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Union Calendar No. 331

94TH CONGRESS
1ST SESSION

H. R. 1686

[Report No. 94-669]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 1975

Mr. HAYS of Ohio introduced the following bill; which was referred to the
Committee on House Administration

NOVEMBER 17, 1975

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish a Voter Registration Administration within the General Accounting Office for the purpose of administering a voter registration program through the Postal Service.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 ~~That this Act may be cited as the "Voter Registration Act".~~

4 ~~DEFINITIONS~~

5 ~~SEC. 2. As used in this Act—~~

6 ~~(1) the term "Administration" means the Voter~~
7 ~~Registration Administration;~~

8 ~~(2) the term "State" means each State of the~~
9 ~~United States, the political subdivisions of each State,~~

~~the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia;~~

~~(3) the term "Federal office" means the office of the President, the Vice President, an elector for President and Vice President, a Senator, a Representative, or a Delegate to the Congress;~~

~~(4) the term "Federal election" means any biennial or quadrennial primary or general election and any special election held for the purpose of nominating or electing candidates for any Federal office, including any election held for the purpose of expressing voter preference for the nomination of individuals for election to the office of President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention;~~

~~(5) the term "State election" means any election other than a Federal election; and~~

~~(6) the term "State official" means any individual who acts as an official or agent of a government of a State or political subdivision thereof to register qualified electors, or to conduct or supervise any Federal election in a State.~~

~~ESTABLISHMENT OF ADMINISTRATION~~

~~SEC. 3. (a) There is established within the General Accounting Office the Voter Registration Administration.~~

~~(b) The President shall appoint, by and with the advice and consent of the Senate, an Administrator and two Associate Administrators for terms of four years each, who may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be members of the same political party. The Administrator shall be the chief executive officer of the Administration.~~

~~DUTIES AND POWERS~~

~~SEC. 4. The Administration shall—~~

~~(1) establish and administer a voter registration program in accordance with this Act for all Federal elections;~~

~~(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States (but this publication shall not disclose any information which permits the identification of individual voters);~~

~~(3) provide assistance to State officials concerning voter registration by mail and election problems generally;~~

~~(4) obtain facilities and supplies and appoint and fix the pay of officers and employees, as may be necessary to permit the Administration to carry out its duties~~

1 ~~and powers under this Act, and such officers and em-~~
 2 ~~ployees shall be in the competitive service under title 5,~~
 3 ~~United States Code;~~

4 ~~(5) appoint and fix the pay of experts and consult-~~
 5 ~~ants for temporary services as authorized under section~~
 6 ~~3109 of title 5, United States Code;~~

7 ~~(6) provide the Congress with such information as~~
 8 ~~the Congress may from time to time request, and pre-~~
 9 ~~pare and submit to the President and the Congress a~~
 10 ~~report on its activities, and on voter registration and~~
 11 ~~elections generally in the United States, immediately~~
 12 ~~following each biennial general Federal election; and~~

13 ~~(7) take such other action as it deems necessary~~
 14 ~~and proper to carry out its duties and powers under this~~
 15 ~~Act.~~

16 ~~QUALIFICATIONS AND PROCEDURE~~

17 ~~SEC. 5. (a) An individual who fulfills the requirements~~
 18 ~~to be a qualified voter under State law and who is registered~~
 19 ~~to vote under the provisions of this Act shall be entitled to~~
 20 ~~vote in Federal elections in that State, except that each State~~
 21 ~~shall provide for the registration or other means of qualifica-~~
 22 ~~tion of all residents of such States who apply, not later than~~
 23 ~~thirty days immediately prior to any Federal election, for~~
 24 ~~registration or qualification to vote in such election.~~

1 ~~(b) Whenever a Federal election is held in any State,~~
 2 ~~the Administration may, upon the request of any State official,~~
 3 ~~furnish officers and employees and such other assistance as~~
 4 ~~the Administration and the State official may agree upon to~~
 5 ~~assist State officials in the registration of individuals applying~~
 6 ~~to register in that State under the provisions of this Act.~~

7 ~~REGISTRATION FORMS~~

8 ~~SEC. 6. (a) The Administration shall prepare voter~~
 9 ~~registration forms in accordance with the provisions of this~~
 10 ~~section.~~

11 ~~(b) Printed registration forms shall be designed to pro-~~
 12 ~~vide a simple method of registering to vote by mail. Regis-~~
 13 ~~tration forms shall include matter as State law requires and~~
 14 ~~as the Administration determines appropriate to ascertain~~
 15 ~~the positive identification and voter qualifications of an indi-~~
 16 ~~vidual applying to register under the provisions of this Act,~~
 17 ~~to provide for the return delivery of the completed registra-~~
 18 ~~tion form to the appropriate State official, and to prevent~~
 19 ~~fraudulent registration. Registration forms shall also include~~
 20 ~~a statement of the penalties provided by law for attempting~~
 21 ~~fraudulently to register to vote under the provisions of this~~
 22 ~~Act.~~

23 ~~(c) A registration notification form advising the appli-~~
 24 ~~cant of the acceptance or rejection of his resignation shall~~
 25 ~~be completed and promptly mailed by the State official to~~

1 ~~the applicant. If any registration notification form is undeli-~~
 2 ~~erable as addressed, it shall not be forwarded to another~~
 3 ~~address but shall be returned to the State official mailing the~~
 4 ~~form. The possession of a registration notification form indi-~~
 5 ~~cating that the individual is entitled to vote in an election~~
 6 ~~shall be prima facie evidence that the individual is a qualified~~
 7 ~~and registered elector entitled to vote in any such election~~
 8 ~~but presentation of the form shall not be required to cast~~
 9 ~~his ballot.~~

10 ~~DISTRIBUTION OF REGISTRATION FORMS~~

11 ~~SEC. 7. (a) The Administration is authorized to enter~~
 12 ~~into agreements with the Postal Service, with departments~~
 13 ~~and agencies of the Federal Government, and with State~~
 14 ~~officials for the distribution of registration forms in accord-~~
 15 ~~ance with the provisions of this section.~~

16 ~~(b) Any agreement made between the Administration~~
 17 ~~and the Postal Service shall provide for the preparation by~~
 18 ~~the Administration of sufficient quantities of registration forms~~
 19 ~~so that the Postal Service can deliver a sufficient quantity of~~
 20 ~~registration forms to postal addresses and residences in the~~
 21 ~~United States and for the preparation of an ample quantity~~
 22 ~~of such forms for public distribution at any post office, postal~~
 23 ~~substation, postal contract station, or on any rural or star~~
 24 ~~route.~~

1 ~~(c) The Postal Service shall distribute the registration~~
 2 ~~forms to postal addresses and residences at least once every~~
 3 ~~two years not earlier than one hundred and twenty days or~~
 4 ~~later than sixty days prior to the close of registration for~~
 5 ~~the next Federal election in each State.~~

6 ~~(d) The Administration is authorized to enter into~~
 7 ~~agreements with the Secretary of each Military Department~~
 8 ~~of the Armed Forces of the United States for the distribution~~
 9 ~~of registration forms at military installations.~~

10 ~~(e) This section shall not be construed to place any~~
 11 ~~time limit upon the general availability of registration forms~~
 12 ~~in post offices and appropriate Federal, State, and local~~
 13 ~~government offices pursuant to agreements made under this~~
 14 ~~section.~~

15 ~~PREVENTION OF FRAUDULENT REGISTRATION~~

16 ~~SEC. 8. (a) In addition to taking any appropriate action~~
 17 ~~under State law, whenever a State official has reason to be-~~
 18 ~~lieve that individuals who are not qualified electors are~~
 19 ~~attempting to register to vote under the provisions of this~~
 20 ~~Act, he shall notify the Administration and request its assist-~~
 21 ~~ance to prevent fraudulent registration. The Administration~~
 22 ~~shall give reasonable and expeditious assistance in such cases,~~
 23 ~~and shall issue a report on its findings.~~

24 ~~(b) (1) Whenever the Administration or a State official~~
 25 ~~determines that there is a pattern of fraudulent registration,~~

~~1 attempted fraudulent registration, or any activity on the part
2 of any individuals or groups of individuals to register individ-
3 uals to vote who are not qualified electors, the Administration
4 or a State official may request the Attorney General to bring
5 action under this section. The Attorney General is authorized
6 to bring a civil action in any appropriate district court of the
7 United States or the United States District Court for the Dis-
8 trict of Columbia to secure an order to enjoin fraudulent reg-
9 istration, and any other appropriate order.~~

~~10 (2) The district court of the United States or the United
11 States District Court of the District of Columbia shall have
12 jurisdiction without regard to any amount in controversy of
13 proceedings instituted pursuant to this section.~~

~~14 PENALTIES~~

~~15 Sec. 9. (a) Whoever knowingly or willfully gives false
16 information as to his name, address, residence, age, or other
17 information for the purposes of establishing his eligibility to
18 register or vote under this Act, or conspires with another
19 individual for the purpose of encouraging his false registration
20 to vote or illegal voting, or pays or offers to pay or accepts
21 or offers to accept payment either for registration to vote or
22 for voting, or registers to vote with the intention of voting
23 more than once or votes more than once in the same Federal
24 election shall be fined not more than \$10,000, or imprisoned
25 not more than five years, or both.~~

~~1 (b) Any person who deprives, or attempts to deprive,
2 any other person of any right under this Act shall be fined
3 not more than \$5,000, or imprisoned not more than five
4 years, or both.~~

~~5 (c) The provisions of section 1001 of title 18, United
6 States Code, are applicable to the registration form prepared
7 under section 6 of this Act.~~

~~8 FINANCIAL ASSISTANCE~~

~~9 Sec. 10. (a) The Administration shall determine the
10 fair and reasonable cost of processing registration forms pre-
11 scribed under this Act, and shall pay to each appropriate
12 State an amount equal to such cost per card multiplied by
13 the number of registration cards processed under this Act
14 in that State.~~

~~15 (b) The Administration is authorized to pay any State
16 which adopts the registration form and system prescribed by
17 this Act as a form and system of registration to be a qualified
18 and registered elector for State elections in that State. Pay-
19 ments made to a State under this subsection may not exceed
20 30 per centum of the amount paid that State under subsec-
21 tion (a) of this section for the most recent general Federal
22 election in that State.~~

~~23 (c) Payments under this section may be made in in-
24 stallments and in advance or by way of reimbursement, with
25 necessary adjustments on account of overpayments or under-
26 payments.~~

~~REGULATIONS~~

~~SEC. 11. The Administration is authorized to issue rules and regulations for the administration of this chapter. Such regulations may exclude a State from the provisions of this chapter if that State does not require a qualified applicant to register prior to the date of a Federal election.~~

~~EFFECT ON OTHER LAWS~~

~~SEC. 12. (a) Notwithstanding any other provision of this Act, any State that adopts the Federal assistance post-card form recommended by the Federal Voting Assistance Act of 1955 (50 U.S.C. 1451 et seq.) with respect to any category of its electors (1) shall, insofar as such electors are concerned, be deemed to be in full compliance with the provisions of section 6 of this Act and (2) shall be eligible to receive payments of financial assistance from the Administration, as provided in section 10 of this Act, on account of the simplified and greater voting opportunities thereby granted to such electors.~~

~~(b) Nothing in this Act shall be construed to prevent any State from granting less restrictive registration or voting practices or more expanded registration of voting opportunities than those prescribed by this Act.~~

~~(c) Nothing in this Act shall be construed to limit or repeal any provision of (1) section 202 of the Voting Rights Act Amendments of 1970 (42 U.S.C. 1973aa-1),~~

~~relating to expanded opportunities of registering to vote and voting for electors for President and Vice President; or (2) the Federal Voting Assistance Act of 1955 (50 U.S.C. 1451 et seq.).~~

~~AMENDMENTS TO TITLE 39, UNITED STATES CODE~~

~~SEC. 13. (a) Section 3202 (a) of title 39, United States Code, is amended—~~

~~(1) by striking out "and" at the end of clause (4);~~
~~(2) by striking out the period at the end of clause (5) and inserting in lieu thereof "; and"; and—~~
~~(3) by adding at the end thereof:~~

~~"(6) mail relating to voter registration pursuant to sections 6 and 7 of the Voter Registration Act."~~

~~(b) Section 3206 of title 39, United States Code, is amended by adding the following new subsection:~~

~~"(d) The Voter Registration Administration shall transfer to the Postal Service as postal revenues out of any appropriations made to the Administration for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (6) of section 3202 (a) of this title."~~

~~(e) Section 404 of title 39, United States Code, is amended—~~

~~(1) by striking out "and" at the end of clause (8);~~

~~(2) by striking out the period at the end of clause~~

~~(9) and inserting in lieu thereof “; and”; and~~

~~(3) by adding at the end thereof the following new clause:~~

~~“(10) to enter into arrangements with the Voter Registration Administration of the General Accounting Office for the collection, delivery, and return delivery of voter registration forms.”.~~

~~AMENDMENT TO TITLE 5, UNITED STATES CODE~~

~~SEC. 14. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:~~

~~“(132) Administrator and Associate Administrators (2), Voter Registration Administration, General Accounting Office.”.~~

~~AUTHORIZATION OF APPROPRIATIONS~~

~~SEC. 15. There are authorized to be appropriated such sums, not to exceed \$50,000,000, as may be necessary to carry out the provisions of this Act.~~

~~That this Act may be cited as the “Voter Registration Act”.~~

~~DEFINITIONS~~

~~SEC. 2. As used in this Act—~~

~~(1) the term “Administration” means the Voter Registration Administration;~~

~~(2) the term “State” means each State of the~~

United States, the political subdivisions of each State, the Virgin Islands, Guam, and the District of Columbia;

(3) the term “Federal office” means the office of the President, the Vice President, an elector for President and Vice President, a Senator, a Representative, or a Delegate to the Congress;

(4) the term “Federal election” means any biennial or quadrennial primary or general election and any special election held for the purpose of nominating or electing candidates for any Federal office, including any election held for the purpose of expressing voter preference for the nomination of individuals for election to the office of President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention;

(5) the term “State election” means any election other than a Federal election; and

(6) the term “State official” means any individual who acts as an official or agent of a government of a State or of a county, town, village, city, borough, parish, or township election board, or township voter registration board, to register qualified electors, or to conduct or supervise any Federal election in a State.

ESTABLISHMENT OF ADMINISTRATION

SEC. 3. (a) There is established within the Federal Election Commission the Voter Registration Administration.

(b) The President shall appoint, by and with the advice and consent of the Senate and the House of Representatives, an Administrator and two Associate Administrators for terms of four years each, who may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be members of the same political party. The Administrator shall be the chief executive officer of the Administration.

DUTIES AND POWERS

SEC. 4. The Administration shall—

(1) establish and administer a voter registration program in accordance with this Act for all Federal elections;

(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States (but this publication shall not disclose any information which permits the identification of individual voters);

(3) provide information to State officials concerning voter registration-by-mail and information relating to election administration generally;

(4) obtain facilities and supplies and appoint and fix the pay for officers and employees, as may be necessary to permit the Administration to carry out its duties and powers under this Act, and such officers and employees shall be in the competitive service under title 5, United States Code;

(5) appoint and fix the pay of experts and consultants for temporary services as authorized under section 3109 of title 5, United States Code;

(6) provide the Congress with such information as the Congress may from time to time request, and prepare and submit to the President and the Congress a report on its activities, and on voter registration and elections generally in the United States, immediately following each biennial general Federal election; and

(7) take such other action as it deems necessary and proper to carry out its duties and powers under this Act.

QUALIFICATIONS AND PROCEDURE

SEC. 5. (a) An individual who fulfills the requirements to be a qualified voter under State law and who is registered to vote under the provisions of this Act shall be entitled to vote in Federal elections in that State, except that each State shall provide for the registration or other means of qualification of all residents of such States who apply, not later than

1 *thirty days immediately prior to any Federal election, for*
 2 *registration or qualification to vote in such election.*

3 *(b) Whenever a Federal election is held in any State,*
 4 *the Administration may, upon the request of the State official*
 5 *responsible for conducting elections in such State, furnish*
 6 *officers and employees and such other assistance as the Admin-*
 7 *istration and the State official may agree upon to assist State*
 8 *officials in the registration of individuals applying to register*
 9 *in that State under the provisions of this Act.*

10 REGISTRATION FORMS

11 *SEC. 6. (a) The Administration shall prepare voter*
 12 *registration forms in accordance with the provisions of this*
 13 *section.*

14 *(b) Printed registration forms shall be designed to pro-*
 15 *vide a simple method of registering to vote by mail. Regis-*
 16 *tration forms shall include matter as State law requires and*
 17 *as the Administration determines appropriate to ascertain*
 18 *the positive identification and voter qualifications of an indi-*
 19 *vidual applying to register under the provisions of this Act,*
 20 *to provide for the return delivery of the completed registra-*
 21 *tion form to the appropriate State official, and to prevent*
 22 *fraudulent registration. Registration forms shall also include*
 23 *a statement of the penalties provided by law for attempting*
 24 *fraudulently to register to vote under the provisions of this*
 25 *Act.*

1 *(c) A registration notification form advising the appli-*
 2 *cant of the acceptance or rejection of his registration shall*
 3 *be completed and promptly mailed by the State official to*
 4 *the applicant. If any registration notification form is undeliv-*
 5 *erable as addressed, it shall not be forwarded to another*
 6 *address but shall be returned to the State official mailing the*
 7 *form. The possession of a registration notification form indi-*
 8 *cating that the individual is entitled to vote in an election*
 9 *shall be prima facie evidence that the individual is a qualified*
 10 *and registered elector entitled to vote in any such election*
 11 *but presentation of the form shall not be required to cast*
 12 *his ballot.*

13 DISTRIBUTION OF REGISTRATION FORMS

14 *SEC. 7. (a) The Administration is authorized to enter*
 15 *into agreements with the Postal Service, with departments*
 16 *and agencies of the Federal Government, and with State*
 17 *officials for the distribution of registration forms in accord-*
 18 *ance with the provisions of this section. The Administration*
 19 *shall not be required to reimburse the Postal Service for any*
 20 *transmission of such registration forms made by the Postal*
 21 *Service under sections 6 and 7 of the Voter Registration Act.*

22 *(b) Any agreement made between the Administration*
 23 *and the Postal Service shall provide for the preparation by*
 24 *the Administration of sufficient quantities of registration forms*
 25 *so that the Postal Service can deliver a sufficient quantity of*

1 registration forms to postal addresses and residences in the
 2 United States and for the preparation of an ample quantity
 3 of such forms for public distribution at any post office, postal
 4 substation, postal contract station, or on any rural or star
 5 route. Such agreements also shall provide for the preparation
 6 by the Administration, and bulk distribution by the Postal
 7 Service, of sufficient quantities of such registration forms
 8 to any individual, group, or organization requesting such reg-
 9 istration forms for the purpose of conducting or participating
 10 in a voter registration program.

11 (c) The Postal Service shall distribute the registration
 12 forms to postal addresses and residences at least once every
 13 two years and before each Federal election but not earlier
 14 than one hundred and twenty days or later than sixty days
 15 prior to the close of registration for the next Federal election
 16 in each State.

17 (d) The Administration is authorized to enter into
 18 agreements with the Secretary of each military department
 19 of the Armed Forces of the United States for the distribution
 20 of registration forms at military installations.

21 (e) This section shall not be construed to place any
 22 time limit upon the general availability of registration forms
 23 in post offices and appropriate Federal, State, and local
 24 government offices pursuant to agreements made under this
 25 section.

PREVENTION OF FRAUDULENT REGISTRATION

1 SEC. 8. (a) In addition to taking any appropriate action
 2 under State law, whenever a State official has reason to be-
 3 lieve that individuals who are not qualified electors are
 4 attempting to register to vote under the provisions of this
 5 Act, he shall notify the Administration and request its assist-
 6 ance to prevent fraudulent registration. The Administration
 7 shall give reasonable and expeditious assistance in such cases,
 8 and shall issue a report on its findings.

10 (b) (1) Whenever the Administration or a State official
 11 determines that there is a pattern of fraudulent registration,
 12 attempted fraudulent registration, or any activity on the part
 13 of any individuals or groups of individuals to register indi-
 14 viduals to vote who are not qualified electors, the Adminis-
 15 tration or a State official may request the Attorney General
 16 to bring action under this section. The Attorney General is
 17 authorized to bring a civil action in any appropriate dis-
 18 trict court of the United States or the United States District
 19 Court for the District of Columbia to secure an order to
 20 enjoin fraudulent registration, and any other appropriate
 21 order. Any such civil action shall be brought in the district
 22 court of the United States within the jurisdiction of which
 23 the fraudulent registration occurred.

24 (2) The district courts of the United States shall have

1 jurisdiction without regard to any amount in controversy of
2 proceedings instituted pursuant to this section.

3 PENALTIES

4 SEC. 9. (a) Whoever knowingly or willingly gives false
5 information as to his name, address, residence, age, or other
6 information for the purpose of establishing his eligibility to
7 register or vote under this Act, or conspires with another
8 individual for the purpose of encouraging his false registra-
9 tion to vote or illegal voting, or pays or offers to pay or ac-
10 cepts or offers to accept payment either for registration to vote
11 or for voting, or registers to vote with the intention of voting
12 more than once or votes more than once in the same Federal
13 election shall be fined not more than \$5,000, or imprisoned
14 not more than five years, or both.

15 (b) Any person who deprives, or attempts to deprive,
16 any other person of any right under this Act shall be fined
17 not more than \$5,000, or imprisoned not more than five
18 years, or both.

19 (c) The provisions of section 1001 of title 18, United
20 States Code, are applicable to the registration form prepared
21 under section 6 of this Act.

22 FINANCIAL ASSISTANCE

23 SEC. 10. (a) The Administration shall determine the
24 fair and reasonable cost of processing registration forms pre-
25 scribed under this Act, and shall pay to each appropriate

1 State an amount equal to such cost per card multiplied by
2 the number of registration cards processed under this Act
3 in that State.

4 (b) The Administration is authorized to pay any State
5 which adopts the registration form and system prescribed by
6 this Act as a form and system of registration to be a qualified
7 and registered elector for State elections in that State. Pay-
8 ments made to a State under this subsection may not exceed
9 30 per centum of the amount paid that State under subsection
10 (a) of this section for the most recent general Federal election
11 in that State.

12 (c) Payments under this section may be made in install-
13 ments and in advance or by way of reimbursement, with
14 necessary adjustments on account of overpayments or under-
15 payments.

16 REGULATIONS

17 SEC. 11. (a) The Administration is authorized to issue
18 rules and regulations for the administration of this Act. Such
19 rules and regulations may exclude a State from the provisions
20 of this Act if that State does not require a qualified applicant
21 to register prior to the date of a Federal election.

22 (b) (1) The Administration, before prescribing any rule
23 or regulation under this section, shall transmit a statement
24 with respect to such rule or regulation to the Congress
25 in accordance with the provisions of this subsection. Such

1 statement shall set forth the proposed rule or regulation and
2 shall contain a detailed explanation and justification of such
3 rule or regulation.

4 (2) If the Congress approve, through appropriate ac-
5 tion, any rule or regulation transmitted by the Administration
6 under paragraph (1) no later than thirty legislative days
7 after receipt of such rule or regulation, then the Adminis-
8 tration may prescribe such rule or regulation. The Adminis-
9 tration may not prescribe any rule or regulation which is not
10 approved by the Congress under this paragraph. If any rule
11 or regulation is not approved by the Congress during such
12 period of thirty legislative days, the Administration may
13 modify or amend such rule or regulation and transmit it to
14 both Houses of the Congress for consideration in accordance
15 with the provisions of this subsection.

16 (3) For purposes of this subsection, the term "legisla-
17 tive days" does not include any calendar day on which both
18 Houses of the Congress are not in session.

19 EFFECT ON OTHER LAWS

20 SEC. 12. (a) Notwithstanding any other provision of
21 this Act, any State that adopts the Federal assistance post
22 card form recommended by the Federal Voting Assistance
23 Act of 1955 (50 U.S.C. 1451 et seq.) with respect to any
24 category of its electors (1) shall, insofar as such electors
25 are concerned, be deemed to be in full compliance with the

1 provisions of section 6 of this Act; and (2) shall be eligible
2 to receive payments of financial assistance from the Adminis-
3 tration, as provided in section 10 of this Act, on account of
4 the simplified and greater voting opportunities thereby
5 granted to such electors.

6 (b) Nothing in this Act shall be construed to prevent
7 any State from granting less restrictive registration or voting
8 practices or more expanded registration of voting opportuni-
9 ties than those prescribed by this Act.

10 (c) Nothing in this Act shall be construed to limit or
11 repeal any provision of (1) section 202 of the Voting
12 Rights Act Amendments of 1970 (42 U.S.C. 1973aa-1),
13 relating to expanded opportunities of registering to vote and
14 voting for electors for President and Vice President; or (2)
15 the Federal Voting Assistance Act of 1955 (50 U.S.C.
16 1451 et seq.).

17 AMENDMENTS TO TITLE 39, UNITED STATES CODE

18 SEC. 13. (a) Section 3202(a) of title 39, United States
19 Code, is amended—

20 (1) by striking out "and" at the end of clause (4);

21 (2) by striking out the period at the end of clause

22 (5) and inserting in lieu thereof "and"; and

23 (3) by adding at the end thereof the following new
24 clause:

1 “(6) mail relating to voter registration pursuant
2 to sections 6 and 7 of the Voter Registration Act.”.

3 (b) Section 404 of title 39, United States Code, is
4 amended—

5 (1) by striking out “and” at the end of clause (8);

6 (2) by striking out the period at the end of clause
7 (9) and inserting in lieu thereof “; and”; and

8 (3) by adding at the end thereof the following new
9 clause:

10 “(10) to enter into arrangements with the Voter
11 Registration Administration of the Federal Election
12 Commission for the collection, delivery, and return
13 delivery of voter registration forms.”.

