to rational people that we don't need more problems.

The proposed amendment to New Jersey's same-day registration to "centralize" instant-voter registration at town hall--rather than the polling places--does not come close to alleviating the problem I have cited and documented in my testimony. The amendment is a would-be concession, aimed at co-opting the objections of county clerks who fear the massive chaos and confusion at the polling sites.

The time has come for honest people to speak out for fair elections. I maintain that this committee has the undeniable obligation to contact Ohio Secretary of State Ted Brown, Wisconsin State Legislator Glicka, and the Republican Ballot Security Committee before making any recommendation of the bill or any bringing of the bill to the floor.

Voting New Jersey legislators have the right to know the evidence and concern which has been manifested nationally.

The U.S. Labor Party is willing to make available any and all documentation which it has in its possession. We hope this committee will take us up on this offer.

Testimony of Steve Collis, Commissioner of Elections, Bergen Co.

Presented to Hearings of Assembly State Gov't Cttee. in Trenton,
April 10, 1977 against Senate Bill 276 (Same Day Voter Registration)

Mr. Chairman, as Commissioner of Elections for Bergen County, I stand strongly opposed to Senate Bill 276 for instant voter registration. In my testimony today, I will establish several inter-related points.

- 1) This issue is not a simple partisan affair, as testimony from numerous Democratic elected and election board officials across the country should clearly indicate.
- 2) That contrary to the statements often circulating in the halls of the State House and elsewhere, that instant voter registration will cause, and has caused, no problem of fraud, I will demonstrate that even a superficial look at one of the states where it has been tried, Wisconsin, will clearly reveal significant evidence of fraud due to this procedure.
- 3) Also contrary to popular opinion, I would ask a serious question as to whether a higher voter turnout results from the instant registration process. I will present evidence from Gerald J. Ferwerda, Executive Secretary of the Wisconsin State Elections Board, proving that in Wisconsin at least, the registration process had little or no effect on voter turnout.
- 4) With regard to the statement often heard that the population at large desires this change in voting procedures, I will point to the outcome of the November 1976 referendum on instant registration in Ohio, a state where this registration was tried and caused such public scandals in particular in the city of Cleveland, that the population of the state voted to repeal this procedure 59% to 41%. I will also submit the actual bill in the Wisconsin State Legislature, AB 180, sponsored by 21 legislators, to repeal same day registration, again, due to the public scandals resulting from the on-site registration. These facts hardly constitute a picture of "massive public support" for the concepts contained in Senate Bill 276.

To begin my formal presentation of evidence, with regard to my first point, that this is not a partisan issue, I would like to quote from a Washington Post article of May 20, 1977 entitled "Instant Registration Bill Withdrawn From House" by Post reporter Lou Cannon.

"President Carter's election day registration bill was abruptly pulled from the House calendar yesterday when managers of the legislation found a number of Democrats wavering in their support.

(Cont.)

'We have the votes but we don't have a healthy enough majority to inspire our colleagues on the Senate side', said Rep. Frank Thompson Jr. (D-N.J.). 'We're just going to sit on it, give it a hard count and improve the majority.'

Some Democrats questioned whether there was a majority at all, even in the House.

Rep. Dan Rostenkowski (D-Ill.) said he and other congressmen told Carter at a White House meeting yesterday morning that the legislation is opposed by election officials across the country and by Democratic Party officials in Chicago, where the measure brings memories of past vote frauds.

'I would assume when they pull a bill and the President has become entwined in it, as he has, that there is some difficulty,' Rostenkowski said."

I would also like to point out that the same article refers to the fact that a poll taken by Rep. Phillip Crane, of Illinois, of secretaries of state or state election commissioners, showed 29 of them opposed to instant registration, with only 12 favoring it, and 9 others taking no position. Again I would suggest that since the federal instant registration bill, HR 5400, was withdrawn from the floor without a vote even being taken because of the marked lack of support for the bill, there is hardly a popular mandate for it. And remember this happened in Washington, D.C., where virtually all of the relevant evidence was available to both staff members and the Congressmen themselves.

With regard to my second point, that the Wisconsin case indicates significant fraud, I will present to the committee copies of random checks carried out by the Committee for Fair Elections, a multi-partisan organization in Wisconsin. These are the results of a study done on instant, and in some cases, post-card registrants, who actually voted in the November, 1976 Ford-Carter election. You will note that in many cases, there is simply no such address as the one claimed by the registrant. This is further substantiated by actual photographs taken at some of the supposed addresses.