14 AMENDMENT TO TITLE 5, UNITED STATES CODE

15 SEC. 14. Section 5316 of title 5, United States Code, is
16 amended by adding at the end thereof the following new
17 paragraph:

18 “(137) Administrator and Associate Administra-
19 tors (2), Voter Registration Administration, Federal
20 Election Commission.”.

21 CONGRESSIONAL APPROVAL OF REGULATIONS

22 SEC. 15. (a) Section 316(c)(2) of the Federal Elec-
23 tion Campaign Act of 1971 (2 U.S.C. 438(c)(2)) is
24 amended—

1 (1) by striking out “disapprove” the first place it
2 appears therein and inserting in lieu thereof “approve”;

3 (2) by inserting “not” immediately after “the Com-
4 mission may” the first place it appears therein;

5 (3) by striking out “both the Senate and House”
6 and all that follows through “such proposed rule or
7 regulation” and inserting in lieu thereof “, any such
8 rule or regulation may not take effect unless it is ap-
9 proved by the Congress, through appropriate action”;

10 (4) by striking out “disapproved” and inserting in
11 lieu thereof “not approved”; and

12 (5) by adding at the end thereof the following new
13 sentence: “If any rule or regulation is not approved by
14 the Congress during the period of thirty legislative days
15 specified in this paragraph, the Commission may modify
16 or amend such rule or regulation and transmit it to the
17 Congress for consideration in accordance with the pro-
18 visions of this subsection.”.

19 (b)(1) The first sentence of section 9009(c)(2) of
20 the Internal Revenue Code of 1954 (relating to review of
21 regulations) is amended to read as follows: “If the Congress
22 approves, through appropriate action, any rule or regula-
23 tion transmitted by the Commission under paragraph (1)
24 no later than 30 legislative days after receipt of such rule or

1 regulation, then the Commission may prescribe such rule or
2 regulation.”.

3 (2) The second sentence of section 9009(c)(2) of the
4 Internal Revenue Code of 1954 (relating to review of reg-
5 ulations) is amended by striking out “disapproved by either
6 such House” and inserting in lieu thereof “not approved by
7 the Congress”.

8 (3) Section 9009(c)(2) of the Internal Revenue Code
9 of 1954 (relating to review of regulations) is amended by
10 adding at the end thereof the following new sentence: “If any
11 rule or regulation is not approved by the Congress during
12 such period of 30 legislative days, the Commission may
13 modify or amend such rule or regulation and transmit it to
14 the Congress for consideration in accordance with the provi-
15 sions of this subsection.”.

16 (c)(1) The first sentence of section 9039(c)(2) of the
17 Internal Revenue Code of 1954 (relating to review of regu-
18 lations) is amended to read as follows: “If the Congress ap-
19 proves, through appropriate action, any rule or regulation
20 transmitted by the Commission under paragraph (1) no
21 later than 30 legislative days after receipt of such rule or
22 regulation, then the Commission may prescribe such rule or
23 regulation.”.

24 (2) The second sentence of section 9039(c)(2) of the
25 Internal Revenue Code of 1954 (relating to review of regu-

1 lations) is amended by striking out “disapproved by either
2 such House” and inserting in lieu thereof “not approved by
3 the Congress”.

4 (3) Section 9039(c)(2) of the Internal Revenue Code
5 of 1954 (relating to review of regulations) is amended by
6 adding at the end thereof the following new sentence: “If any
7 rule or regulation is not approved by the Congress during
8 such period of 30 legislative days, the Commission may
9 modify or amend such rule or regulation and transmit it to
10 the Congress for consideration in accordance with the pro-
11 visions of this subsection.”.

12 AUTHORIZATION OF APPROPRIATIONS

13 SEC. 16. There are authorized to be appropriated such
14 sums, not to exceed \$50,000,000, as may be necessary to
15 carry out the provisions of this Act.

Amend the title so as to read: “A bill to establish a
Voter Registration Administration within the Federal Elec-
tion Commission for the purpose of administering a voter
registration program through the Postal Service, and for
other purposes.”.

Union Calendar No. 331

94TH CONGRESS
1ST SESSION

H. R. 1686

[Report No. 94-669]

A BILL

To establish a Voter Registration Administration within the General Accounting Office for the purpose of administering a voter registration program through the Postal Service.

By Mr. HAYS of Ohio

JANUARY 20, 1975

Referred to the Committee on House Administration

NOVEMBER 17, 1975

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

VOTER REGISTRATION ACT

NOVEMBER 17, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAYS of Ohio, from the Committee on House Administration, submitted the following

REPORT

together with

MINORITY VIEWS, ADDITIONAL VIEWS, AND ADDITIONAL VIEWS ON REGULATION APPROVAL PROCEDURE

[To accompany H.R. 1686]

The Committee on House Administration, to whom was referred the bill (H.R. 1686) having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

On November 7, 1975, a quorum being present, the Committee adopted by recorded vote of 17 ayes and 16 nays, a motion to report H.R. 1686 as amended. The amendment strikes out all after the enacting clause and inserts in lieu thereof a substitute text which appears in *italic type* in the reported bill.

No special oversight findings were necessitated as a result of consideration of this resolution.

No budget statement is submitted.

No estimate or comparison was received from the Director of the Congressional Budget Office as referred to in subdivision (C) of Clause 2(1)(3) of House Rule XI.

No findings or recommendations of the Committee on Government Operations were received as referred to in subdivision (d) of clause 2(1)(3) of House Rule XI.

Certain portions of H.R. 1686 that might be of interest were discussed with the Chairman and staff of the Post Office and Civil Service Committee. The bill is to come before the House under an open rule and the Members of Post Office and Civil Service Committee will have a full and fair opportunity to offer such amendments or comments on the Floor of the House as they deem appropriate. Such procedure conforms with Clause 5 of Rule X of the Rules of the House.

INFLATIONARY IMPACT STATEMENT

The enactment of H.R. 1686 is not expected to have an inflationary impact on prices and costs in the operation of the national economy, especially during the current serious recession.

PURPOSE OF THE BILL

The purpose of the bill is to encourage increased voter participation in the electoral process by facilitating the mode of voter registration.

WHAT THE BILL DOES

H.R. 1686 creates the Voter Registration Administration within the Federal Elections Commission. The Administration will be responsible for implementing a system of post card voter registration for Federal elections. Additionally, the Administration will collect, correlate, and publish information concerning elections and will provide information on a non-partisan basis to State officials concerning voter registration-by-mail and election problems generally.

Under the provisions of the bill, an individual will qualify to vote in Federal elections within a State if he fulfills the requirements of that State for registration and applies for registration not later than 30 days prior to the next Federal election. In preparing the registration forms, the Administration will include such information as is necessary to qualify one as a voter under State law and other information as deemed appropriate by the Administration to establish the positive identification and qualifications of a voter.

No Federal official participates in the registration process in the States unless requested to do so by an appropriate State official.

The Administration is authorized to enter into agreements with the Postal Service for the distribution (by penalty mail) except that this section shall not entitle such individuals, groups, or organizations to any free mailing privileges with respect to distribution of the registration forms and their voter registration drives of registration forms throughout the country to "postal addresses and residences at least once every two years and before each Federal election" between 60 and 120 days prior to the close of the States' registration for the next Federal election, except there shall be no reimbursement to the Postal Service for transmission of such registration forms. Additionally, registration forms will be available at any post office or postal substation or any rural or star route, as well as being available to any individual group or organization requesting such registration forms for the purpose of conducting a voter registration drive, except that this section shall not entitle such individuals, groups, or organizations to any free mailing privileges with respect to distribution of the registration forms and their voter registration drives. The Administration may also enter into agreements with departments and agencies of the Federal government, the Secretary of each military department of the Armed Forces of the United States, and with State officials for the distribution of registration forms.

Upon completion of the required information by the applicant, the registration form shall be returned to the appropriate State or

local election official. The State or local election official will be responsible for verification of the returned form, and shall promptly mail to the applicant a registration notification form which advises the applicant whether his registration has been accepted or rejected. Presentation of the registration notification form at the polls shall not be required as condition to cast one's ballot. Possession of such form, however, will be prima facie evidence that one is a qualified registered elector who is entitled to vote. The provisions of this bill are not intended to eliminate certain State requirements of party affiliation or declaration for obtaining primary ballots which are designed to prohibit cross party voting in primaries.

To help insure against abuses of this registration system, the bill provides that the Administration shall, at the request of a State official, provide assistance to such State in preventing fraudulent registration or voting within the State. It was the intention of the Committee that this assistance be on a non-partisan basis. In addition to the appropriate Federal criminal penalties and available actions under State law, the Administration or a State official may request the Attorney General to bring a civil action to enjoin fraudulent registration, attempted fraudulent registration or voting, or the procuring of fraudulent registration or voting by any individuals or groups of individuals. The bill additionally provides for severe criminal penalties of fines and imprisonment for the commission of various offenses relating to fraudulent registration and voting.

The cost of processing the required registration forms will be determined by the Administration and payments to the States will be made to cover the fair and reasonable costs of their processing registration forms for Federal elections. As an encouragement to the States to adopt this simplified mode of registration for all elections the Administration is authorized to pay to any State which adopts this system for State elections an amount up to 30 percent of the payment such State receives for processing registration forms for Federal elections. It is the intent of the Committee that the reimbursements made under section 10 of the Voter Registration Act will ultimately augment the individual budgets of the local election registration offices within each State actually processing voter registration forms in proportion to the number of registration forms handled.

The Administration is further authorized to promulgate regulations to carry out the provisions of this bill. The regulations, however, must first be submitted to the Congress for its approval within 30 legislative days.

The bill further amends Section 316(c)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438 (c)(2)) with regard to regulations promulgated by the Federal Elections Commission. Present law requires that the Congress must take appropriate action to disapprove any regulation submitted by the Elections Commission within thirty legislative days, the absence of which action would allow the regulation to go into effect. The proposed change in the bill would require affirmative action by the Congress to approve proposed regulations within thirty legislative days. The absence of such action would require the Elections Commission to resubmit another proposed regulation to Congress for reconsideration.

BACKGROUND

The major impetus for legislation in this area has resulted from the emerging concern over the steady decline in voter participation in our national elections over a number of years. During the hearings by the Subcommittee on Elections of the House Administration Committee, as well as in hearings before the Senate Committee on Post Office and Civil Service during the 93rd Congress, statistics were offered by various witnesses to the effect that voter participation in presidential elections has diminished from 64 percent of the voting age population in 1960, to 62.9 percent in 1964, 61.8 percent in 1968, and most recently, to approximately 55 percent in the 1972 presidential race.

Indeed, in 1972 sixty-two million voting-age Americans did not vote. Of the 77,466,000 total votes cast for President in 1972, the President received 47 million of those votes. This means that the President was elected by roughly one-third of the voting-age population.

Evidence offered by numerous witnesses who cited studies and opinions of various research organizations, civic groups, and other election experts tended to establish that the major causes for the lack of voter participation in elections are the difficulties and the barriers to voter registration.

As early as 1963 President Kennedy's Commission on Registration and Voter Participation concluded that "Restrictive legal and administrative procedures for registration and voting are a major reason for low participation." This conclusion was supported by a 1969 Gallup Poll which found that the predominant reason for nonparticipation of the electorate was that there were many obstacles to registration. Similarly, a 1972 study by the National League of Women Voters concluded that "Millions of American citizens fail to vote not because they are disinterested but because they are disenfranchised by the present election system." Most recently, a poll by the public opinion research firm of Daniel Yankelovich, Inc. found that three-fourths of those who did not vote in the previous presidential election had stated that they would have voted had they been registered. In further support of the position that additional people would vote if they could be registered, preliminary statistics of the Bureau of Census were offered to show that 87 percent of those citizens who did register stated that they had voted.

There is substantial evidence demonstrating that many state and local registration officials at the very least do not do all they can to encourage registration and voting. For example, some ranchers in western states must travel over 100 miles in order to register to vote. In far too many states, voter registration offices are open from 9:30 a.m. to 5:00 p.m. on weekdays only. Seventy-six percent have no Saturday or evening registration in non-election months. The working man simply cannot get to the registration offices to register in preparation for exercising his most sacred right—the right to vote.

Only 16 states authorize deputy registrars. Only 30 allow registration on weekends (and for many states that means only one weekend a year). The frustrations which result from such haphazard and uneven registration laws and conditions are enough to discourage even the most interested applicant; but for citizens whose knowledge and

interest in political affairs is not substantial, it serves as out-and-out disenfranchisement. H.R. 1686 is designed to introduce uniformity about voter registration in preparation for Federal elections.

Much criticism has been offered by the press, civic leaders, Members of Congress, and political scientists towards an electoral process in a democracy which works to discourage registration by placing the burden of registration on the citizen rather than on the government.

It was noted in the hearings by numerous witnesses that in European democracies registration is "automatic" and is the responsibility of the government, much as the income tax procedure is in this country. The level of participation in the electoral process of these nationals since World War II has averaged nearly 84 percent of the voting age population, which is 24 percentage points higher than that of our own country for the same period.

The existing registration laws in the various States have been criticised as unresponsive to the actual needs of a great majority of our citizens and have been cited as the predominant reason for non-participation by the electorate.

It is believed that a simplified, convenient, and uniform system of registration will encourage greater numbers of citizens to register, and in turn, to vote in Federal elections. The post card registration system outlined in this bill is believed to be the most efficient method, that provides the greatest safeguards with the least disruption of established procedures, that will achieve the desired goals.

The post card system proposed in H.R. 1686 will work within the traditional framework of presently established election procedures of the various States and localities. The responsibility of the Federal agency will be for the distribution of the registration form and for providing backup in technical or legal assistance upon the request of State or local officials.

Return of completed registration forms by an applicant will be made to the appropriate State or local official, not to a Federal agency. The responsibility for the validation of application forms and for the verification of requested information with existing lists of addresses or signatures will remain with the traditional State or local officials.

Since no aspect of validation or verification of signatures or addresses upon registration will be eliminated by this bill, it is felt that the principal safeguards against fraudulent registration are provided. Furthermore, during the hearings numerous witnesses testified that from their own experiences fraud in the election process generally does not occur at the registration level, but at the voting booths and ballot box. It should be noted that present State or local procedures that designate offices which are designed to limit fraudulent voting, such as poll watches and challengers, will not be affected by the bill.

It is believed, in fact, that the incidence of fraud in the election process will be reduced by the provisions of the bill. In addition to the present State and local controls which have not been affected by the bill, a greater deterrent to fraud will be offered in the form of Federal criminal penalties of fines of up to \$5,000 or imprisonment for up to 5 years, or both, for acts concerning fraudulent registration or voting. These provisions will be backed up by the resources and expertise of

Federal law enforcement which will be available to the States to protect against the possibilities of fraud.

Recently a number of States have taken steps to implement systems of mail registration on their own. Currently, at least 15 States¹ have established mail registration procedures with a number of others in the process of doing so. During the hearings before the Subcommittee on Elections in April 1975, testimony was heard from representatives of three states which implemented mail registration in time to sample its effect on registration and election administration during the 1974 elections. In these three states, Maryland, Minnesota and New Jersey, there was a general feeling of satisfaction and pride in the accomplishments under mail registration.

During her testimony, Mrs. Marie Garber, Elections Administrator from Montgomery County, Maryland cited the following accomplishments under mail registration "New registration in 1974—the first year of mail registration—was up 7 percent compared with 1970, the last comparable year * * * this increase was despite such negative factors as a lower growth rate in the community because of a slowdown in housing construction and widespread alienation from all things political." Mrs. Garber further went on to cite decreased costs of administering the election registration program due to the elimination of the need to provide large numbers of deputy field registrars at locations such as supermarkets, libraries, and in mobile registration vehicles. Mrs. Garber said, "In the last election cycle, 1972—this is only in my election county—we spent \$33,547 for registrar compensation. In 1974 we budgeted \$13,000 and spent only \$8,070. For the Presidential cycle in 1976 we have budgeted \$10,000 for this purpose." The question of potential fraud was also rebutted by Mrs. Garber's contention that the mail system in Maryland, which is quite similar to H.R. 1686, provided additional anti-fraud provisions which are not present in most face-to-face registration procedures. Fraudulent registration was simply not evident. Mrs. Garber concluded her statement by noting that the predicted administrative problems simply did not materialize. There was a minimal number of duplicate registrations and legibility of registration forms was not a problem.

Mr. F. Joseph Carragher, Assistant Secretary of State from the State of New Jersey, cited figures showing that with the inception of mail registration more than 2½ times as many people were enrolled to vote during the six week period immediately prior to the 1974 election, than were enrolled during a comparable period in 1970. He further cited the fact that for the first time in 20 years voter turnout in a non-Presidential Federal election exceeded the turnout of the previous year's gubernatorial election.

The Committee feels that the post card registration system outlined by H.R. 8053 will retain the necessary degree of local control over election procedures and will assure substantial safeguards to protect against voter fraud while providing for the greatly needed reform to simplify registration procedures that will encourage increased voter participation in the electoral process.

¹ Alaska, California, District of Columbia, Iowa, Kentucky, Maryland, Minnesota, Montana, New Jersey, New York, Oregon, Tennessee, Texas, Utah, and Wisconsin.

COST OF THE LEGISLATION

The bill calls for the appropriation of the sum of \$50,000,000 to carry out its provisions. The estimated cost for this fiscal year is \$43,452,565. The estimated cost for the following five fiscal years is \$128,658,700.

SECTION-BY-SECTION EXPLANATION OF THE BILL

SHORT TITLE

The first section of the bill provides that the bill may be cited as the "Voter Registration Act".

DEFINITIONS

Section 2 of the bill contains definitions of the following terms:

(1) The term "Administration" is defined to mean the Voter Registration Administration.

(2) The term "State" is defined to mean each State of the United States, the political subdivisions of each State, the Virgin Islands, Guam, and the District of Columbia.

(3) The term "Federal office" is defined to mean the office of President, Vice President, an elector for President and Vice President, Senator, Representative, or a Delegate to the Congress.

(4) The term "Federal election" is defined to mean any primary election, general election, or special election held to nominate or elect candidates for any Federal office, including Presidential preference primaries, elections to select delegates to national political party nominating conventions, or caucuses held to select delegates to such conventions.

(5) The term "State election" is defined to mean any election other than a Federal election.

(6) The term "State official" is defined to mean any official of a government of a State or of a county, town, village, township, parish, or township election board, who is responsible for the registration of qualified electors or who conducts or supervises any Federal election in a State.

ESTABLISHMENT OF ADMINISTRATION

Subsection (a) of section 3 establishes the Administration within the Federal Election Commission.

Subsection (b) requires the President to appoint, by and with the advice and consent of the Senate and the House of Representatives, an Administrator and two Associate Administrators for terms of 4 years each. Any person appointed by the President may continue in office until a successor is qualified. A person appointed to fill a vacancy may serve the remainder of the term to which his predecessor was appointed. The Associate Administrators may not be members of the same political party, and the Administrator shall be the chief executive officer of the Administration.

DUTIES AND POWERS

Section 4 requires the Administration to (1) establish and administer a voter registration program for Federal elections; (2) collect

and publish information (other than any information which permits the identification of individual voters) relating to elections in the United States; (3) provide information to State officials relating to voter registration-by-mail and general information relating to election administration; (4) obtain necessary facilities and supplies and appoint and fix the pay of necessary officers and employees, who shall be in the Federal competitive service; (5) appoint and fix the pay of experts and consultants; (6) furnish required information to the Congress on its activities, and generally on voter registration and elections, immediately after each biennial general Federal election; and (7) take other necessary actions to carry out the bill.

QUALIFICATIONS AND PROCEDURE

Subsection (a) of section 5 of the bill provides that any individual who is a qualified voter under State law and who is registered to vote under the provisions of the bill may vote in Federal elections in the State involved. Each State, however, shall provide for the registration or other means of qualification of residents of the State who apply, not later than 30 days before any Federal election, for registration or qualification to vote in such election.

Subsection (b) of section 4 of the bill permits the Administration to furnish personnel and other assistance to State officials who request such assistance.

REGISTRATION FORMS

Subsection (a) of section 6 of the bill requires the Administration to prepare voter registration forms.

Subsection (b) of section 6 of the bill requires that printed registration forms shall provide a simple method of registering to vote by mail. Such forms shall include (1) necessary material to assure proper identification of the individual seeking to register; (2) materials necessary to provide for return delivery of the registration form; and (3) information and materials necessary to prevent fraudulent registration, including a statement of the penalties for attempting any fraudulent registration.

Subsection (c) of section 6 of the bill requires State officials to notify applicants whether their registration forms have been accepted or rejected.

Subsection (c) also provides that the possession of a registration notification form which indicates that an individual is entitled to vote shall be prima facie evidence that the individual is qualified and registered to vote. Presentation of the form, however, shall not be required in order for any such individual to cast his ballot.

DISTRIBUTION OF REGISTRATION FORMS

Subsection (a) of section 7 of the bill provides that the Administration may enter into agreements with the Postal Service, with departments and agencies of the Federal Government, and with State officials for the distribution of registration forms. The Administration is not required to reimburse the Postal Service for any distribution of such registration forms.

Subsection (b) of section 7 of the bill provides that any agreement between the Administration and the Postal Service shall require the Administration to prepare a sufficient number of registration forms so that such forms may be delivered by the Postal Service and made available at any post office, postal substation, postal contract station, or on any rural or star route. Such agreements also shall provide for the distribution of such registration forms to any individual, group, or organization requesting such forms for the purpose of conducting or participating in the voter registration program.

Subsection (c) of section 7 of the bill requires the Postal Service to distribute the registration forms at least once every 2 years and before each Federal election but not earlier than 120 days or later than 60 days before the close of registration for the next Federal election in each State.

Subsection (d) of section 7 of the bill permits the Administration to enter into agreements with the Secretary of each military department of the Armed Forces of the United States for the distribution of registration forms at military installations.

Subsection (e) of section 7 of the bill provides that there may be no time limit upon the general availability of registration forms made available under agreements pursuant to section 7.

PREVENTION OF FRAUDULENT REGISTRATION

Subsection (a) of section 8 of the bill provides that whenever a State official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the bill, he may take any appropriate action under State law and he shall notify the Administration to request its assistance in preventing any fraudulent registration. The Administration is required to give assistance in such cases, and to issue a report with respect to its findings.

Subsection (b) of section 8 of the bill provides that whenever the Administration or a State official finds a pattern of fraudulent registration, or any activity designed to register individuals to vote who are not qualified electors, the Administration or such State official may request the Attorney General of the United States to bring an action under section 8. The Attorney General may bring a civil action in any appropriate district court of the United States or the District Court for the District of Columbia to secure an injunction against the fraudulent registration involved, or to obtain any other appropriate order. Any such civil action shall be brought by the Attorney General in the district court of the United States within the jurisdiction of which the fraudulent registration occurred. The district courts of the United States shall have jurisdiction in such actions without regard to any amount in controversy.

PENALTIES

Subsection (a) of section 9 of the bill imposes a fine of not more than \$5,000, or a prison term of not more than 5 years, or both, against any person who knowingly or willfully (1) gives any false information to establish his eligibility to register to vote under the bill; (2) conspires for the purpose of encouraging false registration or illegal vot-

ing; (3) pays or accepts payment for registration or for voting; or (4) registers to vote with the intention of voting more than once, or votes more than once, in the same Federal election.

Subsection (b) of section 9 of the bill imposes a fine of not more than \$5,000, or a prison term of not more than 5 years, or both, against any person who deprives, or attempts to deprive, any other person of any right under the bill.

Subsection (c) of section 9 of the bill provides that the provisions of section 1001 of title 18, United States Code, relating to fraudulent statements or representations, are applicable to registration forms prepared under section 6 of the bill.

FINANCIAL ASSISTANCE

Subsection (a) of section 10 of the bill requires the Administration to (1) determine the cost of processing registration forms; and (2) pay to each State an amount equal to such cost per card multiplied by the number of registration cards processed in the State involved.

Subsection (b) of section 10 of the bill permits the Administration to make payments to any State adopting the registration form and system established by the bill for State elections, in amounts not exceeding 30 percent of the amount paid to the State under subsection (a) of section 10 for the most recent general Federal election in such State. Subsection (c) of section 10 of the bill provides that payments under section 10 may be made in installments and in advance or by way of reimbursement.

REGULATIONS

Subsection (a) of section 11 of the bill permits the Administration to issue rules and regulations to carry out the bill. Such rules and regulations may exclude a State from the bill if such State does not require applicants to register before the date of any Federal election.

Subsection (b) of section 11 of the bill requires the Administration, before prescribing any rule or regulation under section 11, to transmit a statement to the Congress setting forth the proposed rule or regulation and containing a detailed explanation and justification of the rule or regulation.

If the Congress approves, through appropriate action, any rule or regulation transmitted by the Administration no later than 30 legislative days after receiving the rule or regulation, the Administration may prescribe such rule or regulation. The Administration may not prescribe any rule or regulation which is not approved by the Congress, but the Administration may resubmit any such rule or regulation, after making modifications with respect to such rule or regulation, for further consideration by the Congress.

The term "legislative days" is defined to exclude any calendar day on which both Houses of the Congress are not in session.

EFFECT ON OTHER LAWS

Subsection (a) of section 12 of the bill provides that any State adopting the Federal assistance post card form recommended by the

Federal Voting Assistance Act of 1955 with respect to any category of its electors, shall (1) in the case of such electors, be deemed to be in full compliance with section 6 of the bill; and (2) be eligible to receive payments of financial assistance under section 10 of the bill.

Subsection (b) of section 12 of the bill provides that nothing in the bill may be construed to prevent any State from granting (1) less restrictive registration or voting practices than those prescribed by the bill; or (2) more expanded registration or voting opportunities than those provided by the bill.

Subsection (c) of section 12 of the bill provides that nothing in the bill may be construed to limit or repeal any provision of (1) section 202 of the Voting Rights Act Amendments of 1970, relating to expanded opportunities for registering to vote and for voting for electors for President and Vice President; or (2) the Federal Voting Assistance Act of 1955.

AMENDMENTS TO TITLE 39, UNITED STATES CODE

Subsection (a) of section 13 of the bill amends section 3202(a) of title 39, United States Code, to permit mail relating to voter registration under sections 6 and 7 of the bill to be mailed as penalty mail.

Subsection (b) of section 13 of the bill amends section 404 of title 39, United States Code, to permit the Postal Service to enter into arrangements with the Administration for the collection, delivery, and return delivery of voter registration forms.

AMENDMENT TO TITLE 5, UNITED STATES CODE

Section 14 of the bill amends section 5316 of title 5, United States Code, to provide that the Administrator and Associate Administrators of the Administration shall be paid at level V of the Executive Schedule.

CONGRESSIONAL APPROVAL OF REGULATIONS

Section 15 of the bill amends the Federal Election Campaign Act of 1971 and the Internal Revenue Code of 1954 to provide that rules and regulations proposed to be prescribed by the Federal Election Commission may not take effect unless such rules and regulations are approved by the Congress, through appropriate action, no later than 30 legislative days after being transmitted by such Commission.

The amendments also provide that if any rule or regulation is not approved by the Congress, the Commission may modify or amend such rule or regulation and transmit it to the Congress for reconsideration.

Existing law provides that any proposed rule or regulation of such Commission may take effect if it is not disapproved by the Congress, through appropriate action, no later than 30 legislative days after its transmission to the Congress.

AUTHORIZATION OF APPROPRIATIONS

Section 16 of the bill authorizes to be appropriated not more than \$50,000,000 to carry out the provisions of the bill.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 39, UNITED STATES CODE

§ 404. *Specific powers.*

Without limitation of the generality of its powers, the Postal Service shall have the following specific powers, among others:

(1) To provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail;

(2) To prescribe, in accordance with this title, the amount of postage and the manner in which it is to be paid;

(3) To determine the need for post offices, postal and training facilities and equipment, and to provide such offices, facilities, and equipment as it determines are needed;

(4) To provide and sell postage stamps and other stamped paper, cards, and envelopes and to provide such other evidences of payment of postage and fees as may be necessary or desirable;

(5) To provide philatelic services;

(6) To provide, establish, change, or abolish special nonpostal or similar services;

(7) To investigate postal offenses and civil matters relating to the Postal Service;

(8) To offer and pay rewards for information and services in connection with violation of the postal laws, and, unless a different disposal is expressly prescribed, to pay one-half of all penalties and forfeitures imposed for violations of law affecting the Postal Service, its revenues, or property, to the person informing for the same, and to pay the other one-half into the Postal Service Fund; [and]

(9) To authorize the issuance of a substitute check for a lost, stolen, or destroyed check of the Postal Service; [and]

(10) *to enter into arrangements with the Voter Registration Administration of the Federal Election Commission for the collection, delivery, and return delivery of voter registration forms.*

§ 3202. *Penalty mail.*

(a) Subject to the limitations imposed by sections 3204 and 3207 of this title, there may be transmitted as penalty mail—

(1) official mail of—

(A) officials of the Government of the United States other than Members of Congress;

(B) the Smithsonian Institution;

(C) the Pan American Union;

(D) the Pan American Sanitary Bureau;

(E) the United States Employment Service and the system of employment offices operated by it in conformity with the provisions of sections 49-49c, 49d, 49e-49k of title 29, and all State employment systems which receive funds appropriated under authority of those sections; and

(F) any college officer or other person connected with the extension department of the college as the Secretary of Agriculture may designate to the Postal Service to the extent that the official mail consists of correspondence, bulletins, and reports for the furtherance of the purpose of sections 341-343 and 344-348 of title 7;

(2) mail relating to naturalization to be sent to the Immigration and Naturalization Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official thereof;

(3) mail relating to a collection of statistics, survey, or census authorized by title 13 and addressed to the Department of Commerce or a bureau or agency thereof;

(4) mail of State agriculture experiment stations pursuant to sections 325 and 361f of title 7; [and]

(5) articles for copyright deposited with postmasters and addressed to the Register of Copyrights pursuant to section 15 of title 17; [and]

(6) *mail relating to voter registration pursuant to sections 67 of the Voter Registration Act.*

SECTION 5316 OF TITLE 5, UNITED STATES CODE

§ 5316. *Positions at level V.*

(124) Director, National Highway Safety Bureau.

(125) Director, National Traffic Safety Bureau.

(126) Repealed. Pub. L. 91-644, § 7(2), Jan. 2, 1971, 84 Stat. 1887.

(127) Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice.

(128) Auditor-General of the Agency for International Development.

(129) Vice Presidents, Overseas Private Investment Corporation (3).

(130) Deputy Administrator, Urban Mass Transportation Administration, Department of Transportation.

(131) Assistant Directors, Special Action Office for Drug Abuse Prevention (6).

(132) General Counsel of the Equal Employment Opportunities Commission.

(133) Director, National Cemetery System, Veterans' Administration.

(133) Deputy Administrator for Administration of the Law Enforcement Assistance Administration.

(134) General Counsel, Energy Research and Development Administration.

(135) Additional officers, Energy Research and Development Administration (8).

(135) General Counsel, Commodity Futures Trading Commission.

(136) Additional officers, Nuclear Regulatory Commission (5).

(136) Executive Director, Commodity Futures Trading Commission.

(137) *Administrator and Associate Administrators (2), Voter Registration Administration, Federal Election Commission.*

SECTION 316 OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

DUTIES

SEC. 316. (a) * * *

* * * * *

(c) (1) The Commission, before prescribing any rule or regulation under this section, shall transmit a statement with respect to such rule or regulation to the Senate or the House of Representatives, as the case may be, in accordance with the provisions of this subsection. Such statement shall set forth the proposed rule or regulation and shall contain a detailed explanation and justification of such rule or regulation.

(2) If the appropriate body of the Congress which receives a statement from the Commission under this subsection does not, through appropriate action, **disapprove** *approve* the proposed rule or regulation set forth in such statement no later than 30 legislative days after receipt of such statement, then the Commission may *not* prescribe such rule or regulation. In the case of any rule or regulation proposed to deal with reports or statements required to be filed under this title by a candidate for the office of President of the United States, and by political committees supporting such a candidate **both** the Senate and the House of Representatives shall have the power to disapprove such proposed rule or regulation. *any such rule or regulation may not take effect unless it is approved by the Congress, through appropriate action.* The Commission may not prescribe any rule or regulation which is **disapproved** *not approved* under this paragraph. *If any rule or regulation is not approved by the Congress during the period of thirty legislative days specified in this paragraph, the Commission may modify or amend such rule or regulation and transmit it to the Congress for consideration in accordance with the provisions of this subsection.*

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INTERNAL REVENUE ACT OF 1954

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SUBTITLE H—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

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CHAPTER 95—PRESIDENTIAL ELECTION CAMPAIGN FUND

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§ 9009. Reports to Congress; regulations.

(a) * * *

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(c) REVIEW OF REGULATIONS.—

(1) The Commission, before prescribing any rule or regulation under subsection (b), shall transmit a statement with respect to such rule or regulation to the Senate and to the House of Representatives, in accordance with the provisions of this subsection. Such statement shall set forth the proposed rule or regulation and shall contain a detailed explanation and justification of such rule or regulation.

(2) If **either** such House does not, through appropriate action, disapprove the proposed rule or regulation set forth in such statement no later than 30 legislative days after receipt of such statement, *the Congress approves, through appropriate action, any rule or regulation transmitted by the Commission under paragraph (1) no later than 30 legislative days after receipt of such rule or regulation,* then the Commission may prescribe such rule or regulation. The Commission may not prescribe any rule or regulation which is **disapproved** by either such House *not approved by the Congress* under this paragraph. *If any rule or regulation is not approved by the Congress during such period of 30 legislative days, the Commission may modify or amend such rule or regulation and transmit it to the Congress for consideration in accordance with the provisions of this subsection.*

(3) For purposes of this subsection, the term "legislative days" does not include any calendar day on which both Houses of the Congress are not in session.

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CHAPTER 96—PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT

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§ 9039. Reports to Congress: regulations.

(a) * * *

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(c) REVIEW OF REGULATIONS.—

(1) The Commission, before prescribing any rule or regulation under subsection (b), shall transmit a statement with respect to such rule or regulation to the Senate and the House of Representatives, in accordance with the provisions of this subsection. Such statement shall set forth the proposed rule or regulation and shall contain a detailed explanation and justification of such rule or regulation.

(2) If either such House does not, through appropriate action, disapprove the proposed rule or regulation set forth in such statement no later than 30 legislative days after receipt of such statement, the Congress approves, through appropriate action, any rule or regulation transmitted by the Commission under paragraph (1) no later than 30 legislative days after receipt of such rule or regulation, then the Commission may prescribe such rule or regulation. The Commission may not prescribe any such rule or regulation which [disapproved by either such House] not approved by the Congress under this paragraph. If any rule or regulation is not approved by the Congress during such period of 30 legislative days, the Commission may modify or amend such rule or regulation and transmit it to the Congress for consideration in accordance with the provisions of this subsection.

MINORITY VIEWS OF HON. WILLIAM L. DICKINSON,
HON. SAMUEL L. DEVINE, HON. CHARLES E. WIGGINS,
HON. J. HERBERT BURKE, HON. W. HENSON MOORE,
HON. BILL FRENZEL, HON. MARJORIE S. HOLT, AND
HON. JAMES C. CLEVELAND

There is only one, legitimate, rationale on which to base Federal invasion of an area traditionally left to each State, and that rationale is that postcard registration will increase citizen participation in the electoral process. The facts suggest that this rationale is more in the nature of a myth.

LITTLE EVIDENCE MAIL REGISTRATION WILL INCREASE VOTER PARTICIPATION

Proponents claim H.R. 1686 will increase the number of eligible voters who register and who actually go to the polls on election day. However, the evidence of past elections, the results of a Census Bureau voter registration survey, and the belief of some of the proponents of the bill themselves confirm that this bill will have little, if any, effect on increasing voter registration.

The following examples from the 1972 General Election offer slim hope of improvement.

1. The State of North Dakota has no pre-registration requirement for its voters. The voters in North Dakota register at the same time they vote on election day. This is the simplest form of voter registration available and yet in 1972, 30.1 per cent—nearly one-third—of the eligible voters did not vote.

2. In Texas, a registration by coupon procedure is used. A voter clips a registration coupon from his local newspaper and mails it to his local voter registration office. Despite this simple registration procedure 54.9 per cent—more than half—of the eligible voters did not vote on election day.

3. In Alaska, where the voting residency requirement is 30 days, 52.5 per cent—more than half—of the eligible voters failed to cast their ballots in the election.

4. The national average of voter participation in the 1972 presidential election was only 55.6 per cent. Some 44.4 per cent of eligible voters failed to vote despite the provisions of the 1970 Voting Rights Act which made it easier to vote by (1) requiring residency of only thirty days for presidential elections; and (2) allowing absentee voting in presidential elections.

The encouragement and facilitation of maximum participation in the electoral process is an admirable objective which, unhappily, H.R.

1686 does not address in any meaningful way. The only political scientist to testify on this Bill was Dr. Richard Smolka who has said:

Rather than rely on a method which is wasteful on its face, ineffective in operation, and which opens the door to large scale fraud, it would seem preferable if legislation were directed to the heart of the problem, the unregistered voter. The "unregistered voter" is well known and may be classified into three groups, those persons who become newly eligible by reason of age, those persons who have moved to a new county or state and those persons who simply are not interested in registering and voting.

As to the newly eligibles, a program of registration in High Schools and Colleges would readily solve that problem.

As to the new address group, one Pennsylvania registrar has an arrangement with the Post Office so that he receives all address changes, he then sends each registered voter a form on which they can update their registration. Other address change tie-ins, with such as utility companies, readily suggest themselves.

As to the alienated group, Dr. Smolka has suggested a door to door canvas. Such a canvas would be an ideal project for civic clubs and thereby would significantly reduce the tax burden of registration drives.

None of these direct and obviously effective solutions are included in H.R. 1686. In fact there is abundant evidence to suggest that postcard registration could reduce voter turnout.

When postcards are mailed out before every federal election, and at least every two years, everyone in the country will receive them. In that group are 100 million already registered voters, and if the Bill works at all, the 100 million will increase. The cost of printing, handling, sorting and double checking—to say nothing of the real cost of delivery which this Bill presumes non-existent, is utterly redundant, irrelevant and wasteful. It is the sort of bureaucratic profligacy by which our citizens are increasingly annoyed, and rightfully so.

H.R. 1686 would mandate a tremendous expansion of the staff of the Federal Elections Commission and add non-compatible demands on that agency at a time when it has not fully digested the Federal Election Campaign Act and Amendments. This delegation of voter registration authority would create an unnatural mix of primary responsibilities in both the legislative and administrative areas. Although all independent agencies are hybrids partaking of some characteristics of each of the three branches of government, it is customary and sound policy not to mix primary responsibilities.

H.R. 1686 implores severe burdens on the States and, as amended by the Committee, denies any financial assistance in the carrying out of mandated functions.

To add both to the expense and the possibilities of fraud, this Bill mandates that the postcards be made available to all organizations in any quantity they may request for registration drives. Some provision to insure responsible use of the material, such as a receipt system, would serve the voting public well to curb potential abuses.

Bi-annual mail-outs would make more sense, and the possibility of voting in more than one precinct on the basis of the same notification, at least, would be diminished if each notification were printed with a series of "election numbers" to be punched on each use. Each new notification would then start over with a new bi-annual series. This would operate as a useful purging of the rolls with respect to people who do not for any reason re-register by postcard.

Postcard registration will be an administrative nightmare for state and local officials, creating chaos in voter registration processes and wreaking havoc with election day procedures. Some of the obstacles are: illegibility of cards, the creation of dual registration lists for state and federal elections, duplicate registrations, inadequacy of mail addresses, the possibility of dirty tricks, determining where to send the postcard and the actual size of the postcard. With all of these potential Snafus, it's not surprising that a sizeable majority of state and local officials oppose postcard registration.

Postcard registration may increase the potential for and offer unparalleled opportunity for fraud. Now, as a means of fraud prevention, it is customary to require a person who desires to register to vote to appear in person before the registrar, so they can be asked questions pertinent to their qualifications. At the very least, this establishes that there is an actual person registering who can offer identification—not a fictitious name sent in by mail which cannot be checked for veracity before the election.

Postcard registration will set up a new federal bureaucracy with almost unlimited authority to spend huge sums of the taxpayers' money. Nobody can really say what the true costs of the bill will be. The estimates of the annual cost of a national postcard registration system run all the way from \$15 to \$500 million. Whatever the figure, it will be more than a country with a \$90 billion targeted deficit should spend for a program in which the experts have no confidence.

Voter registration qualifications and procedures have traditionally been left up to the states. Up to now, Congress has legislated in the field of registration only when due process or equal protection were involved.

No matter how you look at this bill, it's a loser! If our intention is to register more people, there are better ways to do it. Instead, the Congress would do well to enact legislation which will implement a national mandate to register every American who wants to vote. There are two alternatives available to us which would better meet this challenge.

The first is to provide direct grants to the states with guidelines for their use to assist them in their registration efforts. The second is to provide states with grants for a comprehensive face-to-face registration drive. This would aid the states in two ways; i.e., increasing registration and at the same time up-dating and purging their current lists. In the long run, this would be less expensive than a national postcard system but more expensive than the first alternative.

These alternatives are seen by most election experts and officials as being more cost-effective as well as more likely to increase voter participation than the postcard bill which, while conceptually appealing and well-intentioned, is likely to be counterproductive.

1. Dr. Richard G. Smolka is a professor of Government at The American University in Washington, D.C., and has been director of the Institute of Election Administration at the University since 1971. He is, also editor of ELECTION News, a monthly newsletter for elections officials at all levels of government, author of a column of elections "the Ballot Box," which is published weekly in COUNTY NEWS, the official publication of the National Association of Counties, and author of "Washington Report", a monthly column published in NEWS DIGEST, the official publication of the International Institute of Municipal Clerks.

W. L. DICKINSON.
SAMUEL L. DEVINE.
CHARLES E. WIGGINS.
J. HERBERT BURKE.
W. HENSON MOORE.
BILL FRENZEL.
MARJORIE S. HOLT.
JAMES C. CLEVELAND.

ADDITIONAL VIEWS OF HON. WILLIAM L. DICKINSON

Postcard registration is "a bill to encourage and proliferate fraud and steal elections throughout the United States. . . . I cannot imagine a proposal that provides for a more efficacious way to practice fraud and steal elections than this bill. There is not a single protection in the bill against fraudulent voting, when we get down to the final analysis". These harsh words were spoken on the Senate floor by the distinguished former Senator from North Carolina, Sam Ervin, during the 92nd Congress. There are no significant differences in the Bill now before us.

The American Civil Liberties Union and many state and local officials also believe that postcard registration will increase the opportunities for fraud.

PERSONAL APPEARANCE REDUCES FRAUD

It is customary to require a person who desires to register to vote to appear in person before the registrar so he can be asked questions pertinent to his qualifications. At the very least, personal appearance establishes that there is an actual person registering who can offer identification. Postcard registration would do away with this means of fraud protection which although not infallible is certainly better than no precautions at all. A fictitious name sent in by mail is not likely to be checked for veracity before the election, particularly in populous areas.

Because registration forms will be available in bulk, it will be easy for a single individual to register numerous times with little chance of detection simply by making multiple applications to various election boards. The possibility for groups to engage in election fraud is just as great, and the results would expose the electoral process to even greater dangers.

Under the local postcard systems presently in place, state and local officials have found it extremely difficult to prevent underage persons from registering. Youngsters then use the registration notification form as proof of age for being admitted to bars and restaurants.

In Maryland, nonforwardable registration notifications containing false or fraudulent information were distributed in a test mailing. About 10% of these cards were *not* returned, indicating the definite potential of fraud.

Some proponents claim that the bill preserves the most effective fraud prevention device in wide use today—the ability to compare the signature of the voter at the polling place with the signature in the official files. However, states such as Virginia have no signature law. In these states, there will be no signature to compare with the signature on the postcard. This will open up avenues of fraud or require substantial changes in state laws.

BURDEN OF PROOF SHIFTED

Section 6(c) provides that receipt of a registration notification form would be prima facie evidence that the registrant is a qualified voter. This effectively shifts the burden of proof, with respect to citizenship, age and residence, from the applicant to the challenger.

In personal appearance registration, the registrar has an opportunity to raise these questions and require at least some proof; he may even delay the registration of the applicant until sufficient proof has been provided.

Under a postcard system, the registrar (has nothing before him but the averments of the applicant). These may be verified, of course, if the volume of postcards (to be mass mailed) permits sufficient time and if the corroborative information is readily available. Once the notification has been mailed, however, the election officials can no longer question the voter.

Nor can a poll watcher challenge a voter's qualifications without sufficient proof (to rebut the statutory presumptions). The big difference between this and the present situation is the lack of pre-registration screening. Even though a challenged ballot may be set aside for later resolution, in a close election it would, in all probability, be counted before the necessary proof has been brought in. Considering the growing number of elections won by narrow margins and the considerable problem of illegal aliens now in this country, the possibility of elections turning on illegitimately registered voters is very real. Any registration system therefore, which increases the opportunities for fraud is inimical to sound election practice.

MULTIPLE FRAUD OPPORTUNITIES

With postcard registration, an individual could register by mail and vote by absentee ballot. Absentee ballots are an established source of fraud; coupled with postcard registration disturbing new opportunities for fraud would be visited upon an already suspicious electorate.

Proponents claim that adequate fraud checks are contained in the bill to prevent such practices; they further state that similar systems have already been implemented in several states with no reports of fraud. Closer analysis reveals, however, that these states conducted almost no serious investigations into the question of actual fraud. Even (de minimus) fraud checks were not followed. For example, New Jersey requires that each registration by postcard must contain a counter-signature of a witness to that registration. State and local officials, however, have not checked the accuracy or authenticity of such counter signatures. Because state and local officials have not adhered to the fraud safeguards provided for under existing systems, proponents cannot claim that these systems are fraud-free. Further investigations are needed before such an assessment can be made. The counter signature concept, moreover, merely requires a simple conspiracy rather than individual fraud.

What is even more alarming is the possibility that many honest, innocent citizens could be fraudulently disenfranchised. Pranksters or corrupt partisans could obtain stacks of these postcards and invalidate the registration of many innocent citizens without their knowl-

aged. This could be easily accomplished by filling out a postcard form which would have the effect of changing an innocent citizen's name, place of residence or party affiliation. It is likely that the citizen would become aware of this fact only when he went to the polls to vote, at which point nothing could be done to re-enfranchise him.

PHILADELPHIA STORY

The possibility of such deliberate disenfranchisement is not simply idle conjecture. Between 1937 and 1943, political party workers in Philadelphia illegally filled out postcard address change forms for members of the opposite party, thereby disenfranchising them and insuring their own party victory at the polls. This practice became so wide-spread that it was a factor in the eventual abolition of the postcard registration system.

By greatly increasing the potential for fraud and insuring administrative chaos, postcard registration may cause many state and local officials to throw up their arms in resignation and switch to a system of no registration in federal elections.

WM. L. DICKINSON.

ADDITIONAL VIEWS OF HON. SAMUEL L. DEVINE

ADMINISTRATIVE OBSTACLES

Proponents of postcard registration do not seem to be fully aware of the administrative and logistical problems involved in the implementation of a national postcard registration system. The postal service would have to mail out, and state and local officials would have to process, the equivalent of 500 stacks of postcards each one the height of the Washington Monument. The Voter Registration Administration would not only have to deal with 50 state agencies, but would also need to exercise some degree of control over the more than 7,000 cities, counties, and other units of local government, 173,000 precincts and 1,000,000 state and local election officials.

This legislation assumes a commonality of the voter registration function among the 7,000 election and registration boards that does not exist. Levels of sophistication between these boards vary from the very simple and labor intensive to the extremely complicated and computer intensive. It will be clearly impossible to adopt federal postcard registration to these diverse registration systems.

H.R. 1686 would turn loose an army of untrained registrars capable of causing disruption to state and local registration systems. Most of the existing state postcard systems require registrars to be trained by registration experts. Montgomery County, Maryland, for example, requires each person interested in registering other people by postcards to take an hour and half course. Not surprisingly, the Montgomery County system works rather well (it has the advantage of having a well-educated, affluent population which can easily fill out the cards properly).

The proposed federal registration system does not contain any training requirement. The question arises if such training sessions are necessary in high education level countries like Montgomery, aren't they even more necessary in less educated areas? If training is not necessary, why does Montgomery County continue to require it?

Election day difficulties.—Few people are aware of the intricacies and complexities of the election administration processes. Hundreds of small but separate tasks must be performed correctly and in sequence in order to conduct a proper election. Each of these tasks, if neglected or if improperly performed as scheduled, may lead to a serious election day disorder.

Under postcard registration, if only 1% of the voters need election day clarification, thousands of telephone calls would come into state and local election offices. As telephone lines become tied up and officials and voters are unable to get through to determine registration status, the breakdown begins. Long waiting lines develop, harassed precinct officials begin to lose their customary good nature, voters grow impatient, and hundreds perhaps thousands of people are disenfranchised.

Election day snafus may result in contests that are not decided until long after the election is over. The specter of five or six Wyman-Durkin type elections awaiting resolution by Congress only further crystallizes the arguments against postcard registration.

The attorneys fees generated in resolving such contests could add tremendously to the hidden social costs of H.R. 1686. For example, the legal fees for 1974 contests, without the impact of postcard generated contests, ran in excess of \$174,000, and the Durkin-Wyman fees ran in excess of \$214,000.

At a time when the Federal Government is already deep in its own debt and is being pushed toward the rescue of debt ridden local governments, it would seem unwise to embark upon a program which would carry with it such high costs and such little promise of solving the problem at which it is aimed.

In addition to the extravagant costs of postcard registration, the virtually unlimited opportunities for fraud which it creates are appalling. It invites the registration of fictitious persons at vacant lots, and as many other frauds as the ingenious felon can invent. Perhaps a better title for H.R. 1686, would, in fact, be the "Tombstone Rubbings Act of 1975."

SAMUEL L. DEVINE.

ADDITIONAL VIEWS OF JAMES C. CLEVELAND

H.R. 1686 will add significantly to the already tremendous cost of holding elections—and will not only fail to improve that system but will undermine its integrity—that basic ingredient that makes free elections work.

A thorough discussion of the pitfalls of this legislation is contained in the foregoing Minority Views and also in Minority Views to accompany the report on last year's postcard voter registration bill (see House Report 93-778).

The essence of the minority viewpoint was stated in the latter-mentioned views as follows: "While the bill is both conceptually appealing and well-intentioned, closer analysis shows that it will raise havoc with election administration procedures, create chaos in the political process and disenfranchise many honest, innocent citizens."

Postcard registration, in addition to its potential for fraud and confusing administrative red tape, will set up a new federal bureaucracy with almost unlimited authority to spend huge sums of the taxpayers' money at a time when we should be reducing both the size and the cost of government.

It has been costing about \$200 million a year just to administer the electoral process (this figure does not include the money spent on campaigns).

The estimates of the annual cost of a national postcard registration system run all the way from \$15 to \$500 million. Most estimates fall into the \$30 and \$125 million range H.R. 1686 would authorize \$50 million.

Even proponents admit that it will be costly. One friendly witness testified that it would be "scandalously wasteful" to make a mass mailing of the postcards to every household. Another witness cited figures between \$320 and \$500 million as the actual cost if the cards are mailed to every household. During the mark-up, Subcommittee Chairman Dent estimated \$100 million.

GUARANTEED WASTE

It appears certain that this bill sets in motion an almost uncontrollable appetite for federal money. While most people really concerned with electoral participation will see the expense as excessive, some honest folk will disagree. There is one extravagance in H.R. 1686, however, that no amount of congenial argument can explain away. That is a mandated waste of \$10 million a year.

Dr. Richard Smolks zeros in on the problem in the following two paragraphs:

Distribution of the forms. H.R. 1686 provides for mass distribution of voter registration forms to every household in the United States at least once every two years. There are

more than 100 million registered voters in the United States. Every one of these 100 million registered voters would receive a voter registration form which would be of no possible use. This provision of the bill absolutely guarantees a waste of approximately \$20 million every two years merely for printing, handling and postage of forms going to persons already registered.