I would also like to quote from one of a series of articles from the Wisconsin press regarding this bill. The following remarks are from the July 25, 1977 edition of the Milwaukee Sentinel, entitled, "Study Links Fraud, Instant Voter Registration"

Wisconsin's on-site voter registration is procedurally lax and could lead to widespread vote fraud if used in other states, according to a new study.

The Wisconsin system is basically an "honor system" that presumes a voter is giving correct information when he registers, says Richard G. Smolka, a professor of political science at American University in Washington, D.C.

'It is so deficient in procedural safeguards that a fraudulent vote is difficult to detect and identification of the culprit is next to impossible,' Smolka said.

State law allows the booth worker to take from a prospective registrant any form of identification the booth worker finds acceptable, or to accept the unverified word of another registered voter that the applicant lives in the district."

(Cont.)

I would also like to point out that many of the so-called "voters" who voted on election day could never be found or verified in later checks. I have here, for instance, a statement from the City Council of Green Bay, that, out of 6,043 same-day registrants, 245 of those people could still not be located two months after the election. Letters from other Wisconsin election boards and cities indicate the same pattern.

As to my third point, whether or not instant voter registration increases voter turnout, I would like to quote from a study issued by the Executive Secretary of the Wisconsin State Board of Elections, Gerald Ferwerda. Mr. Ferwerda, a Democrat, conducted a comparison between the 1972 and 1976 general elections in Wisconsin to determine if Wisconsin's instant registration process had any effect on actual voter turnout.

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

Date: March 22, 1977

Ref:

To: Election Board Members

From: Gerald J. Ferwerda, Executive Secretary

Subject: Study of Municipality Voting and Voter Registration Data

A study was conducted by the writer of municipality voting and voter registration data obtained from the 1972 and 1976 general elections in an attempt to detect any relationships and trends that could be significant. This memo will attempt to describe the study and report on the results and any conclusions reached by the writer.

Specific data reviewed for the 55 municipalities are as follows:

1. Votes cast in the general elections in 1972 and 1976
2. Voters registered one week before the general elections in 1972 and 1976
3. Voters registering on general election day in 1976 (the first year such registration was possible):

I suspect that the primary question to be asked is "What effect did voter registration have on votes cast during the 1976 general election?" From the data and statistics examined I would have to conclude that there was little or no visible effect. At a statewide level, there was a 14% increase in turnout between the 1972 general election and the 1976 general election. Both sets of municipalities examined (i.e. those with registration and those without registration) showed increases for each municipality in both sets and showed similar patterns between sets. In other words, there appeared to be little or any difference between those municipalities which require voter registration and those municipalities which do not require voter registration. The increases in voter turnout in 1976 over 1972 appear to be due to other phenomena unrelated to the registration process.

To carry this point of the analysis further, we see that there was a 15% increase in statewide registrations between the 1972 and 1976 general elections (including those registrations made at the polling places on election day in 1976). Although one-fourth of the registration municipalities showed decreases in registration activity between 1972 and 1976, those that showed increases in registration activity had registration increases somewhat compatible with their voter turnout increases. It is interesting to note that even those municipalities which showed

-4-

reduced registration activity from 1972 to 1976 had increases in voter turnout in 1976 over 1972. This would again suggest the absence of a relationship between votes cast and registered voters.

Based on the data and statistics reviewed and analyzed, it would be my conclusion that the process of voter registration had little or no effect on voter turnout during the general election in November 1976. I would further conclude that the increase in voter turnout in 1976 over that experienced in 1972 was due to other phenomena and not related to the registration process or the changes in the registration process implemented during 1976.

Cont.

As to my fourth and final point, whether or not the population as a whole desires instant registration, I have already mentioned its overwhelming repeal in the state of Ohio. I would also like to present the bill now in the Wisconsin legislature to repeal the procedure there, along with what constitutes just a fraction of the support statements and resolutions from various cities and election boards for the repeal of instant registration.

To sum up, it is my belief that the passage of this bill, even in an amended form allowing the instant registration to take place at a different location than the polls themselves, still constitutes a virtual blank check for fraud. I intend to hold a meeting of the Bergen County Board of Elections this Wednesday, April 12, to which I will invite the assemblymen and senators from Bergen for a full presentation of evidence against the bill. I expect several witnesses who were not able to be present today to be at that meeting.

MAR 27 1985

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