This bill will waste more money for postage alone than is currently being spent to register voters by all state and local governments combined in any election year. But further waste is inevitable. If only 10 percent of the 100 million voters who are already registered actually complete the form and send it to their local registrar or call, or write the registrar to inquire about it, personnel and processing costs of additional millions will be added. This is one of the excellent reasons why both Maryland and New Jersey rejected any attempt to mass mail voter registration forms.

This mandated waste is unconscionable and particularly so in view of the increasing awareness (prompted by the New York City situation) that we should be making an aggressive effort to trim the federal budget and its staggering deficit.

JAMES C. CLEVELAND.

ADDITIONAL VIEWS OF CHARLES E. WIGGINS

IMPACT ON THE FEDERAL SYSTEM

Postcard registration could profoundly alter the federal structure in the area of election administration by taking from the States the time-honored responsibility for voter registration and giving it to the Federal bureaucracy. Up to now, Congress has legislated in the registration field only when it believed that due process of equal protection were being denied.

There may be a need for Congress to establish statutory minimum standards, but it should not dictate procedures, foolish or otherwise.

Postcard registration would set up yet another federal bureaucracy with the customary "Big Brother" overtones. At worst the Voter Registration Administration could become a partisan agency, giving aid to its political allies while refusing to give aid and advice to its enemies. More likely, however, the Administration would simply become another moribund bureaucracy which would slow the registration efforts of the individual states by accident rather than by design.

Section — of the bill would require that state and local officials process the registration forms, but that the Voter Registration Administration determine the cost of the processing. What if there is disagreement? What if the costs of processing exceed the administration's estimates? Will state and local governments be forced to make up the difference?

Section — of the bill requires that each of the approximately three¹ hundred thousand state and local election officials as defined by the Act may request federal intervention in the registration process if they have reason to believe that individuals who are not qualified electors are attempting to register. Any one of this legion of state and local officials could use this provision to block the registration of students, blacks, and other minorities. This provision would severely cripple the Voting Rights Act of 1965 and the Voting Rights Act Amendments of 1970. By the time the Voter Registration Administration could fully investigate and check the validity of the state and local official's complaint, registration would probably be closed and election day have come and gone.

REDUCING REGISTRATION

Several state and local officials and Dr. Richard Smolka, Director of the Institute of Election Administration and a leading expert on voter registration, have expressed the belief that a federal postcard registration system might reduce overall voter turnout.

¹ Exact figure being researched.

There are several ways that postcard registration could reduce voter turnout:

1. Past experience with address changes by postcard indicates that up to one-third of the postcards may be either illegible or incomplete. This problem is especially acute among the poor and lower middle class voters—the main target of the proposed legislation. If the name or address is incomplete or illegible, there is often no way of finding out who sent in the card. People who send in these illegible and incomplete cards, despite warnings to the contrary, will often think they are registered when they are in fact not. On election day these people will be ineligible to vote and further alienated from the system.

2. Postcard registration would be dependent on the U.S. mail system which has been known to be both inefficient and unreliable. Mail service is especially bad in poor and lower middle class neighborhoods, where most pockets of low registration are located. With 150 million or more pieces of mail shuttling back and forth in the postal system, there will be undoubtedly considerable loss and confusion. Disenfranchised will occur because cards will be lost or arrive too late to be processed.

3. States may decide to separate federal from state and local elections by scheduling the latter in odd number years as New Jersey and Virginia have done. The total separation of state and local elections from federal elections will tend to reduce voter turnout in all elections.

4. If the states did not adopt postcard registration for all elections, voters would have to comply with two registration procedures—one for federal elections and another for state and local elections. Confusion would result when registrars and voters attempt to determine which persons are entitled to vote in all elections, which one federal elections, and which ones in state and local elections. Many people would assume that they are registered for all election, when in fact they are only registered for and can only vote in either state and local or federal elections. These registrants will be partially disenfranchised and understandably annoyed.

5. Perhaps the major cause for low turnout is voter alienation. Postcard registration would eliminate the only face-to-face contact many people have with their political system prior to election day. A study published in *Public Opinion Quarterly* by Robert Kraut and John McConahay found that person-to-person contact with an eligible voter prior to election day will increase the likelihood that he or she will vote. Conversely, the lack of such contact will probably reduce the likelihood of an eligible voter actually going to the polls. Postcard registration will eliminate this vital encounter.

There is no compelling reason to enact H.R. 1686, indeed if one is committed to the solution of the problem it purports to address. There are many compelling reasons not to enact this Bill.

CHARLES E. WIGGINS.

ADDITIONAL VIEWS OF J. HERBERT BURKE

H.R. 1686, it is argued, will bring U.S. voting turnouts more in line with other western democracies. Such a claim is based on the fallacious assumption that such a difference in voter interest really exists.

In fact, when comparable situations are analyzed, turnout in the United States is remarkably similar to that in other western democracies. Complex and significant differences between political systems and methods of computing voter turnout account for many of the apparent disparities between the United States and other countries.

Specifically, unlike the United States, some European countries exclude those legally and mentally unable to vote from their computations on total voting age population, thus boosting their participation percentage in relation to the United States. Also, in a few countries, voting is compulsory; and in some cases, the figures given are simply inaccurate. For example, the Australian Embassy has stated that their turnout figure is significantly lower than the quoted 97 percent.

In the British parliamentary election of 1970, 71 percent of all eligible voted, 11 percent more than in the United States. However, turnout in Britain's poor urban areas was 45-52 percent the same as it is in the United States. Suburban London turnout was 65-75 percent, roughly equivalent to the average U.S. suburban turnout. High turnout, which raised the total percentage, occurred in areas with unique political conditions uncommon in America. For example, in Cornish, Welsh, Scottish, and Northern Irish districts, three- and four-way races accounted for a higher than average turn out of 75-90 percent. Likewise, top turnout of 90-92 percent was observed in Northern Irish districts where internal strife replaced politics as usual.

During very recent years, turnout in both Canada and Great Britain has dropped about 5-7 percent, a figure quite similar to the drop in the United States.

Critics of the U.S. electoral habits are fond of saying voter turnout is abysmally low—only 55 percent in 1972, and they are equally fond of saying that postcard registration will somehow improve this.

What is wrong with the basic assertion is, of course, that the 55 percent figure is inaccurate. When aliens, the mentally ill, prisoners, ex-felons, invalid ballots, those disqualified by residency requirements, those who are ill on election day, those who do not vote for President, etc. are properly accounted for, turnout is actually somewhat higher.

Illegibility. Without tight control as in the case under present state laws, there may be many illegible and incomplete postcards. Previous experiences with postcards registration and address changes in Los Angeles, Philadelphia, and the State of Washington, Hawaii and Montana indicate that up to from 10 to 33 percent of the postcards returned to state and local officials may be returned either incomplete or illegible.

Experience has also shown that registration forms are not easily filled out no matter how simple they appear to be. For example, even where there is special training for assistants to help fill out forms accurately and completely, there is still a significant percentage of error.

In order to process the illegible and incomplete postcards, an interchange of correspondence will sometimes be necessary, a costly and time-consuming process. Even then, states and local officials may well accumulate thousands of postcards that will be completely unsuitable for processing because of illegible handwriting or insufficient information. These applicants will be surprised, and dismayed, on election day when they find they are not registered to vote.

Dual registration: Most state and local officials have stated that federal postcard registration would result in dual registration systems. As a result, two sets of records would have to be maintained or distinguishing marks would have to be made to separate the various classes of registrants.

Presently, there are over 521,000 elected public officials in the United States of whom 535 sit in Congress. Approximately 999 out of every thousand elected officials are state and local officials. Under a dual registration system, citizens who register by postcard will only be able to vote in federal elections.

In some instances, it would be necessary to have separate ballots and separate voting machines: One set for federal elections and one set for state and local elections. There would be additional costs, additional clerks needed, as well as increased expertise. This would entail an additional expense of many millions of dollars at a time when the public is wrestling under the twin federal spending burdens of taxation and inflation.

J. HERBERT BURKE.

ADDITIONAL VIEWS OF HON. BILL FRENZEL

I do endorse the primary minority views signed by all the Republican Members of the Committee. These additional remarks are aimed at specific aspects of the bill on which I believe more comment is necessary.

First, H.R. 1686, however nobly motivated, or however conceptually appealing, simply will not do the job claimed for it. Instead it will be counterproductive, and may actually reduce voter participation. Certainly it will raise havoc with existing registration systems. Surely it will foul up registration administration. It may increase voter alienation, disenfranchise otherwise qualified voters. Finally, it will be a scandalous waste of the taxpayers money.

Poll after poll has shown conclusively that people don't vote for reasons other than difficulty in registering. Of those who do register, only 75 percent vote in a Presidential election. And only the most highly motivated even bother to register.

Repeated surveys by the Census Bureau shows that the principal reasons for non-voting is apathy and hostility toward politics. No postcard can change these attitudes. As a matter of fact, most people won't fill out postcards.

Postcard registration, with proper controls (this bill does not have such controls), works well in metropolitan Minneapolis or in Montgomery County. Voters there are educated and affluent. They are used to using the mails to conduct business. The people that this bill purports to help—the unregistered, the disadvantaged, the poor, the minorities—don't regularly use the mail. Many don't even have regular addresses. Many would have difficulty filling in the card. This group simply will not be helped by postcards.

Four states used some form of postcards in the last election. None of these states mailed cards to homes or postal boxes. In Texas, coupons in newspapers could be mailed in. In Maryland, cards were distributed by trained personnel who helped the registrants fill them in. In New Jersey and Minnesota, they were placed in public buildings and distributed by untrained groups and individuals, but not mailed. In New Jersey, they had to be countersigned.

These states had interesting experiences. Together they averaged 7.6 percent below the national average in 1974 voter turnout, while they had averaged only 2.8 percent below in 1972, and 4.9 percent below in 1970. Each had a substantially lower turnout than in the previous comparable election. Altogether, they are an excellent example of the fact that postcard registration does not improve voter turnout.

One of the reasons, postcard registration reduces voter turnout is that it diverts local resources and personnel from other more effective registration activities. Effective programs, like face-to-face registration through mobile or branch registration offices should be encouraged not crowded out. In other words, if the federal government forces the states to go to postcard systems, the states will reduce registration efforts that really work.

The costs are staggering. With a \$74 billion deficit, we have no business instituting a system which we know won't work, but which will cost anywhere from \$50 million to \$500 million. Remember, it is not just the costs of printing and mailing. The largest costs are in handling the cards, making call-backs on incomplete card, checking the duplicate registrations, etc. All these costs are being federally forced on the states, and onto our local governments. Surely the clerks will have no time to do anything else like registering real, live people.

This year's bill has two new features. Both involve the Federal Elections Commission. Instead of the Census Bureau (Senate version) or the General Accounting Office (last session's House version), this year the administration of postcard registration is given to the FEC. The FEC did not ask for the job. It was not officially consulted. It is already overburdened and underfinanced. This extra burden may kill the FEC.

The second new feature changes the Congressional veto power over FEC election rulings. I have commented on this nongermane amendment elsewhere in this report.

Because I believe that we have an obligation to try to register every citizen, and to try to stimulate every citizen to vote, I have introduced H.R. 5721 as a substitute for H.R. 1686. H.R. 5721 preserves our federalist system. It lets state and local officials decide which is the best registration system for their areas.

It recognizes the federal responsibility for registration by providing funds, on the basis of population, to the states. But it preserves the states' rights to choose how to improve their systems. The fund distribution is a sort of revenue sharing plan which will work without a bureaucracy and without needless cost.

If this substitute H.R. 5721, is made in order by the Rules Committee, I shall offer it. I believe it recognizes federal responsibility, but does not force federal standards.

BILL FRENZEL.

ADDITIONAL VIEWS OF HON. W. HENSON MOORE

Numerous flaws exist in the language of H.R. 1686 as reported by the House Administration Committee.

Under the present provisions of the bill, the Commonwealth of Puerto Rico is uniquely exempted from post card voter registration requirements. Evidence presented to the Committee indicates that Puerto Rico has an above average voter turnout under its present voter registration system and therefore would not "benefit" by the alleged "improvements" of post card voter registration. I commend Puerto Ricans for their civic participation in the election process, but I would also like to suggest to my colleagues that what is sauce for the goose should be sauce for the gander. North Dakota has no voter registration system whatsoever. Therefore, the suggested premise that voter registration systems deter high voter turnout simply does not apply. With this in mind, why not exclude North Dakota from post card voter registration? Why not exempt other rural areas within certain States that have no pre-registration requirements?

The views of State officials who would be required to work with post card registration on a day-to-day basis also merit attention. With all of the potential snafus inherent in post card registration, it is not surprising that a sizeable majority of state and local officials oppose post card registration. In a 1973 poll of the Secretaries of State, only three felt that a system of federal post and registration would be better than their current state system. Eight Secretaries felt that at a given cost other alternatives may be better than the post card system. Thirty preferred their current system to post card registration.

I also have reservations about the advice and consent problem dragged into H.R. 1686 during its mark-up. The bill stipulates that both the House and Senate have to approve the appointment of the three Administrators of the Voter Registration Administration.

The problem does not center upon the ability of the House to wisely exercise such a power. Instead, the problem is of a constitutional nature. Article II, Section II of the U.S. Constitution vests advice and consent authority in the Senate alone without any reference to the House of Representatives.

During the hearings on H.R. 1686, Wade Martin, Jr., the Secretary of State of Louisiana and Chairman of the Regular and Special Election Committees of the National Association of Secretaries of State made excellent points, several of which follow below:

To facilitate maintenance of registration lists, and to prevent fraud, Louisiana, like many other states, in cooperation with various citizen's groups, adopted a simple permanent registration procedure. And experience has proved to us that more individuals register and remain eligible to vote under

permanent registration. This system calls for change only if the person fails to vote in a certain number of elections, or changes his voting residence.

But H.R. 1686 would in effect scrap all such modern and undesirable systems, and necessitate cumbersome, inconvenient and expensive re-registration.

Since, as I have said, the voters of our state favor simplified voting and registration procedures, it is only realistic to expect that many of them will fail to re-register as would be required by this act. They may be absent from their homes when the blank arrives, or may not visit a post office; many of them may suffer as a result of the present increasing inefficiency of mail deliveries; or delay filling in the form. And still others will simply conclude that filling out a registration card, and delivering or mailing it to the registration officials, every two years or more often is just too much trouble.

For whichever of the reasons above, or any other reason, they fail to meet the post card registration requirement, multitudes of our citizens who now regularly cast their votes would be disenfranchised as a direct result of H.R. 1686.

One last problem is not election oriented but arises out of the fraudulent use of the Notification of Registration Forms as a means of identification. Nationally prominent political scientist Richard Smolka addressed this particular problem in an incisive manner:

There is also one non-election related potential effect of H.R. 1686 which I would like to bring to the attention of this committee. The voter identification card which is issued by many states and which would be required under this legislation has increasingly been used fraudulently. Misuse of this identification to establish citizenship, age or residence has become so frequent that the New York State Board of Elections has called the attention of the County Election Commissioners to the situation. Dr. Rossotti and I found misuse of the card in both Maryland and New Jersey where mail registration made it easy to obtain. Misuse has also been reported in Florida and in other states which do not have registration by mail.

Although the misuse does not effect elections, when aliens illegally in this country use a voter registration card to obtain "instant citizenship" and thereby take employment away from American citizens and taxpayers, there may be widespread if unintended, consequences. Election officials have no control over the misuse especially if the cardholder never comes to the polls. Other less important uses include proof of age by minors to obtain alcoholic beverages, and proof of residence by persons who wish to avoid out-of-state fees.

In Dade County, Florida, officials report that persons accused of misdemeanors are released upon posting of a \$1 bond and their voter registration card. Prostitutes, it is alleged, register repeatedly with various names and addresses to remain

outside the custody of the law. In New Jersey, persons obtained voter registration cards made out in the name of social security recipients in order to cash stolen checks.

Although officials in Maryland and New Jersey as well as other states have attempted to prevent the use of the voter registration card as personal identification, the fact that it is frequently issued by the county government, and in many states by the same county official who authenticates birth certificates, deeds, and other legal documents, makes the voter identification card a convincing document for most purposes.

In light of expert testimony exposing the onerous features of H.R. 1686 by voting-procedures professionals and the only academician to testify before the Committee, there is a noticeable absence of evidence to support passage of H.R. 1686.

W. HENSON MOORE.

ADDITIONAL VIEWS OF HON. MARJORIE S. HOLT

H.R. 1686 is a pathetic bill, unneeded by the general public, unwanted by the taxpayer, a bill supported by many groups in whose interest it might be to control the system of voter registration within the United States. I will raise a few procedural questions as a former administrator of elections for Anne Arundel County, Maryland. I do so because federal post card registration would be a tacticians nightmare.

Distribution of completed and blank registration cards.—As H.R. 1686 is now written, the Voter Registration Administration will be required to determine where postcards must be returned. In states with centralized registration systems, which is the exception to the rule, this would be relatively simple. But most states enjoy local autonomy in registration. In such cases, determination would be virtually impossible. The Administration would have to print with different return addresses, postcards for every local registration jurisdiction. In itself, this is an enormous expense, but the Administration must additionally print forms for every jurisdiction in several different languages, increasing the distribution problem and the costs.

The problem which will face the Federal Government in sending out the cards will be more than just an accurate return address, it will also add a burden to the Postal Service because the return address will be accurate only if delivered to the correct postal patron. I understand, for example, that Madison County, Alabama contains 14 county and five state offices which have defined duties in connection with federal elections. Which of these is the proper authority to which postcards should be returned and how will the postman know which card to deliver to whom?

Size of the card.—Although it is generally assumed that the postcard application will be the size of a standard postal card, the amount of information necessary to determine voter qualification, written legibly, may require a form of extraordinary size. Each card must contain an explanation of basic election information including: (1) A statement of the penalties for fraudulent registration, (2) a note that failure to designate party preference may, in some states, disenfranchise the voter in nominating elections, (3) a notice that those who are already registered need not register again, (4) instructions telling the citizen that his registration is not valid until confirmation is received by mail, etc.

Duplicate registration.—Large numbers of citizens will be inclined to register several times. If registration postcards are distributed to every household, persons already holding a valid registration will re-register, requiring a crash program of checking thousands of probably illegible registrations to purge duplicates.

Duplicate registrations are already becoming a problem in many states with liberal registration laws. These systems, however, are in-

compatible with the proposed federal system. Under state systems with postcards, the cards are not distributed to every household and those who are already registered would be less likely to register a second or third time. Some of these systems are based on the use of trained registrars who will check to see if a person is already registered. With an army of untrained registrars, as under the federal system), many people will register again because they will not be queried and will not know whether they are already registered and will fear disenfranchisement if they do not re-register.

Duplicate registrations are already a problem in many states lacking a centralized system. With an uncontrolled system of distribution, duplicates would become a major problem.

Bookkeeping problems.—People do not always follow instructions. Sometimes they sign their names in full, sometimes they use their commonly-called names, and other times they use only initials. What will happen when an individual registered in a precinct as Robert J. Smith has to be matched with postcards from the same address from R. J. Smith, R. James Smith, and Bob Smith.

If two similar names turn up at the same address, it is impossible to know if they are father and son, relatives, or the same person. State and local officials must check every apparent duplication. **MOST DO NOT HAVE THE BUDGETS AND MANPOWER TO DO SO.**

Inadequacy of mail addresses.—In some areas, there will be no way to identify by post office address of the registrant in which precinct he lives. In many states, a zip code or even a city address might include several towns and certainly will include a number of precincts. Rural delivery routes also include a large number of precincts. Registration by postcard would provide no method of determining the precinct of these people.

Sabotage.—Under post card registration, individuals wishing to befoul the system of postcards and raise havoc not already implicitly created by this law may fill out many postcards with fraudulent names and addresses. This is particularly true because of extreme laxity in the method of distribution. Once again, Clerks would be forced to spend excessive time, non-existent budgets, and hire more people to sort genuine applications from the fakes. Until now, even states with postcard registration have not had this problem, because their method of distribution is much more controlled.

H.R. 1686 features bad amendments such as its inclusion in the Federal Elections Commission and the Puerto Rico exemption from the law. States presently, and their localities, are doing a good job in registration. Where they fail, corrections can and must be made at the state level.

Passage of H.R. 1686, in my view, would be the coup de grace in undermining the faith, or what little is left of it, of the American people that elections can be fairly and efficiently administered.

MARJORIE S. HOLT.

ADDITIONAL VIEWS ON REGULATION APPROVAL PROCEDURES OF HON. BILL FRENZEL AND HON. W. HENSON MOORE

H.R. 1686 contains another especially bad provision in Section 15(c)(3). This amendment provides that the House Administration Committee, by its inaction can disapprove the Federal Election Commission's rules and regulations.

The amendment is surely not germane because it seeks to fundamentally alter the procedure of approval of regulations of the Federal Election Commission within a bill that is designed to deal with a very limited aspect of the election process.

This provision provides a method by which the FEC's regulations can be rejected not by a vote of the entire House but by Committee action or by inaction. This shifts the responsibility of the whole House to a single Committee, which already has rejected one single regulation to come before it.

We support the existing veto process under which either House of Congress is able to veto any and every regulation of the FEC by a majority vote. The present process has proved workable, and it gives every Member a chance to vote when a regulation is rejected rather than restricting that decision to a single committee.

It has been difficult for Congress to get used to handling the existing veto process. So far Congress has vetoed the first two regulations proposed by the theoretically independent Elections Commission. We believe that allowing Congress to veto by inaction, or negative vote within a single committee, is bad administrative practice and is contrary to the traditional practice of letting the whole House work its will on such questions. In addition, the amendment gives the appearance that Congress is reneging on a promise made to the people in 1974 when we created the "Independent" FEC.

H.R. 1686 is bad enough without carrying the additional burden of this nongermane and ill-advised amendment.

BILL FRENZEL.
W. HENSON MOORE.

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VOTER REGISTRATION ACT

NOVEMBER 17, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAYS of Ohio, from the Committee on House Administration, submitted the following

REPORT

together with

MINORITY VIEWS, ADDITIONAL VIEWS, AND ADDITIONAL VIEWS ON REGULATION APPROVAL PROCEDURE

[To accompany H.R. 1686]

The Committee on House Administration, to whom was referred the bill (H.R. 1686) having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

On November 7, 1975, a quorum being present, the Committee adopted by recorded vote of 17 ayes and 16 nays, a motion to report H.R. 1686 as amended. The amendment strikes out all after the enacting clause and inserts in lieu thereof a substitute text which appears in italic type in the reported bill.

No special oversight findings were necessitated as a result of consideration of this resolution.

No budget statement is submitted.

No estimate or comparison was received from the Director of the Congressional Budget Office as referred to in subdivision (C) of Clause 2(1)(3) of House Rule XI.

No findings or recommendations of the Committee on Government Operations were received as referred to in subdivision (d) of clause 2(1)(3) of House Rule XI.

Certain portions of H.R. 1686 that might be of interest were discussed with the Chairman and staff of the Post Office and Civil Service Committee. The bill is to come before the House under an open rule and the Members of Post Office and Civil Service Committee will have a full and fair opportunity to offer such amendments or comments on the Floor of the House as they deem appropriate. Such procedure conforms with Clause 5 of Rule X of the Rules of the House.

The enactment of H.R. 1686 is not expected to have an inflationary impact on prices and costs in the operation of the national economy, especially during the current serious recession.

PURPOSE OF THE BILL

The purpose of the bill is to encourage increased voter participation in the electoral process by facilitating the mode of voter registration.

WHAT THE BILL DOES

H.R. 1686 creates the Voter Registration Administration within the Federal Elections Commission. The Administration will be responsible for implementing a system of post card voter registration for Federal elections. Additionally, the Administration will collect, correlate, and publish information concerning elections and will provide information on a non-partisan basis to State officials concerning voter registration-by-mail and election problems generally.

Under the provisions of the bill, an individual will qualify to vote in Federal elections within a State if he fulfills the requirements of that State for registration and applies for registration not later than 30 days prior to the next Federal election. In preparing the registration forms, the Administration will include such information as is necessary to qualify one as a voter under State law and other information as deemed appropriate by the Administration to establish the positive identification and qualifications of a voter.

No Federal official participates in the registration process in the States unless requested to do so by an appropriate State official.

The Administration is authorized to enter into agreements with the Postal Service for the distribution (by penalty mail) except that this section shall not entitle such individuals, groups, or organizations to any free mailing privileges with respect to distribution of the registration forms and their voter registration drives of registration forms throughout the country to "postal addresses and residences at least once every two years and before each Federal election" between 60 and 120 days prior to the close of the States' registration for the next Federal election, except there shall be no reimbursement to the Postal Service for transmission of such registration forms. Additionally, registration forms will be available at any post office or postal substation or any rural or star route, as well as being available to any individual group or organization requesting such registration forms for the purpose of conducting a voter registration drive, except that this section shall not entitle such individuals, groups, or organizations to any free mailing privileges with respect to distribution of the registration forms and their voter registration drives. The Administration may also enter into agreements with departments and agencies of the Federal government, the Secretary of each military department of the Armed Forces of the United States, and with State officials for the distribution of registration forms.

Upon completion of the required information by the applicant, the registration form shall be returned to the appropriate State or

local election official. The State or local election official will be responsible for verification of the returned form, and shall promptly mail to the applicant a registration notification form which advises the applicant whether his registration has been accepted or rejected. Presentation of the registration notification form at the polls shall not be required as condition to cast one's ballot. Possession of such form, however, will be prima facie evidence that one is a qualified registered elector who is entitled to vote. The provisions of this bill are not intended to eliminate certain State requirements of party affiliation or declaration for obtaining primary ballots which are designed to prohibit cross party voting in primaries.

To help insure against abuses of this registration system, the bill provides that the Administration shall, at the request of a State official, provide assistance to such State in preventing fraudulent registration or voting within the State. It was the intention of the Committee that this assistance be on a non-partisan basis. In addition to the appropriate Federal criminal penalties and available actions under State law, the Administration or a State official may request the Attorney General to bring a civil action to enjoin fraudulent registration, attempted fraudulent registration or voting, or the procuring of fraudulent registration or voting by any individuals or groups of individuals. The bill additionally provides for severe criminal penalties of fines and imprisonment for the commission of various offenses relating to fraudulent registration and voting.

The cost of processing the required registration forms will be determined by the Administration and payments to the States will be made to cover the fair and reasonable costs of their processing registration forms for Federal elections. As an encouragement to the States to adopt this simplified mode of registration for all elections the Administration is authorized to pay to any State which adopts this system for State elections an amount up to 30 percent of the payment such State receives for processing registration forms for Federal elections. It is the intent of the Committee that the reimbursements made under section 10 of the Voter Registration Act will ultimately augment the individual budgets of the local election registration offices within each State actually processing voter registration forms in proportion to the number of registration forms handled.

The Administration is further authorized to promulgate regulations to carry out the provisions of this bill. The regulations, however, must first be submitted to the Congress for its approval within 30 legislative days.

The bill further amends Section 316(c)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 438 (c)(2)) with regard to regulations promulgated by the Federal Elections Commission. Present law requires that the Congress must take appropriate action to disapprove any regulation submitted by the Elections Commission within thirty legislative days, the absence of which action would allow the regulation to go into effect. The proposed change in the bill would require affirmative action by the Congress to approve proposed regulations within thirty legislative days. The absence of such action would require the Elections Commission to resubmit another proposed regulation to Congress for reconsideration.

BACKGROUND

The major impetus for legislation in this area has resulted from the emerging concern over the steady decline in voter participation in our national elections over a number of years. During the hearings by the Subcommittee on Elections of the House Administration Committee, as well as in hearings before the Senate Committee on Post Office and Civil Service during the 93rd Congress, statistics were offered by various witnesses to the effect that voter participation in presidential elections has diminished from 64 percent of the voting age population in 1960, to 62.9 percent in 1964, 61.8 percent in 1968, and most recently, to approximately 55 percent in the 1972 presidential race.

Indeed, in 1972 sixty-two million voting-age Americans did not vote. Of the 77,466,000 total votes cast for President in 1972, the President received 47 million of those votes. This means that the President was elected by roughly one-third of the voting-age population.

Evidence offered by numerous witnesses who cited studies and opinions of various research organizations, civic groups, and other election experts tended to establish that the major causes for the lack of voter participation in elections are the difficulties and the barriers to voter registration.

As early as 1963 President Kennedy's Commission on Registration and Voter Participation concluded that "Restrictive legal and administrative procedures for registration and voting are a major reason for low participation." This conclusion was supported by a 1969 Gallup Poll which found that the predominant reason for nonparticipation of the electorate was that there were many obstacles to registration. Similarly, a 1972 study by the National League of Women Voters concluded that "Millions of American citizens fail to vote not because they are disinterested but because they are disenfranchised by the present election system." Most recently, a poll by the public opinion research firm of Daniel Yankelovich, Inc. found that three-fourths of those who did not vote in the previous presidential election had stated that they would have voted had they been registered. In further support of the position that additional people would vote if they could be registered, preliminary statistics of the Bureau of Census were offered to show that 87 percent of those citizens who did register stated that they had voted.

There is substantial evidence demonstrating that many state and local registration officials at the very least do not do all they can to encourage registration and voting. For example, some ranchers in western states must travel over 100 miles in order to register to vote. In far too many states, voter registration offices are open from 9:30 a.m. to 5:00 p.m. on weekdays only. Seventy-six percent have no Saturday or evening registration in non-election months. The working man simply cannot get to the registration offices to register in preparation for exercising his most sacred right—the right to vote.

Only 16 states authorize deputy registrars. Only 30 allow registration on weekends (and for many states that means only one weekend a year). The frustrations which result from such haphazard and uneven registration laws and conditions are enough to discourage even the most interested applicant; but for citizens whose knowledge and

interest in political affairs is not substantial, it serves as out-and-out disenfranchisement. H.R. 1686 is designed to introduce uniformity about voter registration in preparation for Federal elections.

Much criticism has been offered by the press, civic leaders, Members of Congress, and political scientists towards an electoral process in a democracy which works to discourage registration by placing the burden of registration on the citizen rather than on the government.

It was noted in the hearings by numerous witnesses that in European democracies registration is "automatic" and is the responsibility of the government, much as the income tax procedure is in this country. The level of participation in the electoral process of these nationals since World War II has averaged nearly 84 percent of the voting age population, which is 24 percentage points higher than that of our own country for the same period.

The existing registration laws in the various States have been criticised as unresponsive to the actual needs of a great majority of our citizens and have been cited as the predominant reason for non-participation by the electorate.

It is believed that a simplified, convenient, and uniform system of registration will encourage greater numbers of citizens to register, and in turn, to vote in Federal elections. The post card registration system outlined in this bill is believed to be the most efficient method, that provides the greatest safeguards with the least disruption of established procedures, that will achieve the desired goals.

The post card system proposed in H.R. 1686 will work within the traditional framework of presently established election procedures of the various States and localities. The responsibility of the Federal agency will be for the distribution of the registration form and for providing backup in technical or legal assistance upon the request of State or local officials.

Return of completed registration forms by an applicant will be made to the appropriate State or local official, not to a Federal agency. The responsibility for the validation of application forms and for the verification of requested information with existing lists of addresses or signatures will remain with the traditional State or local officials.

Since no aspect of validation or verification of signatures or addresses upon registration will be eliminated by this bill, it is felt that the principal safeguards against fraudulent registration are provided. Furthermore, during the hearings numerous witnesses testified that from their own experiences fraud in the election process generally does not occur at the registration level, but at the voting booths and ballot box. It should be noted that present State or local procedures that designate offices which are designed to limit fraudulent voting, such as poll watches and challengers, will not be affected by the bill.

It is believed, in fact, that the incidence of fraud in the election process will be reduced by the provisions of the bill. In addition to the present State and local controls which have not been affected by the bill, a greater deterrent to fraud will be offered in the form of Federal criminal penalties of fines of up to \$5,000 or imprisonment for up to 5 years, or both, for acts concerning fraudulent registration or voting. These provisions will be backed up by the resources and expertise of

Federal law enforcement which will be available to the States to protect against the possibilities of fraud.

Recently a number of States have taken steps to implement systems of mail registration on their own. Currently, at least 15 States¹ have established mail registration procedures with a number of others in the process of doing so. During the hearings before the Subcommittee on Elections in April 1975, testimony was heard from representatives of three states which implemented mail registration in time to sample its effect on registration and election administration during the 1974 elections. In these three states, Maryland, Minnesota and New Jersey, there was a general feeling of satisfaction and pride in the accomplishments under mail registration.

During her testimony, Mrs. Marie Garber, Elections Administrator from Montgomery County, Maryland cited the following accomplishments under mail registration "New registration in 1974—the first year of mail registration—was up 7 percent compared with 1970, the last comparable year * * * this increase was despite such negative factors as a lower growth rate in the community because of a slowdown in housing construction and widespread alienation from all things political." Mrs. Garber further went on to cite decreased costs of administering the election registration program due to the elimination of the need to provide large numbers of deputy field registrars at locations such as supermarkets, libraries, and in mobile registration vehicles. Mrs. Garber said, "In the last election cycle, 1972—this is only in my election county—we spent \$33,547 for registrar compensation. In 1974 we budgeted \$13,000 and spent only \$8,070. For the Presidential cycle in 1976 we have budgeted \$10,000 for this purpose." The question of potential fraud was also rebutted by Mrs. Garber's contention that the mail system in Maryland, which is quite similar to H.R. 1686, provided additional anti-fraud provisions which are not present in most face-to-face registration procedures. Fraudulent registration was simply not evident. Mrs. Garber concluded her statement by noting that the predicted administrative problems simply did not materialize. There was a minimal number of duplicate registrations and legibility of registration forms was not a problem.

Mr. F. Joseph Carragher, Assistant Secretary of State from the State of New Jersey, cited figures showing that with the inception of mail registration more than 2½ times as many people were enrolled to vote during the six week period immediately prior to the 1974 election, than were enrolled during a comparable period in 1970. He further cited the fact that for the first time in 20 years voter turnout in a non-Presidential Federal election exceeded the turnout of the previous year's gubernatorial election.

The Committee feels that the post card registration system outlined by H.R. 8053 will retain the necessary degree of local control over election procedures and will assure substantial safeguards to protect against voter fraud while providing for the greatly needed reform to simplify registration procedures that will encourage increased voter participation in the electoral process.

¹ Alaska, California, District of Columbia, Iowa, Kentucky, Maryland, Minnesota, Montana, New Jersey, New York, Oregon, Tennessee, Texas, Utah, and Wisconsin.

COST OF THE LEGISLATION

The bill calls for the appropriation of the sum of \$50,000,000 to carry out its provisions. The estimated cost for this fiscal year is \$43,452,565. The estimated cost for the following five fiscal years is \$128,658,700.

SECTION-BY-SECTION EXPLANATION OF THE BILL

SHORT TITLE

The first section of the bill provides that the bill may be cited as the "Voter Registration Act".

DEFINITIONS

Section 2 of the bill contains definitions of the following terms:

- (1) The term "Administration" is defined to mean the Voter Registration Administration.
- (2) The term "State" is defined to mean each State of the United States, the political subdivisions of each State, the Virgin Islands, Guam, and the District of Columbia.
- (3) The term "Federal office" is defined to mean the office of President, Vice President, an elector for President and Vice President, Senator, Representative, or a Delegate to the Congress.
- (4) The term "Federal election" is defined to mean any primary election, general election, or special election held to nominate or elect candidates for any Federal office, including Presidential preference primaries, elections to select delegates to national political party nominating conventions, or caucuses held to select delegates to such conventions.
- (5) The term "State election" is defined to mean any election other than a Federal election.
- (6) The term "State official" is defined to mean any official of a government of a State or of a county, town, village, township, parish, or township election board, who is responsible for the registration of qualified electors or who conducts or supervises any Federal election in a State.

ESTABLISHMENT OF ADMINISTRATION

Subsection (a) of section 3 establishes the Administration within the Federal Election Commission.

Subsection (b) requires the President to appoint, by and with the advice and consent of the Senate and the House of Representatives, an Administrator and two Associate Administrators for terms of 4 years each. Any person appointed by the President may continue in office until a successor is qualified. A person appointed to fill a vacancy may serve the remainder of the term to which his predecessor was appointed. The Associate Administrators may not be members of the same political party, and the Administrator shall be the chief executive officer of the Administration.

DUTIES AND POWERS

Section 4 requires the Administration to (1) establish and administer a voter registration program for Federal elections; (2) collect

and publish information (other than any information which permits the identification of individual voters) relating to elections in the United States; (3) provide information to State officials relating to voter registration-by-mail and general information relating to election administration; (4) obtain necessary facilities and supplies and appoint and fix the pay of necessary officers and employees, who shall be in the Federal competitive service; (5) appoint and fix the pay of experts and consultants; (6) furnish required information to the Congress on its activities, and generally on voter registration and elections, immediately after each biennial general Federal election; and (7) take other necessary actions to carry out the bill.

QUALIFICATIONS AND PROCEDURE

Subsection (a) of section 5 of the bill provides that any individual who is a qualified voter under State law and who is registered to vote under the provisions of the bill may vote in Federal elections in the State involved. Each State, however, shall provide for the registration or other means of qualification of residents of the State who apply, not later than 30 days before any Federal election, for registration or qualification to vote in such election.

Subsection (b) of section 4 of the bill permits the Administration to furnish personnel and other assistance to State officials who request such assistance.

REGISTRATION FORMS

Subsection (a) of section 6 of the bill requires the Administration to prepare voter registration forms.

Subsection (b) of section 6 of the bill requires that printed registration forms shall provide a simple method of registering to vote by mail. Such forms shall include (1) necessary material to assure proper identification of the individual seeking to register; (2) materials necessary to provide for return delivery of the registration form; and (3) information and materials necessary to prevent fraudulent registration, including a statement of the penalties for attempting any fraudulent registration.

Subsection (c) of section 6 of the bill requires State officials to notify applicants whether their registration forms have been accepted or rejected.

Subsection (c) also provides that the possession of a registration notification form which indicates that an individual is entitled to vote shall be prima facie evidence that the individual is qualified and registered to vote. Presentation of the form, however, shall not be required in order for any such individual to cast his ballot.

DISTRIBUTION OF REGISTRATION FORMS

Subsection (a) of section 7 of the bill provides that the Administration may enter into agreements with the Postal Service, with departments and agencies of the Federal Government, and with State officials for the distribution of registration forms. The Administration is not required to reimburse the Postal Service for any distribution of such registration forms.

Subsection (b) of section 7 of the bill provides that any agreement between the Administration and the Postal Service shall require the Administration to prepare a sufficient number of registration forms so that such forms may be delivered by the Postal Service and made available at any post office, postal substation, postal contract station, or on any rural or star route. Such agreements also shall provide for the distribution of such registration forms to any individual, group, or organization requesting such forms for the purpose of conducting or participating in the voter registration program.

Subsection (c) of section 7 of the bill requires the Postal Service to distribute the registration forms at least once every 2 years and before each Federal election but not earlier than 120 days or later than 60 days before the close of registration for the next Federal election in each State.

Subsection (d) of section 7 of the bill permits the Administration to enter into agreements with the Secretary of each military department of the Armed Forces of the United States for the distribution of registration forms at military installations.

Subsection (e) of section 7 of the bill provides that there may be no time limit upon the general availability of registration forms made available under agreements pursuant to section 7.

PREVENTION OF FRAUDULENT REGISTRATION

Subsection (a) of section 8 of the bill provides that whenever a State official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the bill, he may take any appropriate action under State law and he shall notify the Administration to request its assistance in preventing any fraudulent registration. The Administration is required to give assistance in such cases, and to issue a report with respect to its findings.

Subsection (b) of section 8 of the bill provides that whenever the Administration or a State official finds a pattern of fraudulent registration, or any activity designed to register individuals to vote who are not qualified electors, the Administration or such State official may request the Attorney General of the United States to bring an action under section 8. The Attorney General may bring a civil action in any appropriate district court of the United States or the District Court for the District of Columbia to secure an injunction against the fraudulent registration involved, or to obtain any other appropriate order. Any such civil action shall be brought by the Attorney General in the district court of the United States within the jurisdiction of which the fraudulent registration occurred. The district courts of the United States shall have jurisdiction in such actions without regard to any amount in controversy.

PENALTIES

Subsection (a) of section 9 of the bill imposes a fine of not more than \$5,000, or a prison term of not more than 5 years, or both, against any person who knowingly or willfully (1) gives any false information to establish his eligibility to register to vote under the bill; (2) conspires for the purpose of encouraging false registration or illegal vot-

ing; (3) pays or accepts payment for registration or for voting; or (4) registers to vote with the intention of voting more than once, or votes more than once, in the same Federal election.

Subsection (b) of section 9 of the bill imposes a fine of not more than \$5,000, or a prison term of not more than 5 years, or both, against any person who deprives, or attempts to deprive, any other person of any right under the bill.

Subsection (c) of section 9 of the bill provides that the provisions of section 1001 of title 18, United States Code, relating to fraudulent statements or representations, are applicable to registration forms prepared under section 6 of the bill.

FINANCIAL ASSISTANCE

Subsection (a) of section 10 of the bill requires the Administration to (1) determine the cost of processing registration forms; and (2) pay to each State an amount equal to such cost per card multiplied by the number of registration cards processed in the State involved.

Subsection (b) of section 10 of the bill permits the Administration to make payments to any State adopting the registration form and system established by the bill for State elections, in amounts not exceeding 30 percent of the amount paid to the State under subsection (a) of section 10 for the most recent general Federal election in such State. Subsection (c) of section 10 of the bill provides that payments under section 10 may be made in installments and in advance or by way of reimbursement.

REGULATIONS

Subsection (a) of section 11 of the bill permits the Administration to issue rules and regulations to carry out the bill. Such rules and regulations may exclude a State from the bill if such State does not require applicants to register before the date of any Federal election.

Subsection (b) of section 11 of the bill requires the Administration, before prescribing any rule or regulation under section 11, to transmit a statement to the Congress setting forth the proposed rule or regulation and containing a detailed explanation and justification of the rule or regulation.

If the Congress approves, through appropriate action, any rule or regulation transmitted by the Administration no later than 30 legislative days after receiving the rule or regulation, the Administration may prescribe such rule or regulation. The Administration may not prescribe any rule or regulation which is not approved by the Congress, but the Administration may resubmit any such rule or regulation, after making modifications with respect to such rule or regulation, for further consideration by the Congress.

The term "legislative days" is defined to exclude any calendar day on which both Houses of the Congress are not in session.

EFFECT ON OTHER LAWS

Subsection (a) of section 12 of the bill provides that any State adopting the Federal assistance post card form recommended by the

Federal Voting Assistance Act of 1955 with respect to any category of its electors, shall (1) in the case of such electors, be deemed to be in full compliance with section 6 of the bill; and (2) be eligible to receive payments of financial assistance under section 10 of the bill.

Subsection (b) of section 12 of the bill provides that nothing in the bill may be construed to prevent any State from granting (1) less restrictive registration or voting practices than those prescribed by the bill; or (2) more expanded registration or voting opportunities than those provided by the bill.

Subsection (c) of section 12 of the bill provides that nothing in the bill may be construed to limit or repeal any provision of (1) section 202 of the Voting Rights Act Amendments of 1970, relating to expanded opportunities for registering to vote and for voting for electors for President and Vice President; or (2) the Federal Voting Assistance Act of 1955.

AMENDMENTS TO TITLE 39, UNITED STATES CODE

Subsection (a) of section 13 of the bill amends section 3202(a) of title 39, United States Code, to permit mail relating to voter registration under sections 6 and 7 of the bill to be mailed as penalty mail.

Subsection (b) of section 13 of the bill amends section 404 of title 39, United States Code, to permit the Postal Service to enter into arrangements with the Administration for the collection, delivery, and return delivery of voter registration forms.

AMENDMENT TO TITLE 5, UNITED STATES CODE

Section 14 of the bill amends section 5316 of title 5, United States Code, to provide that the Administrator and Associate Administrators of the Administration shall be paid at level V of the Executive Schedule.

CONGRESSIONAL APPROVAL OF REGULATIONS

Section 15 of the bill amends the Federal Election Campaign Act of 1971 and the Internal Revenue Code of 1954 to provide that rules and regulations proposed to be prescribed by the Federal Election Commission may not take effect unless such rules and regulations are approved by the Congress, through appropriate action, no later than 30 legislative days after being transmitted by such Commission.

The amendments also provide that if any rule or regulation is not approved by the Congress, the Commission may modify or amend such rule or regulation and transmit it to the Congress for reconsideration.

Existing law provides that any proposed rule or regulation of such Commission may take effect if it is not disapproved by the Congress, through appropriate action, no later than 30 legislative days after its transmission to the Congress.

AUTHORIZATION OF APPROPRIATIONS

Section 16 of the bill authorizes to be appropriated not more than \$50,000,000 to carry out the provisions of the bill.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 39, UNITED STATES CODE

§ 404. Specific powers.

Without limitation of the generality of its powers, the Postal Service shall have the following specific powers, among others:

(1) To provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail;

(2) To prescribe, in accordance with this title, the amount of postage and the manner in which it is to be paid;

(3) To determine the need for post offices, postal and training facilities and equipment, and to provide such offices, facilities, and equipment as it determines are needed;

(4) To provide and sell postage stamps and other stamped paper, cards, and envelopes and to provide such other evidences of payment of postage and fees as may be necessary or desirable;

(5) To provide philatelic services;

(6) To provide, establish, change, or abolish special nonpostal or similar services;

(7) To investigate postal offenses and civil matters relating to the Postal Service;

(8) To offer and pay rewards for information and services in connection with violation of the postal laws, and, unless a different disposal is expressly prescribed, to pay one-half of all penalties and forfeitures imposed for violations of law affecting the Postal Service, its revenues, or property, to the person informing for the same, and to pay the other one-half into the Postal Service Fund; [and]

(9) To authorize the issuance of a substitute check for a lost, stolen, or destroyed check of the Postal Service []; and

(10) to enter into arrangements with the Voter Registration Administration of the Federal Election Commission for the collection, delivery, and return delivery of voter registration forms.

§ 3202. Penalty mail.

(a) Subject to the limitations imposed by sections 3204 and 3207 of this title, there may be transmitted as penalty mail—

(1) official mail of—

(A) officials of the Government of the United States other than Members of Congress;

(B) the Smithsonian Institution;

(C) the Pan American Union;

(D) the Pan American Sanitary Bureau;

(E) the United States Employment Service and the system of employment offices operated by it in conformity with the provisions of sections 49-49c, 49d, 49e-49k of title 29, and all State employment systems which receive funds appropriated under authority of those sections; and

(F) any college officer or other person connected with the extension department of the college as the Secretary of Agriculture may designate to the Postal Service to the extent that the official mail consists of correspondence, bulletins, and reports for the furtherance of the purpose of sections 341-343 and 344-348 of title 7;

(2) mail relating to naturalization to be sent to the Immigration and Naturalization Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official thereof;

(3) mail relating to a collection of statistics, survey, or census authorized by title 13 and addressed to the Department of Commerce or a bureau or agency thereof;

(4) mail of State agriculture experiment stations pursuant to sections 325 and 361f of title 7; [and]

(5) articles for copyright deposited with postmasters and addressed to the Register of Copyrights pursuant to section 15 of title 17 []; and

(6) mail relating to voter registration pursuant to sections 6 7 of the Voter Registration Act.

SECTION 5316 OF TITLE 5, UNITED STATES CODE

§ 5316. Positions at level V.

(124) Director, National Highway Safety Bureau.

(125) Director, National Traffic Safety Bureau.

(126) Repealed. Pub. L. 91-644, § 7(2), Jan. 2, 1971, 84 Stat. 1887.

(127) Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice.

(128) Auditor-General of the Agency for International Development.

(129) Vice Presidents, Overseas Private Investment Corporation (3).

(130) Deputy Administrator, Urban Mass Transportation Administration, Department of Transportation.

(131) Assistant Directors, Special Action Office for Drug Abuse Prevention (6).

(132) General Counsel of the Equal Employment Opportunities Commission.

(133) Director, National Cemetery System, Veterans' Administration.

(133) Deputy Administrator for Administration of the Law Enforcement Assistance Administration.

(134) General Counsel, Energy Research and Development Administration.

(135) Additional officers, Energy Research and Development Administration (8).

(135) General Counsel, Commodity Futures Trading Commission.

(136) Additional officers, Nuclear Regulatory Commission (5).

(136) Executive Director, Commodity Futures Trading Commission.

(137) Administrator and Associate Administrators (2), Voter Registration Administration, Federal Election Commission.

SECTION 316 OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

DUTIES

SEC. 316. (a) * * *

(c) (1) The Commission, before prescribing any rule or regulation under this section, shall transmit a statement with respect to such rule or regulation to the Senate or the House of Representatives, as the case may be, in accordance with the provisions of this subsection. Such statement shall set forth the proposed rule or regulation and shall contain a detailed explanation and justification of such rule or regulation.

(2) If the appropriate body of the Congress which receives a statement from the Commission under this subsection does not, through appropriate action, [disapprove] approve the proposed rule or regulation set forth in such statement no later than 30 legislative days after receipt of such statement, then the Commission may not prescribe such rule or regulation. In the case of any rule or regulation proposed to deal with reports or statements required to be filed under this title by a candidate for the office of President of the United States, and by political committees supporting such a candidate [both the Senate and the House of Representatives shall have the power to disapprove such proposed rule or regulation.], any such rule or regulation may not take effect unless it is approved by the Congress, through appropriate action. The Commission may not prescribe any rule or regulation which is [disapproved] not approved under this paragraph. If any rule or regulation is not approved by the Congress during the period of thirty legislative days specified in this paragraph, the Commission may modify or amend such rule or regulation and transmit it to the Congress for consideration in accordance with the provisions of this subsection.

INTERNAL REVENUE ACT OF 1954

SUBTITLE H—FINANCING OF PRESIDENTIAL ELECTION CAMPAIGNS

CHAPTER 95—PRESIDENTIAL ELECTION CAMPAIGN FUND

§ 9009. Reports to Congress; regulations.

(a) * * *

(c) REVIEW OF REGULATIONS.—

(1) The Commission, before prescribing any rule or regulation under subsection (b), shall transmit a statement with respect to such rule or regulation to the Senate and to the House of Representatives, in accordance with the provisions of this subsection. Such statement shall set forth the proposed rule or regulation and shall contain a detailed explanation and justification of such rule or regulation.

(2) If [either such House does not, through appropriate action, disapprove the proposed rule or regulation set forth in such statement,] the Congress approves, through appropriate action, any rule or regulation transmitted by the Commission under paragraph (1) no later than 30 legislative days after receipt of such rule or regulation, then the Commission may prescribe such rule or regulation. The Commission may not prescribe any rule or regulation which is [disapproved by either such House] not approved by the Congress under this paragraph. If any rule or regulation is not approved by the Congress during such period of 30 legislative days, the Commission may modify or amend such rule or regulation and transmit it to the Congress for consideration in accordance with the provisions of this subsection.

(3) For purposes of this subsection, the term "legislative days" does not include any calendar day on which both Houses of the Congress are not in session.

CHAPTER 96—PRESIDENTIAL PRIMARY MATCHING PAYMENT ACCOUNT

§ 9039. Reports to Congress: regulations.

(a) * * *

(c) REVIEW OF REGULATIONS.—

(1) The Commission, before prescribing any rule or regulation under subsection (b), shall transmit a statement with respect to such rule or regulation to the Senate and the House of Representatives, in accordance with the provisions of this subsection. Such statement shall set forth the proposed rule or regulation and shall contain a detailed explanation and justification of such rule or regulation.

(2) If ~~either such House does not, through appropriate action, disapprove the proposed rule or regulation set forth in such statement no later than 30 legislative days after receipt of such statement~~ the Congress approves, through appropriate action, any rule or regulation transmitted by the Commission under paragraph (1) no later than 30 legislative days after receipt of such rule or regulation, then the Commission may prescribe such rule or regulation. The Commission may not prescribe any such rule or regulation which ~~disapproved by either such House~~ not approved by the Congress under this paragraph. If any rule or regulation is not approved by the Congress during such period of 30 legislative days, the Commission may modify or amend such rule or regulation and transmit it to the Congress for consideration in accordance with the provisions of this subsection.

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MINORITY VIEWS OF HON. WILLIAM L. DICKINSON,
HON. SAMUEL L. DEVINE, HON. CHARLES E. WIGGINS,
HON. J. HERBERT BURKE, HON. W. HENSON MOORE,
HON. BILL FRENZEL, HON. MARJORIE S. HOLT, AND
HON. JAMES C. CLEVELAND

There is only one, legitimate, rationale on which to base Federal invasion of an area traditionally left to each State, and that rationale is that postcard registration will increase citizen participation in the electoral process. The facts suggest that this rationale is more in the nature of a myth.

LITTLE EVIDENCE MAIL REGISTRATION, WILL INCREASE VOTER PARTICIPATION

Proponents claim H.R. 1686 will increase the number of eligible voters who register and who actually go to the polls on election day. However, the evidence of past elections, the results of a Census Bureau voter registration survey, and the belief of some of the proponents of the bill themselves confirm that this bill will have little, if any, effect on increasing voter registration.

The following examples from the 1972 General Election offer slim hope of improvement.

1. The State of North Dakota has no pre-registration requirement for its voters. The voters in North Dakota register at the same time they vote on election day. This is the simplest form of voter registration available and yet in 1972, 30.1 per cent—nearly one-third—of the eligible voters did not vote.

2. In Texas, a registration by coupon procedure is used. A voter clips a registration coupon from his local newspaper and mails it to his local voter registration office. Despite this simple registration procedure 54.9 per cent—more than half—of the eligible voters did not vote on election day.

3. In Alaska, where the voting residency requirement is 30 days, 52.5 per cent—more than half—of the eligible voters failed to cast their ballots in the election.

4. The national average of voter participation in the 1972 presidential election was only 55.6 per cent. Some 44.4 per cent of eligible voters failed to vote despite the provisions of the 1970 Voting Rights Act which made it easier to vote by (1) requiring residency of only thirty days for presidential elections; and (2) allowing absentee voting in presidential elections.

The encouragement and facilitation of maximum participation in the electoral process is an admirable objective which, unhappily, H.R.

(17)

1686 does not address in any meaningful way. The only political scientist to testify on this Bill was Dr. Richard Smolka who has said:

Rather than rely on a method which is wasteful on its face, ineffective in operation, and which opens the door to large scale fraud, it would seem preferable if legislation were directed to the heart of the problem, the unregistered voter. The "unregistered voter" is well known and may be classified into three groups, those persons who become newly eligible by reason of age, those persons who have moved to a new county or state and those persons who simply are not interested in registering and voting.

As to the newly eligibles, a program of registration in High Schools and Colleges would readily solve that problem.

As to the new address group, one Pennsylvania registrar has an arrangement with the Post Office so that he receives all address changes, he then sends each registered voter a form on which they can update their registration. Other address change tie-ins, with such as utility companies, readily suggest themselves.

As to the alienated group, Dr. Smolka has suggested a door to door canvas. Such a canvas would be an ideal project for civic clubs and thereby would significantly reduce the tax burden of registration drives.

None of these direct and obviously effective solutions are included in H.R. 1686. In fact there is abundant evidence to suggest that postcard registration could reduce voter turnout.

When postcards are mailed out before every federal election, and at least every two years, everyone in the country will receive them. In that group are 100 million already registered voters, and if the Bill works at all, the 100 million will increase. The cost of printing, handling, sorting and double checking—to say nothing of the real cost of delivery which this Bill presumes non-existent, is utterly redundant, irrelevant and wasteful. It is the sort of bureaucratic profligacy by which our citizens are increasingly annoyed, and rightfully so.

H.R. 1686 would mandate a tremendous expansion of the staff of the Federal Elections Commission and add non-compatible demands on that agency at a time when it has not fully digested the Federal Election Campaign Act and Amendments. This delegation of voter registration authority would create an unnatural mix of primary responsibilities in both the legislative and administrative areas. Although all independent agencies are hybrids partaking of some characteristics of each of the three branches of government, it is customary and sound policy not to mix primary responsibilities.

H.R. 1686 implores severe burdens on the States and, as amended by the Committee, denies any financial assistance in the carrying out of mandated functions.

To add both to the expense and the possibilities of fraud, this Bill mandates that the postcards be made available to all organizations in any quantity they may request for registration drives. Some provision to insure responsible use of the material, such as a receipt system, would serve the voting public well to curb potential abuses.

Bi-annual mail-outs would make more sense, and the possibility of voting in more than one precinct on the basis of the same notification, at least, would be diminished if each notification were printed with a series of "election numbers" to be punched on each use. Each new notification would then start over with a new bi-annual series. This would operate as a useful purging of the rolls with respect to people who do not for any reason re-register by postcard.

Postcard registration will be an administrative nightmare for state and local officials, creating chaos in voter registration processes and wreaking havoc with election day procedures. Some of the obstacles are: illegibility of cards, the creation of dual registration lists for state and federal elections, duplicate registrations, inadequacy of mail addresses, the possibility of dirty tricks, determining where to send the postcard and the actual size of the postcard. With all of these potential Snafus, it's not surprising that a sizeable majority of state and local officials oppose postcard registration.

Postcard registration may increase the potential for and offer unparalleled opportunity for fraud. Now, as a means of fraud prevention, it is customary to require a person who desires to register to vote to appear in person before the registrar, so they can be asked questions pertinent to their qualifications. At the very least, this establishes that there is an actual person registering who can offer identification—not a fictitious name sent in by mail which cannot be checked for veracity before the election.

Postcard registration will set up a new federal bureaucracy with almost unlimited authority to spend huge sums of the taxpayers' money. Nobody can really say what the true costs of the bill will be. The estimates of the annual cost of a national postcard registration system run all the way from \$15 to \$500 million. Whatever the figure, it will be more than a country with a \$90 billion targeted deficit should spend for a program in which the experts have no confidence.

Voter registration qualifications and procedures have traditionally been left up to the states. Up to now, Congress has legislated in the field of registration only when due process or equal protection were involved.

No matter how you look at this bill, it's a loser! If our intention is to register more people, there are better ways to do it. Instead, the Congress would do well to enact legislation which will implement a national mandate to register every American who wants to vote. There are two alternatives available to us which would better meet this challenge.

The first is to provide direct grants to the states with guidelines for their use to assist them in their registration efforts. The second is to provide states with grants for a comprehensive face-to-face registration drive. This would aid the states in two ways; i.e., increasing registration and at the same time up-dating and purging their current lists. In the long run, this would be less expensive than a national postcard system but more expensive than the first alternative.

These alternatives are seen by most election experts and officials as being more cost-effective as well as more likely to increase voter participation than the postcard bill which, while conceptually appealing and well-intentioned, is likely to be counterproductive.

1. Dr. Richard G. Smolka is a professor of Government at The American University in Washington, D.C., and has been director of the Institute of Election Administration at the University since 1971. He is, also editor of ELECTION News, a monthly newsletter for elections officials at all levels of government, author of a column of elections "the Ballot Box," which is published weekly in COUNTY NEWS, the official publication of the National Association of Counties, and author of "Washington Report", a monthly column published in NEWS DIGEST, the official publication of the International Institute of Municipal Clerks.

W. L. DICKINSON.
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ADDITIONAL VIEWS OF HON. WILLIAM L. DICKINSON

Postcard registration is "a bill to encourage and proliferate fraud and steal elections throughout the United States. . . . I cannot imagine a proposal that provides for a more efficacious way to practice fraud and steal elections than this bill. There is not a single protection in the bill against fraudulent voting, when we get down to the final analysis". These harsh words were spoken on the Senate floor by the distinguished former Senator from North Carolina, Sam Ervin, during the 92nd Congress. There are no significant differences in the Bill now before us.

The American Civil Liberties Union and many state and local officials also believe that postcard registration will increase the opportunities for fraud.

PERSONAL APPEARANCE REDUCES FRAUD

It is customary to require a person who desires to register to vote to appear in person before the registrar so he can be asked questions pertinent to his qualifications. At the very least, personal appearance establishes that there is an actual person registering who can offer identification. Postcard registration would do away with this means of fraud protection which although not infallible is certainly better than no precautions at all. A fictitious name sent in by mail is not likely to be checked for veracity before the election, particularly in populous areas.

Because registration forms will be available in bulk, it will be easy for a single individual to register numerous times with little chance of detection simply by making multiple applications to various election boards. The possibility for groups to engage in election fraud is just as great, and the results would expose the electoral process to even greater dangers.

Under the local postcard systems presently in place, state and local officials have found it extremely difficult to prevent underage persons from registering. Youngsters then use the registration notification form as proof of age for being admitted to bars and restaurants.

In Maryland, nonforwardable registration notifications containing false or fraudulent information were distributed in a test mailing. About 10% of these cards were *not* returned, indicating the definite potential of fraud.

Some proponents claim that the bill preserves the most effective fraud prevention device in wide use today—the ability to compare the signature of the voter at the polling place with the signature in the official files. However, states such as Virginia have no signature law. In these states, there will be no signature to compare with the signature on the postcard. This will open up avenues of fraud or require substantial changes in state laws.

BURDEN OF PROOF SHIFTED

Section 6(c) provides that receipt of a registration notification form would be prima facie evidence that the registrant is a qualified voter. This effectively shifts the burden of proof, with respect to citizenship, age and residence, from the applicant to the challenger.

In personal appearance registration, the registrar has an opportunity to raise these questions and require at least some proof; he may even delay the registration of the applicant until sufficient proof has been provided.

Under a postcard system, the registrar (has nothing before him but the averments of the applicant). These may be verified, of course, if the volume of postcards (to be mass mailed) permits sufficient time and if the corroborative information is readily available. Once the notification has been mailed, however, the election officials can no longer question the voter.

Nor can a poll watcher challenge a voter's qualifications without sufficient proof (to rebut the statutory presumptions). The big difference between this and the present situation is the lack of pre-registration screening. Even though a challenged ballot may be set aside for later resolution, in a close election it would, in all probability, be counted before the necessary proof has been brought in. Considering the growing number of elections won by narrow margins and the considerable problem of illegal aliens now in this country, the possibility of elections turning on illegitimately registered voters is very real. Any registration system therefore, which increases the opportunities for fraud is inimical to sound election practice.

MULTIPLE FRAUD OPPORTUNITIES

With postcard registration, an individual could register by mail and vote by absentee ballot. Absentee ballots are an established source of fraud; coupled with postcard registration disturbing new opportunities for fraud would be visited upon an already suspicious electorate.

Proponents claim that adequate fraud checks are contained in the bill to prevent such practices; they further state that similar systems have already been implemented in several states with no reports of fraud. Closer analysis reveals, however, that these states conducted almost no serious investigations into the question of actual fraud. Even (de minimus) fraud checks were not followed. For example, New Jersey requires that each registration by postcard must contain a counter-signature of a witness to that registration. State and local officials, however, have not checked the accuracy or authenticity of such counter signatures. Because state and local officials have not adhered to the fraud safeguards provided for under existing systems, proponents cannot claim that these systems are fraud-free. Further investigations are needed before such an assessment can be made. The counter signature concept, moreover, merely requires a simple conspiracy rather than individual fraud.

What is even more alarming is the possibility that many honest, innocent citizens could be fraudulently disenfranchised. Franksters or corrupt partisans could obtain stacks of these postcards and invalidate the registration of many innocent citizens without their knowl-

eged. This could be easily accomplished by filling out a postcard form which would have the effect of changing an innocent citizen's name, place of residence or party affiliation. It is likely that the citizen would become aware of this fact only when he went to the polls to vote, at which point nothing could be done to re-enfranchise him.

PHILADELPHIA STORY

The possibility of such deliberate disenfranchisement is not simply idle conjecture. Between 1937 and 1943, political party workers in Philadelphia illegally filled out postcard address change forms for members of the opposite party, thereby disenfranchising them and insuring their own party victory at the polls. This practice became so wide-spread that it was a factor in the eventual abolition of the postcard registration system.

By greatly increasing the potential for fraud and insuring administrative chaos, postcard registration may cause many state and local officials to throw up their arms in resignation and switch to a system of no registration in federal elections.

WM. L. DICKINSON.

ADDITIONAL VIEWS OF HON. SAMUEL L. DEVINE

ADMINISTRATIVE OBSTACLES

Proponents of postcard registration do not seem to be fully aware of the administrative and logistical problems involved in the implementation of a national postcard registration system. The postal service would have to mail out, and state and local officials would have to process, the equivalent of 500 stacks of postcards each one the height of the Washington Monument. The Voter Registration Administration would not only have to deal with 50 state agencies, but would also need to exercise some degree of control over the more than 7,000 cities, counties, and other units of local government, 173,000 precincts and 1,000,000 state and local election officials.

This legislation assumes a commonality of the voter registration function among the 7,000 election and registration boards that does not exist. Levels of sophistication between these boards vary from the very simple and labor intensive to the extremely complicated and computer intensive. It will be clearly impossible to adopt federal postcard registration to these diverse registration systems.

H.R. 1686 would turn loose an army of untrained registrars capable of causing disruption to state and local registration systems. Most of the existing state postcard systems require registrars to be trained by registration experts. Montgomery County, Maryland, for example, requires each person interested in registering other people by postcards to take an hour and half course. Not surprisingly, the Montgomery County system works rather well (it has the advantage of having a well-educated, affluent population which can easily fill out the cards properly).

The proposed federal registration system does not contain any training requirement. The question arises if such training sessions are necessary in high education level countries like Montgomery, aren't they even more necessary in less educated areas? If training is not necessary, why does Montgomery County continue to require it?

Election day difficulties.—Few people are aware of the intricacies and complexities of the election administration processes. Hundreds of small but separate tasks must be performed correctly and in sequence in order to conduct a proper election. Each of these tasks, if neglected or if improperly performed as scheduled, may lead to a serious election day disorder.

Under postcard registration, if only 1% of the voters need election day clarification, thousands of telephone calls would come into state and local election offices. As telephone lines become tied up and officials and voters are unable to get through to determine registration status, the breakdown begins. Long waiting lines develop, harassed precinct officials begin to lose their customary good nature, voters grow impatient, and hundreds perhaps thousands of people are disenfranchised.

Election day snafus may result in contests that are not decided until long after the election is over. The specter of five or six Wyman-Durkin type elections awaiting resolution by Congress only further crystallizes the arguments against postcard registration.

The attorneys fees generated in resolving such contests could add tremendously to the hidden social costs of H.R. 1686. For example, the legal fees for 1974 contests, without the impact of postcard generated contests, ran in excess of \$174,000, and the Durkin-Wyman fees ran in excess of \$214,000.

At a time when the Federal Government is already deep in its own debt and is being pushed toward the rescue of debt ridden local governments, it would seem unwise to embark upon a program which would carry with it such high costs and such little promise of solving the problem at which it is aimed.

In addition to the extravagant costs of postcard registration, the virtually unlimited opportunities for fraud which it creates are appalling. It invites the registration of fictitious persons at vacant lots, and as many other frauds as the ingenious felon can invent. Perhaps a better title for H.R. 1686, would, in fact, be the "Tombstone Rubbings Act of 1975."

SAMUEL L. DEVINE.

ADDITIONAL VIEWS OF JAMES C. CLEVELAND

H.R. 1686 will add significantly to the already tremendous cost of holding elections—and will not only fail to improve that system but will undermine its integrity—that basic ingredient that makes free elections work.

A thorough discussion of the pitfalls of this legislation is contained in the foregoing Minority Views and also in Minority Views to accompany the report on last year's postcard voter registration bill (see House Report 93-778).

The essence of the minority viewpoint was stated in the latter-mentioned views as follows: "While the bill is both conceptually appealing and well-intentioned, closer analysis shows that it will raise havoc with election administration procedures, create chaos in the political process and disenfranchise many honest, innocent citizens.

Postcard registration, in addition to its potential for fraud and confusing administrative red tape, will set up a new federal bureaucracy with almost unlimited authority to spend huge sums of the taxpayers' money at a time when we should be reducing both the size and the cost of government.

It has been costing about \$200 million a year just to administer the electoral process (this figure does not include the money spent on campaigns).

The estimates of the annual cost of a national postcard registration system run all the way from \$15 to \$500 million. Most estimates fall into the \$30 and \$125 million range H.R. 1686 would authorize \$50 million.

Even proponents admit that it will be costly. One friendly witness testified that it would be "scandalously wasteful" to make a mass mailing of the postcards to every household. Another witness cited figures between \$320 and \$500 million as the actual cost if the cards are mailed to every household. During the mark-up, Subcommittee Chairman Dent estimated \$100 million.

GUARANTEED WASTE

It appears certain that this bill sets in motion an almost uncontrollable appetite for federal money. While most people really concerned with electoral participation will see the expense as excessive, some honest folk will disagree. There is one extravagance in H.R. 1686, however, that no amount of congenial argument can explain away. That is a mandated waste of \$10 million a year.

Dr. Richard Smolks zeros in on the problem in the following two paragraphs:

Distribution of the forms. H.R. 1686 provides for mass distribution of voter registration forms to every household in the United States at least once every two years. There are

more than 100 million registered voters in the United States. Every one of these 100 million registered voters would receive a voter registration form which would be of no possible use. This provision of the bill absolutely guarantees a waste of approximately \$20 million every two years merely for printing, handling and postage of forms going to persons already registered.

This bill will waste more money for postage alone than is currently being spent to register voters by all state and local governments combined in any election year. But further waste is inevitable. If only 10 percent of the 100 million voters who are already registered actually complete the form and send it to their local registrar or call, or write the registrar to inquire about it, personnel and processing costs of additional millions will be added. This is one of the excellent reasons why both Maryland and New Jersey rejected any attempt to mass mail voter registration forms.

This mandated waste is unconscionable and particularly so in view of the increasing awareness (prompted by the New York City situation) that we should be making an aggressive effort to trim the federal budget and its staggering deficit.

JAMES C. CLEVELAND.

ADDITIONAL VIEWS OF CHARLES E. WIGGINS

IMPACT ON THE FEDERAL SYSTEM

Postcard registration could profoundly alter the federal structure in the area of election administration by taking from the States the time-honored responsibility for voter registration and giving it to the Federal bureaucracy. Up to now, Congress has legislated in the registration field only when it believed that due process of equal protection were being denied.

There may be a need for Congress to establish statutory minimum standards, but it should not dictate procedures, foolish or otherwise.

Postcard registration would set up yet another federal bureaucracy with the customary "Big Brother" overtones. At worst the Voter Registration Administration could become a partisan agency, giving aid to its political allies while refusing to give aid and advice to its enemies. More likely, however, the Administration would simply become another moribund bureaucracy which would slow the registration efforts of the individual states by accident rather than by design.

Section — of the bill would require that state and local officials process the registration forms, but that the Voter Registration Administration determine the cost of the processing. What if there is disagreement? What if the costs of processing exceed the administration's estimates? Will state and local governments be forced to make up the difference?

Section — of the bill requires that each of the approximately three¹ hundred thousand state and local election officials as defined by the Act may request federal intervention in the registration process if they have reason to believe that individuals who are not qualified electors are attempting to register. Any one of this legion of state and local officials could use this provision to block the registration of students, blacks, and other minorities. This provision would severely cripple the Voting Rights Act of 1965 and the Voting Rights Act Amendments of 1970. By the time the Voter Registration Administration could fully investigate and check the validity of the state and local official's complaint, registration would probably be closed and election day have come and gone.

REDUCING REGISTRATION

Several state and local officials and Dr. Richard Smolka, Director of the Institute of Election Administration and a leading expert on voter registration, have expressed the belief that a federal postcard registration system might reduce overall voter turnout.

¹ Exact figure being researched.

There are several ways that postcard registration could reduce voter turnout:

1. Past experience with address changes by postcard indicates that up to one-third of the postcards may be either illegible or incomplete. This problem is especially acute among the poor and lower middle class voters—the main target of the proposed legislation. If the name or address is incomplete or illegible, there is often no way of finding out who sent in the card. People who send in these illegible and incomplete cards, despite warnings to the contrary, will often think they are registered when they are in fact not. On election day these people will be ineligible to vote and further alienated from the system.

2. Postcard registration would be dependent on the U.S. mail system which has been known to be both inefficient and unreliable. Mail service is especially bad in poor and lower middle class neighborhoods, where most pockets of low registration are located. With 150 million or more pieces of mail shuttling back and forth in the postal system, there will be undoubtedly considerable loss and confusion. Disenfranchised will occur because cards will be lost or arrive too late to be processed.

3. States may decide to separate federal from state and local elections by scheduling the latter in odd number years as New Jersey and Virginia have done. The total separation of state and local elections from federal elections will tend to reduce voter turnout in all elections.

4. If the states did not adopt postcard registration for all elections, voters would have to comply with two registration procedures—one for federal elections and another for state and local elections. Confusion would result when registrars and voters attempt to determine which persons are entitled to vote in all elections, which one federal elections, and which ones in state and local elections. Many people would assume that they are registered for all election, when in fact they are only registered for and can only vote in either state and local or federal elections. These registrants will be partially disenfranchised and understandably annoyed.

5. Perhaps the major cause for low turnout is voter alienation. Postcard registration would eliminate the only face-to-face contact many people have with their political system prior to election day. A study published in *Public Opinion Quarterly* by Robert Kraut and John McConahay found that person-to-person contact with an eligible voter prior to election day will increase the likelihood that he or she will vote. Conversely, the lack of such contact will probably reduce the likelihood of an eligible voter actually going to the polls. Postcard registration will eliminate this vital encounter.

There is no compelling reason to enact H.R. 1686, indeed if one is committed to the solution of the problem it purports to address. There are many compelling reasons not to enact this Bill.

CHARLES E. WIGGINS.

ADDITIONAL VIEWS OF J. HERBERT BURKE

H.R. 1686, it is argued, will bring U.S. voting turnouts more in line with other western democracies. Such a claim is based on the fallacious assumption that such a difference in voter interest really exists.

In fact, when comparable situations are analyzed, turnout in the United States is remarkably similar to that in other western democracies. Complex and significant differences between political systems and methods of computing voter turnout account for many of the apparent disparities between the United States and other countries.

Specifically, unlike the United States, some European countries exclude those legally and mentally unable to vote from their computations on total voting age population, thus boosting their participation percentage in relation to the United States. Also, in a few countries, voting is compulsory; and in some cases, the figures given are simply inaccurate. For example, the Australian Embassy has stated that their turnout figure is significantly lower than the quoted 97 percent.

In the British parliamentary election of 1970, 71 percent of all eligible voted, 11 percent more than in the United States. However, turnout in Britain's poor urban areas was 45-52 percent the same as it is in the United States. Suburban London turnout was 65-75 percent, roughly equivalent to the average U.S. suburban turnout. High turnout, which raised the total percentage, occurred in areas with unique political conditions uncommon in America. For example, in Cornish, Welsh, Scottish, and Northern Irish districts, three- and four-way races accounted for a higher than average turn out of 75-90 percent. Likewise, top turnout of 90-92 percent was observed in Northern Irish districts where internal strife replaced politics as usual.

During very recent years, turnout in both Canada and Great Britain has dropped about 5-7 percent, a figure quite similar to the drop in the United States.

Critics of the U.S. electoral habits are fond of saying voter turnout is abysmally low—only 55 percent in 1972, and they are equally fond of saying that postcard registration will somehow improve this.

What is wrong with the basic assertion is, of course, that the 55 percent figure is inaccurate. When aliens, the mentally ill, prisoners, ex-felons, invalid ballots, those disqualified by residency requirements, those who are ill on election day, those who do not vote for President, etc. are properly accounted for, turnout is actually somewhat higher.

Illegibility. Without tight control as in the case under present state laws, there may be many illegible and incomplete postcards. Previous experiences with postcards registration and address changes in Los Angeles, Philadelphia, and the State of Washington, Hawaii and Montana indicate that up to from 10 to 33 percent of the postcards returned to state and local officials may be returned either incomplete or illegible.

Experience has also shown that registration forms are not easily filled out no matter how simple they appear to be. For example, even where there is special training for assistants to help fill out forms accurately and completely, there is still a significant percentage of error.

In order to process the illegible and incomplete postcards, an interchange of correspondence will sometimes be necessary, a costly and time-consuming process. Even then, states and local officials may well accumulate thousands of postcards that will be completely unsuitable for processing because of illegible handwriting or insufficient information. These applicants will be surprised, and dismayed, on election day when they find they are not registered to vote.

Dual registration: Most state and local officials have stated that federal postcard registration would result in dual registration systems. As a result, two sets of records would have to be maintained or distinguishing marks would have to be made to separate the various classes of registrants.

Presently, there are over 521,000 elected public officials in the United States of whom 535 sit in Congress. Approximately 999 out of every thousand elected officials are state and local officials. Under a dual registration system, citizens who register by postcard will only be able to vote in federal elections.

In some instances, it would be necessary to have separate ballots and separate voting machines: One set for federal elections and one set for state and local elections. There would be additional costs, additional clerks needed, as well as increased expertise. This would entail an additional expense of many millions of dollars at a time when the public is wrestling under the twin federal spending burdens of taxation and inflation.

J. HERBERT BURKE.

ADDITIONAL VIEWS OF HON. BILL FRENZEL

I do endorse the primary minority views signed by all the Republican Members of the Committee. These additional remarks are aimed at specific aspects of the bill on which I believe more comment is necessary.

First, H.R. 1686, however nobly motivated, or however conceptually appealing, simply will not do the job claimed for it. Instead it will be counterproductive, and may actually reduce voter participation. Certainly it will raise havoc with existing registration systems. Surely it will foul up registration administration. It may increase voter alienation, disenfranchise otherwise qualified voters. Finally, it will be a scandalous waste of the taxpayers money.

Poll after poll has shown conclusively that people don't vote for reasons other than difficulty in registering. Of those who do register, only 75 percent vote in a Presidential election. And only the most highly motivated even bother to register.

Repeated surveys by the Census Bureau shows that the principal reasons for non-voting is apathy and hostility toward politics. No postcard can change these attitudes. As a matter of fact, most people won't fill out postcards.

Postcard registration, with proper controls (this bill does not have such controls), works well in metropolitan Minneapolis or in Montgomery County. Voters there are educated and affluent. They are used to using the mails to conduct business. The people that this bill purports to help—the unregistered, the disadvantaged, the poor, the minorities—don't regularly use the mail. Many don't even have regular addresses. Many would have difficulty filling in the card. This group simply will not be helped by postcards.

Four states used some form of postcards in the last election. None of these states mailed cards to homes or postal boxes. In Texas, coupons in newspapers could be mailed in. In Maryland, cards were distributed by trained personnel who helped the registrants fill them in. In New Jersey and Minnesota, they were placed in public buildings and distributed by untrained groups and individuals, but not mailed. In New Jersey, they had to be countersigned.

These states had interesting experiences. Together they averaged 7.6 percent below the national average in 1974 voter turnout, while they had averaged only 2.8 percent below in 1972, and 4.9 percent below in 1970. Each had a substantially lower turnout than in the previous comparable election. Altogether, they are an excellent example of the fact that postcard registration does not improve voter turnout.

One of the reasons, postcard registration reduces voter turnout is that it diverts local resources and personnel from other more effective registration activities. Effective programs, like face-to-face registration through mobile or branch registration offices should be encouraged not crowded out. In other words, if the federal government forces the states to go to postcard systems, the states will reduce registration efforts that really work.

The costs are staggering. With a \$74 billion deficit, we have no business instituting a system which we know won't work, but which will cost anywhere from \$50 million to \$500 million. Remember, it is not just the costs of printing and mailing. The largest costs are in handling the cards, making call-backs on incomplete card, checking the duplicate registrations, etc. All these costs are being federally forced on the states, and onto our local governments. Surely the clerks will have no time to do anything else like registering real, live people.

This year's bill has two new features. Both involve the Federal Elections Commission. Instead of the Census Bureau (Senate version) or the General Accounting Office (last session's House version), this year the administration of postcard registration is given to the FEC. The FEC did not ask for the job. It was not officially consulted. It is already overburdened and underfinanced. This extra burden may kill the FEC.

The second new feature changes the Congressional veto power over FEC election rulings. I have commented on this nongermane amendment elsewhere in this report.

Because I believe that we have an obligation to try to register every citizen, and to try to stimulate every citizen to vote, I have introduced H.R. 5721 as a substitute for H.R. 1686. H.R. 5721 preserves our federalist system. It lets state and local officials decide which is the best registration system for their areas.

It recognizes the federal responsibility for registration by providing funds, on the basis of population, to the states. But it preserves the states' rights to choose how to improve their systems. The fund distribution is a sort of revenue sharing plan which will work without a bureaucracy and without needless cost.

If this substitute H.R. 5721, is made in order by the Rules Committee, I shall offer it. I believe it recognizes federal responsibility, but does not force federal standards.

BILL FRENZEL.

ADDITIONAL VIEWS OF HON. W. HENSON MOORE

Numerous flaws exist in the language of H.R. 1686 as reported by the House Administration Committee.

Under the present provisions of the bill, the Commonwealth of Puerto Rico is uniquely exempted from post card voter registration requirements. Evidence presented to the Committee indicates that Puerto Rico has an above average voter turnout under its present voter registration system and therefore would not "benefit" by the alleged "improvements" of post card voter registration. I commend Puerto Ricans for their civic participation in the election process, but I would also like to suggest to my colleagues that what is sauce for the goose should be sauce for the gander. North Dakota has no voter registration system whatsoever. Therefore, the suggested premise that voter registration systems deter high voter turnout simply does not apply. With this in mind, why not exclude North Dakota from post card voter registration? Why not exempt other rural areas within certain States that have no pre-registration requirements?

The views of State officials who would be required to work with post card registration on a day-to-day basis also merit attention. With all of the potential snafus inherent in post card registration, it is not surprising that a sizeable majority of state and local officials oppose post card registration. In a 1973 poll of the Secretaries of State, only three felt that a system of federal post and registration would be better than their current state system. Eight Secretaries felt that at a given cost other alternatives may be better than the post card system. Thirty preferred their current system to post card registration.

I also have reservations about the advice and consent problem dragged into H.R. 1686 during its mark-up. The bill stipulates that both the House and Senate have to approve the appointment of the three Administrators of the Voter Registration Administration.

The problem does not center upon the ability of the House to wisely exercise such a power. Instead, the problem is of a constitutional nature. Article II, Section II of the U.S. Constitution vests advice and consent authority in the Senate alone without any reference to the House of Representatives.

During the hearings on H.R. 1686, Wade Martin, Jr., the Secretary of State of Louisiana and Chairman of the Regular and Special Election Committees of the National Association of Secretaries of State made excellent points, several of which follow below:

To facilitate maintenance of registration lists, and to prevent fraud, Louisiana, like many other states, in cooperation with various citizen's groups, adopted a simple permanent registration procedure. And experience has proved to us that more individuals register and remain eligible to vote under

permanent registration. This system calls for change only if the person fails to vote in a certain number of elections, or changes his voting residence.

But H.R. 1686 would in effect scrap all such modern and undesirable systems, and necessitate cumbersome, inconvenient and expensive re-registration.

Since, as I have said, the voters of our state favor simplified voting and registration procedures, it is only realistic to expect that many of them will fail to re-register as would be required by this act. They may be absent from their homes when the blank arrives, or may not visit a post office; many of them may suffer as a result of the present increasing inefficiency of mail deliveries; or delay filling in the form. And still others will simply conclude that filling out a registration card, and delivering or mailing it to the registration officials, every two years or more often is just too much trouble.

For whichever of the reasons above, or any other reason, they fail to meet the post card registration requirement, multitudes of our citizens who now regularly cast their votes would be disenfranchised as a direct result of H.R. 1686.

One last problem is not election oriented but arises out of the fraudulent use of the Notification of Registration Forms as a means of identification. Nationally prominent political scientist Richard Smolka addressed this particular problem in an incisive manner:

There is also one non-election related potential effect of H.R. 1686 which I would like to bring to the attention of this committee. The voter identification card which is issued by many states and which would be required under this legislation has increasingly been used fraudulently. Misuse of this identification to establish citizenship, age or residence has become so frequent that the New York State Board of Elections has called the attention of the County Election Commissioners to the situation. Dr. Rossotti and I found misuse of the card in both Maryland and New Jersey where mail registration made it easy to obtain. Misuse has also been reported in Florida and in other states which do not have registration by mail.

Although the misuse does not effect elections, when aliens illegally in this country use a voter registration card to obtain "instant citizenship" and thereby take employment away from American citizens and taxpayers, there may be widespread if unintended, consequences. Election officials have no control over the misuse especially if the cardholder never comes to the polls. Other less important uses include proof of age by minors to obtain alcoholic beverages, and proof of residence by persons who wish to avoid out-of-state fees.

In Dade County, Florida, officials report that persons accused of misdemeanors are released upon posting of a \$1 bond and their voter registration card. Prostitutes, it is alleged, register repeatedly with various names and addresses to remain

outside the custody of the law. In New Jersey, persons obtained voter registration cards made out in the name of social security recipients in order to cash stolen checks.

Although officials in Maryland and New Jersey as well as other states have attempted to prevent the use of the voter registration card as personal identification, the fact that it is frequently issued by the county government, and in many states by the same county official who authenticates birth certificates, deeds, and other legal documents, makes the voter identification card a convincing document for most purposes.

In light of expert testimony exposing the onerous features of H.R. 1686 by voting-procedures professionals and the only academican to testify before the Committee, there is a noticeable absence of evidence to support passage of H.R. 1686.

W. HENSON MOORE.

ADDITIONAL VIEWS OF HON. MARJORIE S. HOLT

H.R. 1686 is a pathetic bill, unneeded by the general public, unwanted by the taxpayer, a bill supported by many groups in whose interest it might be to control the system of voter registration within the United States. I will raise a few procedural questions as a former administrator of elections for Anne Arundel County, Maryland. I do so because federal post card registration would be a tacticians nightmare.

Distribution of completed and blank registration cards.—As H.R. 1686 is now written, the Voter Registration Administration will be required to determine where postcards must be returned. In states with centralized registration systems, which is the exception to the rule, this would be relatively simple. But most states enjoy local autonomy in registration. In such cases, determination would be virtually impossible. The Administration would have to print with different return addresses, postcards for every local registration jurisdiction. In itself, this is an enormous expense, but the Administration must additionally print forms for every jurisdiction in several different languages, increasing the distribution problem and the costs.

The problem which will face the Federal Government in sending out the cards will be more than just an accurate return address, it will also add a burden to the Postal Service because the return address will be accurate only if delivered to the correct postal patron. I understand, for example, that Madison County, Alabama contains 14 county and five state offices which have defined duties in connection with federal elections. Which of these is the proper authority to which postcards should be returned and how will the postman know which card to deliver to whom?

Size of the card.—Although it is generally assumed that the postcard application will be the size of a standard postal card, the amount of information necessary to determine voter qualification, written legibly, may require a form of extraordinary size. Each card must contain an explanation of basic election information including: (1) A statement of the penalties for fraudulent registration, (2) a note that failure to designate party preference may, in some states, disenfranchise the voter in nominating elections, (3) a notice that those who are already registered need not register again, (4) instructions telling the citizen that his registration is not valid until confirmation is received by mail, etc.

Duplicate registration.—Large numbers of citizens will be inclined to register several times. If registration postcards are distributed to every household, persons already holding a valid registration will re-register, requiring a crash program of checking thousands of probably illegible registrations to purge duplicates.

Duplicate registrations are already becoming a problem in many states with liberal registration laws. These systems, however, are in-

comparable with the proposed federal system. Under state systems with postcards, the cards are not distributed to every household and those who are already registered would be less likely to register a second or third time. Some of these systems are based on the use of trained registrars who will check to see if a person is already registered. With an army of untrained registrars, as under the federal system), many people will register again because they will not be queried and will not know whether they are already registered and will fear disenfranchisement if they do not re-register.

Duplicate registrations are already a problem in many states lacking a centralized system. With an uncontrolled system of distribution, duplicates would become a major problem.

Bookkeeping problems.—People do not always follow instructions. Sometimes they sign their names in full, sometimes they use their commonly-called names, and other times they use only initials. What will happen when an individual registered in a precinct as Robert J. Smith has to be matched with postcards from the same address from R. J. Smith, R. James Smith, and Bob Smith.

If two similar names turn up at the same address, it is impossible to know if they are father and son, relatives, or the same person. State and local officials must check every apparent duplication. **MOST DO NOT HAVE THE BUDGETS AND MANPOWER TO DO SO.**

Inadequacy of mail addresses.—In some areas, there will be no way to identify by post office address of the registrant in which precinct he lives. In many states, a zip code or even a city address might include several towns and certainly will include a number of precincts. Rural delivery routes also include a large number of precincts. Registration by postcard would provide no method of determining the precinct of these people.

Sabotage.—Under post card registration, individuals wishing to befoul the system of postcards and raise havoc not already implicitly created by this law may fill out many postcards with fraudulent names and addresses. This is particularly true because of extreme laxity in the method of distribution. Once again, Clerks would be forced to spend excessive time, non-existent budgets, and hire more people to sort genuine applications from the fakes. Until now, even states with postcard registration have not had this problem, because their method of distribution is much more controlled.

H.R. 1686 features bad amendments such as its inclusion in the Federal Elections Commission and the Puerto Rico exemption from the law. States presently, and their localities, are doing a good job in registration. Where they fail, corrections can and must be made at the state level.

Passage of H.R. 1686, in my view, would be the coup de grace in undermining the faith, or what little is left of it, of the American people that elections can be fairly and efficiently administered.

MARJORIE S. HOLT.

ADDITIONAL VIEWS ON REGULATION APPROVAL PROCEDURES OF HON. BILL FRENZEL AND HON. W. HENSON MOORE

H.R. 1686 contains another especially bad provision in Section 15(c)(3). This amendment provides that the House Administration Committee, by its inaction can disapprove the Federal Election Commission's rules and regulations.

The amendment is surely not germane because it seeks to fundamentally alter the procedure of approval of regulations of the Federal Election Commission within a bill that is designed to deal with a very limited aspect of the election process.

This provision provides a method by which the FEC's regulations can be rejected not by a vote of the entire House but by Committee action or by inaction. This shifts the responsibility of the whole House to a single Committee, which already has rejected one single regulation to come before it.

We support the existing veto process under which either House of Congress is able to veto any and every regulation of the FEC by a majority vote. The present process has proved workable, and it gives every Member a chance to vote when a regulation is rejected rather than restricting that decision to a single committee.

It has been difficult for Congress to get used to handling the existing veto process. So far Congress has vetoed the first two regulations proposed by the theoretically independent Elections Commission. We believe that allowing Congress to veto by inaction, or negative vote within a single committee, is bad administrative practice and is contrary to the traditional practice of letting the whole House work its will on such questions. In addition, the amendment gives the appearance that Congress is reneging on a promise made to the people in 1974 when we created the "Independent" FEC.

H.R. 1686 is bad enough without carrying the additional burden of this nongermane and ill-advised amendment.

BILL FRENZEL.
W. HENSON MOORE.

(41)

○

November 19, 1975

MEMORANDUM FOR:

JACK MARSH

THRU:

**MAX L. FRIEDERSDORF
VERN LOEN**

FROM:

CHARLES LEPPERT, JR.

SUBJECT:

H. R. 1686, Post Card Voter Registration

Attached per your request are copies of the bill and Committee report as reported by the Committee on House Administration on this subject.

Basically, the bill provides for the creation of a Voter Registration Administration within the Federal Elections Commission to implement a system of post card voter registration for federal elections. Page 7 of the Committee Report begins a section by section analysis of the bill as reported by the Committee and the costs of the legislation.



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DATE: December 1, 1975

REPLY TO
ATTN OF: Frey (LRD)

SUBJECT: Administration's position on S. 95, Overseas Voters
Registration Act

Alan Kranowitz

This is in reply to your note of November 28.

*call
FRENZEL*

Justice (Mary C. Lawton, Deputy Assistant Attorney General) testified on March 11, 1975, before the House Administration Committee's Subcommittee on Elections on H.R. 3211, a bill substantially identical to S. 95. In that testimony, she set forth Justice's "serious reservations" as to the constitutionality of section 4 (section 3 of S. 95 as reported by the House Committee) of the bill. Representative Frenzel's November 26, 1975, letter to the President evidently is in error in stating that Justice has not testified before the House Administration Committee during his five-year tenure on it.

The Committee's report on S. 95 (No. 94-649, November 11, 1975) sets forth arguments in favor of its constitutionality.* However, Representatives Wiggins, Devine, Holt, and Moore in their minority views consider the bill to be unconstitutional for essentially the same reasons as Justice.


In view of Justice's position, it does not seem appropriate for OMB to express a different position for the Floor Schedule. If Buchen, in response to Friedersdorf's November 26 memorandum to him, should have a different view on the constitutionality of the bill and obtains Justice's reconsideration, then a different position could be expressed.

Short of that, the only alternative I can offer you is to state the current Justice position in a somewhat more favorable tone:

"The Administration favors the objective of facilitating registration for and voting in Federal elections by citizens living outside the United States, but points out that the Justice Department

*It also noted the fact of Lawton's testimony.

has serious reservations about the constitutionality of certain provisions of S. 95. These constitutional reservations are also set forth in minority views contained in the report of the House Administration Committee on the bill. However, if S. 95 were limited to adopting uniform procedures for voting by overseas citizens, the Administration would favor the bill."


James M. Frey
Assistant Director
for Legislative Reference

cc: Mr. O'Neill

94TH CONGRESS
2D SESSION

H. R. 11552

[Report No. 94-798]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1976

Mr. HAYS of Ohio introduced the following bill; which was referred to the
Committee on House Administration

JANUARY 29, 1976

Reported with an amendment, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To establish a Voter Registration Administration within the Federal Election Commission for the purpose of administering a voter registration program through the Postal Service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Voter Registration Act”.

DEFINITIONS

5 SEC. 2. As used in this Act—

6 (1) the term "Administration" means the Voter
7 Registration Administration;

8 (2) the term “State” means each State of the

United States, the political subdivisions of each State, the Virgin Islands, Guam, and the District of Columbia;

(3) the term "Federal office" means the office of the President, the Vice President, an elector for President and Vice President, a Senator, a Representative, or a Delegate to the Congress;

(4) the term "Federal election" means any biennial or quadrennial primary or general election and any special election held for the purpose of nominating or electing candidates for any Federal office, including any election held for the purpose of expressing voter preference for the nomination of individuals for election to the office of President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention;

(5) the term "State election" means any election other than a Federal election; and

(6) the term "State official" means any individual who acts as an official or agent of a government of a State or of a county, town, village, city, borough, parish, or township election board, or township voter registration board, to register qualified electors, or to conduct or supervise any Federal election in a State.

ESTABLISHMENT OF ADMINISTRATION

SEC. 3. (a) There is established within the Federal Election Commission the Voter Registration Administration.

(b) The President shall appoint, by and with the advice and consent of the Senate and the House of Representatives, an Administrator and two Associate Administrators for terms of four years each, who may continue in office until a successor is qualified. The President shall submit his first nominations under this subsection to the Senate and to the House of Representatives no later than thirty days after the date of enactment of this Act. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be members of the same political party. The Administrator shall be the chief executive officer of the Administration.

DUTIES AND POWERS

SEC. 4. The Administration shall—

(1) establish and administer a voter registration program in accordance with this Act for all Federal elections;

(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States (but

1 this publication shall not disclose any information which
2 permits the identification of individual voters) ;

3 (3) provide information to State officials concern-
4 ing voter registration by mail and information relating
5 to election administration generally;

6 (4) obtain facilities and supplies and appoint and
7 fix the pay for officers and employees, as may be neces-
8 sary to permit the Administration to carry out its duties
9 and powers under this Act, and such officers and em-
10 ployees shall be in the competitive service under title 5,
11 United States Code;

12 (5) appoint and fix the pay of experts and consult-
13 ants for temporary services as authorized under section
14 3109 of title 5, United States Code;

15 (6) provide the Congress with such information as
16 the Congress may from time to time request, and pre-
17 pare and submit to the President and the Congress a
18 report on its activities, and on voter registration and
19 elections generally in the United States, immediately
20 following each biennial general Federal election; and

21 (7) take such other action as it deems necessary
22 and proper to carry out its duties and powers under
23 this Act.

1 QUALIFICATIONS AND PROCEDURE

2 SEC. 5. (a) An individual who fulfills the requirements
3 to be a qualified voter under State law and who is registered
4 to vote under the provisions of this Act shall be entitled to
5 vote in Federal elections in that State, except that each State
6 shall provide for the registration or other means of qualifica-
7 tion of all residents of such States who apply, not later than
8 thirty days immediately prior to any Federal election, for
9 registration or qualification to vote in such election.

10 (b) Whenever a Federal election is held in any State,
11 the Administration may, upon the request of the State official
12 responsible for conducting elections in such State, furnish
13 officers and employees and such other assistance as the Ad-
14 ministration and the State official may agree upon to assist
15 State officials in the registration of individuals applying to
16 register in that State under the provisions of this Act.

17 REGISTRATION FORMS

18 SEC. 6. (a) The Administration shall prepare voter
19 registration forms in accordance with the provisions of this
20 section.

21 (b) Printed registration forms shall be designed to pro-
22 vide a simple method of registering to vote by mail. Regis-

1 tration forms shall include matter as State law requires and
 2 as the Administration determines appropriate to ascertain
 3 the positive identification and voter qualifications of an indi-
 4 vidual applying to register under the provisions of this Act,
 5 to provide for the return delivery of the completed registra-
 6 tion form to the appropriate State official, and to prevent
 7 fraudulent registration. Registration forms shall also include
 8 a statement of the penalties provided by law for attempting
 9 fraudulently to register to vote under the provisions of this
 10 Act.

11 (c) A registration notification form advising the appli-
 12 cant of the acceptance or rejection of his registration shall
 13 be completed and promptly mailed by the State official to
 14 the applicant. If any registration notification form is undeliv-
 15 erable as addressed, it shall not be forwarded to another
 16 address but shall be returned to the State official mailing the
 17 form. The possession of a registration notification form indi-
 18 cating that the individual is entitled to vote in an election
 19 shall be prima facie evidence that the individual is a qualified
 20 and registered elector entitled to vote in any such election
 21 but presentation of the form shall not be required to cast
 22 his ballot.

23 DISTRIBUTION OF REGISTRATION FORMS

24 SEC. 7. (a) The Administration is authorized to enter
 25 into agreements with the Postal Service, with departments

1 and agencies of the Federal Government, and with State
 2 officials for the distribution of registration forms in accord-
 3 ance with the provisions of this section. ~~The~~ *Notwithstanding*
 4 *any other provision of law, the* Administration shall not be
 5 required to reimburse the Postal Service for any transmission
 6 of such registration forms made by the Postal Service under
 7 sections 6 and 7 of the Voter Registration Act.

8 (b) Any agreement made between the Administration
 9 and the Postal Service shall provide for the preparation by
 10 the Administration of sufficient quantities of registration forms
 11 so that the Postal Service can deliver a sufficient quantity of
 12 registration forms to postal addresses and residences in the
 13 United States and for the preparation of an ample quantity
 14 of such forms for public distribution at any post office, postal
 15 substation, postal contract station, or on any rural or star
 16 route. Such agreements also shall provide for the prepara-
 17 tion by the Administration, and bulk distribution by the
 18 Postal Service, of sufficient quantities of such registration
 19 forms to any individual, group, or organization requesting
 20 such registration forms for the purpose of conducting or
 21 participating in a voter registration program.

22 (c) The Postal Service shall distribute the registration
 23 forms to postal addresses and residences at least once every
 24 two years and before each Federal election but not earlier
 25 than one hundred and twenty days or later than sixty days

1 prior to the close of registration for the next Federal election
2 in each State.

3 (d) The Administration is authorized to enter into
4 agreements with the Secretary of each military department
5 of the Armed Forces of the United States for the distribu-
6 tion of registration forms at military installations.

7 (e) This section shall not be construed to place any
8 time limit upon the general availability of registration forms
9 in post offices and appropriate Federal, State, and local
10 government offices pursuant to agreements made under this
11 section.

12 PREVENTION OF FRAUDULENT REGISTRATION

13 SEC. 8. (a) In addition to taking any appropriate action
14 under State law, whenever a State official has reason to be-
15 lieve that individuals who are not qualified electors are
16 attempting to register to vote under the provisions of this
17 Act, he shall notify the Administration and request its assist-
18 ance to prevent fraudulent registration. The Administration
19 shall give reasonable and expeditious assistance in such cases,
20 and shall issue a report on its findings.

21 (b) (1) Whenever the Administration or a State official
22 determines that there is a pattern of fraudulent registration,
23 attempted fraudulent registration, or any activity on the part
24 of any individuals or groups of individuals to register indi-
25 viduals to vote who are not qualified electors, the Adminis-

1 tration or a State official may request the Attorney General
2 to bring action under this section. The Attorney General is
3 authorized to bring a civil action in any appropriate dis-
4 trict court of the United States or the United States District
5 Court for the District of Columbia to secure an order to
6 enjoin fraudulent registration, and any other appropriate
7 order. Any such civil action shall be brought in the district
8 court of the United States within the jurisdiction of which
9 the fraudulent registration occurred.

10 (2) The district courts of the United States shall have
11 jurisdiction without regard to any amount in controversy of
12 proceedings instituted pursuant to this section.

13 PENALTIES

14 SEC. 9. (a) Whoever knowingly or willingly gives false
15 information as to his name, address, residence, age, or other
16 information for the purpose of establishing his eligibility to
17 register or vote under this Act, or conspires with another
18 individual for the purpose of encouraging his false registra-
19 tion to vote or illegal voting, or pays or offers to pay or ac-
20 cepts or offers to accept payment either for registration to vote
21 or for voting, or registers to vote with the intention of voting
22 more than once or votes more than once in the same Federal
23 election shall be fined not more than \$5,000, or imprisoned
24 not more than five years, or both.

25 (b) Any person who deprives, or attempts to deprive,

1 any other person of any right under this Act shall be fined
2 not more than \$5,000, or imprisoned not more than five
3 years, or both.

4 (c) The provisions of section 1001 of title 18, United
5 States Code, are applicable to the registration form prepared
6 under section 6 of this Act.

7 FINANCIAL ASSISTANCE

8 SEC. 10. (a) The Administration shall determine the
9 fair and reasonable cost of processing registration forms pre-
10 scribed under this Act, and shall pay to each appropriate
11 State an amount equal to such cost per card multiplied by
12 the number of registration cards processed under this Act
13 in that State.

14 (b) The Administration is authorized to pay any State
15 which adopts the registration form and system prescribed by
16 this Act as a form and system of registration to be a qualified
17 and registered elector for State elections in that State. Pay-
18 ments made to a State under this subsection may not exceed
19 30 per centum of the amount paid that State under subsection
20 (a) of this section for the most recent general Federal elec-
21 tion in that State.

22 (c) Payments under this section may be made in install-
23 ments and in advance or by way of reimbursement, with
24 necessary adjustments on account of overpayments or under-
25 payments.

1 REGULATIONS

2 SEC. 11. (a) The Administration is authorized to issue
3 rules and regulations for the administration of this Act. Such
4 rules and regulations may exclude a State from the provisions
5 of this Act if that State does not require a qualified applicant
6 to register prior to the date of a Federal election.

7 (b) (1) The Administration, before prescribing any rule
8 or regulation under this section, shall transmit a statement
9 with respect to such rule or regulation to the Congress
10 in accordance with the provisions of this subsection. Such
11 statement shall set forth the proposed rule or regulation and
12 shall contain a detailed explanation and justification of such
13 rule or regulation.

14 (2) If the Congress approve, through appropriate ac-
15 tion, any rule or regulation transmitted by the Administration
16 under paragraph (1) no later than thirty legislative days
17 after receipt of such rule or regulation, then the Adminis-
18 tration may prescribe such rule or regulation. The Adminis-
19 tration may not prescribe any rule or regulation which is not
20 approved by the Congress under this paragraph. If any rule
21 or regulation is not approved by the Congress during such
22 period of thirty legislative days, the Administration may
23 modify or amend such rule or regulation and transmit it to
24 both Houses of the Congress for consideration in accordance
25 with the provisions of this subsection.

1 (3) For purposes of this subsection, the term "legisla-
 2 tive days" does not include any calendar day on which both
 3 Houses of the Congress are not in session.

4 EFFECT ON OTHER LAWS

5 SEC. 12. (a) Notwithstanding any other provision of
 6 this Act, any State that adopts the Federal assistance post
 7 card form recommended by the Federal Voting Assistance
 8 Act of 1955 (50 U.S.C. 1451 et seq.) with respect to any
 9 category of its electors (1) shall, insofar as such electors
 10 are concerned, be deemed to be in full compliance with the
 11 provisions of section 6 of this Act; and (2) shall be eligible
 12 to receive payments of financial assistance from the Ad-
 13 ministration, as provided in section 10 of this Act, on
 14 account of the simplified and greater voting opportunities
 15 thereby granted to such electors.

16 (b) Nothing in this Act shall be construed to prevent
 17 any State from granting less restrictive registration or vot-
 18 ing practices or more expanded registration of voting oppor-
 19 tunities than those prescribed by this Act.

20 (c) Nothing in this Act shall be construed to limit or
 21 repeal any provision of (1) section 202 of the Voting
 22 Rights Act Amendments of 1970 (42 U.S.C. 1973aa-1),
 23 relating to expanded opportunities of registering to vote and
 24 voting for electors for President and Vice President; or (2)

1 the Federal Voting Assistance Act of 1955 (50 U.S.C.
 2 1451 et seq.).

3 AMENDMENTS TO TITLE 39, UNITED STATES CODE

4 SEC. 13. (a) Section 3202 (a) of title 39, United States
 5 Code, is amended—

6 (1) by striking out "and" at the end of clause (4) ;

7 (2) by striking out the period at the end of clause

8 (5) and inserting in lieu thereof ": and"; and

9 (3) by adding at the end thereof the following new
 10 clause:

11 "(6) mail relating to voter registration pursuant
 12 to sections 6 and 7 of the Voter Registration Act."

13 (b) Section 404 of title 39, United States Code, is
 14 amended—

15 (1) by striking out "and" at the end of clause (8) ;

16 (2) by striking out the period at the end of clause

17 (9) and inserting in lieu thereof "; and"; and

18 (3) by adding at the end thereof the following new
 19 clause:

20 "(10) to enter into arrangements with the Voter
 21 Registration Administration of the Federal Election
 22 Commission for the collection, delivery, and return
 23 delivery of voter registration forms."

1 AMENDMENT TO TITLE 5, UNITED STATES CODE

2 SEC. 14. Section 5316 of title 5, United States Code, is
3 amended by adding at the end thereof the following new
4 paragraph:

5 “(137) Administrator and Associate Administra-
6 tors, (2), Voter Registration Administration, Federal
7 Election Commission.”.

8 AUTHORIZATION OF APPROPRIATIONS

9 SEC. 15. There are authorized to be appropriated such
10 sums, not to exceed \$50,000,000, as may be necessary to
11 carry out the provisions of this Act and the amendments
12 made by this Act.

13 EFFECTIVE DATES

14 SEC. 16. (a) Except as provided by subsection (b),
15 the foregoing provisions of this Act, and the amendments
16 made by this Act, shall take effect sixty days after the first
17 Administrator and Associate Administrators of the Admin-
18 istration are confirmed by the Senate and the House of
19 Representatives under section 3 (b).

20 (b) The provisions of section 3 shall take effect on the
21 date of the enactment of this Act.

Union Calendar No. 393

**94TH CONGRESS
2D SESSION**

H. R. 11552

[Report No. 94-798]

A BILL

To establish a Voter Registration Administration within the Federal Election Commission for the purpose of administering a voter registration program through the Postal Service, and for other purposes.

By Mr. HAYS of Ohio

JANUARY 28, 1976

Referred to the Committee on House Administration

JANUARY 29, 1976

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

VOTER REGISTRATION ACT

JANUARY 29, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAYS of Ohio, from the Committee on House Administration, submitted the following

REPORT

together with

ADDITIONAL VIEWS AND MINORITY VIEWS

[To accompany H.R. 11552]

The Committee on House Administration, to whom was referred the bill H.R. 11552, having considered the same, reports favorably thereon with an amendment and recommends that the bill H.R. 11552, as amended, do pass.

On January 29, 1976, a quorum being present the Committee adopted by recorded vote of 16 ayes and 8 nays, a motion to report H.R. 11552, as amended.

AMENDMENT

On Page 7, line 3, strike the word "The" and substitute in its place the phrase "Notwithstanding any other provision of law, the".

No special oversight findings were necessitated as a result of consideration of this resolution.

No budget statement is submitted.

No estimate or comparison was received from the Director of the Congressional Budget Office as referred to in subdivision (C) of Clause 2(1)(3) of House Rule XI.

No findings or recommendations of the Committee on Government Operations were received as referred to in subdivision (d) of clause 2(1)(3) of House Rule XI.

Certain portions of H.R. 11552 that might be of interest were discussed with the Chairman and staff of the Post Office and Civil Service Committee. The bill is to come before the House under an open rule and the Members of Post Office and Civil Service Committee will have a full and fair opportunity to offer such amendments or comments on the Floor of the House as they deem appropriate. Such procedure conforms with Clause 5 of Rule X of the Rules of the House.

INFLATIONARY IMPACT STATEMENT

The enactment of H.R. 11552 is not expected to have an inflationary impact on prices and costs in the operation of the national economy, especially during the current serious recession.

PURPOSE OF THE BILL

The purpose of the bill is to encourage increased voter participation in the electoral process by facilitating the mode of voter registration.

WHAT THE BILL DOES

H.R. 11552 creates the Voter Registration Administration within the Federal Elections Commission. The Administration will be responsible for implementing a system of post card voter registration for Federal elections. Additionally, the Administration will collect, correlate, and publish information concerning elections and will provide information on a non-partisan basis to State officials concerning voter registration-by-mail and election problems generally.

Under the provisions of the bill, an individual will qualify to vote in Federal elections within a State if he fulfills the requirements of that State for registration and applies for registration not later than 30 days prior to the next Federal election. In preparing the registration forms, the Administration will include such information as is necessary to qualify one as a voter under State law and other information as deemed appropriate by the Administration to establish the positive identification and qualifications of a voter.

No Federal official participates in the registration process in the States unless requested to do so by an appropriate State official.

The Administration is authorized to enter into agreements with the Postal Service for the distribution (by penalty mail) except that this section shall not entitle such individuals, groups, or organizations to any free mailing privileges with respect to distribution of the registration forms and their voter registration drives of registration forms throughout the country to "postal addresses and residences at least once every two years and before each Federal election" between 60 and 120 days prior to the close of the States' registration for the next Federal election, except there shall be no reimbursement to the Postal Service for transmission of such registration forms. Additionally, registration forms will be available at any post office or postal substation or any rural or star route, as well as being available to any individual group or organization requesting such registration forms for the purpose of conducting a voter registration drive, except that this section shall not entitle such individuals, groups, or organizations to any free mailing privileges with respect to distribution of the registration forms and their voter registration drives. The Administration may also enter into agreements with departments and agencies of the Federal government, the Secretary of each military department of the Armed Forces of the United States, and with State officials for the distribution of registration forms.

Upon completion of the required information by the applicant, the registration form shall be returned to the appropriate State or local

election official. The State or local election official will be responsible for verification of the returned form, and shall promptly mail to the applicant a registration notification form which advises the applicant whether his registration has been accepted or rejected. Presentation of the registration notification form at the polls shall not be required as condition to cast one's ballot. Possession of such form, however, will be prima facie evidence that one is a qualified registered elector who is entitled to vote. The provisions of this bill are not intended to eliminate certain State requirements of party affiliation or declaration for obtaining primary ballots which are designed to prohibit cross party voting in primaries.

To help insure against abuses of this registration system, the bill provides that the Administration shall, at the request of a State official, provide assistance to such State in preventing fraudulent registration or voting within the State. It was the intention of the Committee that this assistance be on a non-partisan basis. In addition to the appropriate Federal criminal penalties and available actions under State law, the Administration or a State official may request the Attorney General to bring a civil action to enjoin fraudulent registration, attempted fraudulent registration or voting, or the procuring of fraudulent registration or voting by any individuals or groups of individuals. The bill additionally provides for severe criminal penalties of fines and imprisonment for the commission of various offenses relating to fraudulent registration and voting.

The cost of processing the required registration forms will be determined by the Administration and payments to the States will be made to cover the fair and reasonable costs of their processing registration forms for Federal elections. As an encouragement to the States to adopt this simplified mode of registration for all elections the Administration is authorized to pay to any State which adopts this system for State elections an amount up to 30 percent of the payment such State receives for processing registration forms for Federal elections. It is the intent of the Committee that the reimbursements made under section 10 of the Voter Registration Act will ultimately augment the individual budgets of the local election registration offices within each State actually processing voter registration forms in proportion to the number of registration forms handled.

The Administration is further authorized to promulgate regulations to carry out the provisions of this bill. The regulations, however, must first be submitted to the Congress for its approval within 30 legislative days.

BACKGROUND

The major impetus for legislation in this area has resulted from the emerging concern over the steady decline in voter participation in our national elections over a number of years. During the hearings by the Subcommittee on Elections of the House Administration Committee, as well as in hearings before the Senate Committee on Post Office and Civil Service during the 93rd Congress, statistics were offered by various witnesses to the effect that voter participation in presidential elections has diminished from 64 percent of the voting age population in 1960, to 62.9 percent in 1964, 61.8 percent in 1968, and most recently, to approximately 55 percent in the 1972 presidential race.

Indeed, in 1972 sixty-two million voting-age Americans did not vote. Of the 77,466,000 total votes cast for President in 1972, the President received 47 million of those votes. This means that the President was elected by roughly one-third of the voting-age population.

Evidence offered by numerous witnesses who cited studies and opinions of various research organizations, civic groups, and other election experts tended to establish that the major causes for the lack of voter participation in elections are the difficulties and the barriers to voter registration.

As early as 1963 President Kennedy's Commission on Registration and Voter Participation concluded that "Restrictive legal and administrative procedures for registration and voting are a major reason for low participation." This conclusion was supported by a 1969 Gallup Poll which found that the predominant reason for nonparticipation of the electorate was that there were many obstacles to registration. Similarly, a 1972 study by the National League of Women Voters concluded that "Millions of American citizens fail to vote not because they are disinterested but because they are disenfranchised by the present election system." Most recently, a poll by the public opinion research firm of Daniel Yankelovich, Inc. found that three-fourths of those who did not vote in the previous presidential election had stated that they would have voted had they been registered. In further support of the position that additional people would vote if they could be registered, preliminary statistics of the Bureau of Census were offered to show that 87 percent of those citizens who did register stated that they had voted.

There is substantial evidence demonstrating that many state and local registration officials at the very least do not do all they can to encourage registration and voting. For example, some ranchers in western states must travel over 100 miles in order to register to vote. In far too many states, voter registration offices are open from 9:30 a.m. to 5:00 p.m. on weekdays only. Seventy-six percent have no Saturday or evening registration in non-election months. The working man simply cannot get to the registration offices to register in preparation for exercising his most sacred right—the right to vote.

Only 16 states authorize deputy registrars. Only 30 allow registration on weekends (and for many states that means only one weekend a year). The frustrations which result from such haphazard and uneven registration laws and conditions are enough to discourage even the most interested applicant; but for citizens whose knowledge and interest in political affairs is not substantial, it serves as out-and-out disenfranchisement. H.R. 11552 is designed to introduce uniformity about voter registration in preparation for Federal elections.

Much criticism has been offered by the press, civic leaders, Members of Congress, and political scientists towards an electoral process in a democracy which works to discourage registration by placing the burden of registration on the citizen rather than on the government.

It was noted in the hearings by numerous witnesses that in European democracies registration is "automatic" and is the responsibility of the government, much as the income tax procedure is in this country. The level of participation in the electoral process of these nationals since World War II has averaged nearly 84 percent of the voting age

population, which is 24 percentage points higher than that of our own country for the same period.

The existing registration laws in the various States have been criticised as unresponsive to the actual needs of a great majority of our citizens and have been cited as the predominant reason for non-participation by the electorate.

It is believed that a simplified, convenient, and uniform system of registration will encourage greater numbers of citizens to register, and in turn, to vote in Federal elections. The post card registration system outlined in this bill is believed to be the most efficient method, that provides the greatest safeguards with the least disruption of established procedures, that will achieve the desired goals.

The post card system proposed in H.R. 11552 will work within the traditional framework of presently established election procedures of the various States and localities. The responsibility of the Federal agency will be for the distribution of the registration form and for providing backup in technical or legal assistance upon the request of State or local officials.

Return of completed registration forms by an applicant will be made to the appropriate State or local official, not to a Federal agency. The responsibility for the validation of application forms and for the verification of requested information with existing lists of addresses or signatures will remain with the traditional State or local officials.

Since no aspect of validation or verification of signatures or addresses upon registration will be eliminated by this bill, it is felt that the principal safeguards against fraudulent registration are provided. Furthermore, during the hearings numerous witnesses testified that from their own experiences fraud in the election process generally does not occur at the registration level, but at the voting booths and ballot box. It should be noted that present State or local procedures that designate offices which are designed to limit fraudulent voting, such as poll watches and challengers, will not be affected by the bill.

It is believed, in fact, that the incidence of fraud in the election process will be reduced by the provisions of the bill. In addition to the present State and local controls which have not been affected by the bill, a greater deterrent to fraud will be offered in the form of Federal criminal penalties of fines of up to \$5,000 or imprisonment for up to 5 years, or both, for acts concerning fraudulent registration or voting. These provisions will be backed up by the resources and expertise of Federal law enforcement which will be available to the State to protect against the possibilities of fraud.

Recently a number of States have taken steps to implement systems of mail registration on their own. Currently, at least 15 States¹ have established mail registration procedures with a number of others in the process of doing so. During the hearings before the Subcommittee on Elections in April 1975, testimony was heard from representatives of three states which implemented mail registration in time to sample its effect on registration and election administration during the 1974 elections. In these three states, Maryland, Minnesota and New Jersey, there was a general feeling of satisfaction and pride in the accomplishments under mail registration.

¹ Alaska, California, District of Columbia, Iowa, Kentucky, Maryland, Minnesota, Montana, New Jersey, New York, Oregon, Tennessee, Texas, Utah, and Wisconsin.

During her testimony, Mrs. Marie Garber, Elections Administrator from Montgomery County, Maryland cited the following accomplishments under mail registration "New registration in 1974—the first year of mail registration—was up 7 percent compared with 1970, the last comparable year * * * this increase was despite such negative factors as a lower growth rate in the community because of a slowdown in housing construction and widespread alienation from all things political." Mrs. Garber further went on to cite decreased costs of administering the election registration program due to the elimination of the need to provide large numbers of deputy field registrars at locations such as supermarkets, libraries, and in mobile registration vehicles. Mrs. Garber said, "In the last election cycle, 1972—this is only in my election county—we spent \$33,547 for registrar compensation. In 1974 we budgeted \$13,000 and spent only \$8,070. For the Presidential cycle in 1976 we have budgeted \$10,000 for this purpose." The question of potential fraud was also rebutted by Mrs. Garber's contention that the mail system in Maryland, which is quite similar to H.R. 11552, provided additional anti-fraud provisions which are not present in most face-to-face registration procedures. Fraudulent registration was simply not evident. Mrs. Garber concluded her statement by noting that the predicted administrative problems simply did not materialize. There was a minimal number of duplicate registrations and legibility of registration forms was not a problem.

Mr. F. Joseph Carragher, Assistant Secretary of State from the State of New Jersey, cited figures showing that with the inception of mail registration more than 2½ times as many people were enrolled to vote during the six week period immediately prior to the 1974 election, than were enrolled during a comparable period in 1970. He further cited the fact that for the first time in 20 years voter turnout in a non-Presidential Federal election exceeded the turnout of the previous year's gubernatorial election.

The Committee feels that the post card registration system outlined by H.R. 11552 will retain the necessary degree of local control over election procedures and will assure substantial safeguards to protect against voter fraud while providing for the greatly needed reform to simplify registration procedures that will encourage increased voter participation in the electoral process.

COST OF THE LEGISLATION

The bill calls for the appropriation of the sum of \$50,000,000 to carry out its provisions. The estimated cost for this fiscal year is \$43,452,565. The estimated cost for the following five fiscal years is \$128,658,700.

SECTION-BY-SECTION EXPLANATION OF THE BILL

SHORT TITLE

The first section of the bill provides that the bill may be cited as the "Voter Registration Act".

DEFINITIONS

Section 2 of the bill contains definitions of the following terms:

(1) The term "Administration" is defined to mean the Voter Registration Administration.

(2) The term "State" is defined to mean each State of the United States, the political subdivisions of each State, the Virgin Islands, Guam, and the District of Columbia.

(3) The term "Federal office" is defined to mean the office of President, Vice President, an elector for President and Vice President, Senator, Representative, or a Delegate to the Congress.

(4) The term "Federal election" is defined to mean any primary election, general election, or special election held to nominate or elect candidates for any Federal office, including Presidential preference primaries, elections to select delegates to national political party nominating conventions, or caucuses held to select delegates to such conventions.

(5) The term "State election" is defined to mean any election other than a Federal election.

(6) The term "State official" is defined to mean any official of a government of a State or of a county, town, village, township, parish, or township election board, who is responsible for the registration of qualified electors or who conducts or supervises any Federal election in a State.

ESTABLISHMENT OF ADMINISTRATION

Subsection (a) of section 3 establishes the Administration within the Federal Election Commission.

Subsection (b) requires the President to nominate, by and with the advice and consent of the Senate and the House of Representatives, no later than thirty days after the date of enactment of the legislation, an Administrator and two Associate Administrators for terms of 4 years each. Any person appointed by the President may continue in office until a successor is qualified. A person appointed to fill a vacancy may serve the remainder of the term to which his predecessor was appointed. The Associate Administrators may not be members of the same political party, and the Administrator shall be the chief executive officer of the Administration.

DUTIES AND POWERS

Section 4 requires the Administration to (1) establish and administer a voter registration program for Federal elections; (2) collect and publish information (other than any information which permits the identification of individual voters) relating to elections in the United States; (3) provide information to State officials relating to voter registration-by-mail and general information relating to election administration; (4) obtain necessary facilities and supplies and appoint and fix the pay of necessary officers and employees, who shall be in the Federal competitive service; (5) appoint and fix the pay of experts and consultants; (6) furnish required information to the Congress on its activities, and generally on voter registration and elections, immediately after each biennial general Federal election; and (7) take other necessary actions to carry out the bill.

QUALIFICATIONS AND PROCEDURES

Subsection (a) of section 5 of the bill provides that any individual who is a qualified voter under State law and who is registered to vote

under the provisions of the bill may vote in Federal elections in the State involved. Each State, however, shall provide for the registration or other means of qualification of residents of the State who apply, not later than 30 days before any Federal election, for registration or qualification to vote in such election.

Subsection (b) of section 4 of the bill permits the Administration to furnish personnel and other assistance to State officials who request such assistance.

REGISTRATION FORMS

Subsection (a) of section 6 of the bill requires the Administration to prepare voter registration forms.

Subsection (b) of section 6 of the bill requires that printed registration forms shall provide a simple method of registering to vote by mail. Such forms shall include (1) necessary material to assure proper identification of the individual seeking to register; (2) materials necessary to provide for return delivery of the registration form; and (3) information and materials necessary to prevent fraudulent registration, including a statement of the penalties for attempting any fraudulent registration.

Subsection (c) of section 6 of the bill requires State officials to notify applicants whether their registration forms have been accepted or rejected.

Subsection (c) also provides that the possession of a registration notification form which indicates that an individual is entitled to vote shall be prima facie evidence that the individual is qualified and registered to vote. Presentation of the form, however, shall not be required in order for any such individual to cast his ballot.

DISTRIBUTION OF REGISTRATION FORMS

Subsection (a) of section 7 of the bill provides that the Administration may enter into agreements with the Postal Service, with departments and agencies of the Federal Government, and with State officials for the distribution of registration forms. The Administration is not required to reimburse the Postal Service for any distribution of such registration forms.

Subsection (b) of section 7 of the bill provides that any agreement between the Administration and the Postal Service shall require the Administration to prepare a sufficient number of registration forms so that such forms may be delivered by the Postal Service and made available at any post office, postal substation, postal contract station, or on any rural or star route. Such agreements also shall provide for the distribution of such registration forms to any individual, group, or organization requesting such forms for the purpose of conducting or participating in the voter registration program.

Subsection (c) of section 7 of the bill requires the Postal Service to distribute the registration forms at least once every 2 years and before each Federal election but not earlier than 120 days or later than 60 days before the close of registration for the next Federal election in each State.

Subsection (d) of section 7 of the bill permits the Administration to enter into agreements with the Secretary of each military depart-

ment of the Armed Forces of the United States for the distribution of registration forms at military installations.

Subsection (e) of section 7 of the bill provides that there may be no time limit upon the general availability of registration forms made available under agreements pursuant to section 7.

PREVENTION OF FRAUDULENT REGISTRATION

Subsection (a) of section 8 of the bill provides that when ever a State official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the bill, he may take any appropriate action under State law and he shall notify the Administration to request its assistance in preventing any fraudulent registration. The Administration is required to give assistance in such cases, and to issue a report with respect to its findings.

Subsection (b) of section 8 of the bill provides that whenever the Administration or a State official finds a pattern of fraudulent registration, or any activity designed to register individuals to vote who are not qualified electors, the Administration or such State official may request the Attorney General of the United States to bring an action under section 8. The Attorney General may bring a civil action in any appropriate district court of the United States or the District Court for the District of Columbia to secure an injunction against the fraudulent registration involved, or to obtain any other appropriate order. Any such civil action shall be brought by the Attorney General in the district court of the United States within the jurisdiction of which the fraudulent registration occurred. The district courts of the United States shall have jurisdiction in such actions without regard to any amount in controversy.

PENALTIES

Subsection (a) of section 9 of the bill imposes a fine of not more than \$5,000, or a prison term of not more than 5 years, or both, against any person who knowingly or willfully (1) gives any false information to establish his eligibility to register to vote under the bill; (2) conspires for the purpose of encouraging false registration or illegal voting; (3) pays or accepts payment for registration or for voting; or (4) registers to vote with the intention of voting more than once, or votes more than once, in the same Federal election.

Subsection (b) of section 9 of the bill imposes a fine of not more than \$5,000, or a prison term of not more than 5 years, or both, against any person who deprives, or attempts to deprive, any other person of any right under the bill.

Subsection (c) of section 9 of the bill provides that the provisions of section 1001 of title 18, United States Code, relating to fraudulent statements or representations, are applicable to registration forms prepared under section 6 of the bill.

FINANCIAL ASSISTANCE

Subsection (a) of section 10 of the bill requires the Administration to (1) determine the cost of processing registration forms; and (2)

pay to each State an amount equal to such cost per card multiplied by the number of registration cards processed in the State involved.

Subsection (b) of section 10 of the bill permits the Administration to make payments to any State adopting the registration form and system established by the bill for State elections, in amounts not exceeding 30 percent of the amount paid to the State under subsection (a) of section 10 for the most recent general Federal election in such State. Subsection (c) of section 10 of the bill provides that payments under section 10 may be made in installments and in advance or by way of reimbursement.

REGULATIONS

Subsection (a) of section 11 of the bill permits the Administration to issue rules and regulations to carry out the bill. Such rules and regulations may exclude a State from the bill if such States does not require applicants to register before the date of any Federal election.

Subsection (b) of section 11 of the bill requires the Administration, before prescribing any rule or regulation under section 11, to transmit a statement to the Congress setting forth the proposed rule or regulation and containing a detailed explanation and justification of the rule or regulation.

If the Congress approves, through appropriate action, any rule or regulation transmitted by the Administration no later than 30 legislative days after receiving the rule or regulation, the Administration may prescribe such rule or regulation. The Administration may not prescribe any rule or regulation which is not approved by the Congress, but the Administration may resubmit any such rule or regulation, after making modifications with respect to such rule or regulation, for further consideration by the Congress.

The term "legislative days" is defined to exclude any calendar day on which both Houses of the Congress are not in session.

EFFECT ON OTHER LAWS

Subsection (a) of section 12 of the bill provides that any State adopting the Federal assistance post card form recommended by the Federal Voting Assistance Act of 1955 with respect to any category of its electors, shall (1) in the case of such electors, be deemed to be in full compliance with section 6 of the bill; and (2) be eligible to receive payments of financial assistance under section 10 of the bill.

Subsection (b) of section 12 of the bill provides that nothing in the bill may be construed to prevent any State from granting (1) less restrictive registration or voting practices than those prescribed by the bill; or (2) more expanded registration or voting opportunities than those provided by the bill.

Subsection (c) of section 12 of the bill provides that nothing in the bill may be construed to limit or repeal any provision of (1) section 202 of the Voting Rights Act Amendments of 1970, relating to expanded opportunities for registering to vote and for voting for electors for President and Vice President; or (2) the Federal Voting Assistance Act of 1955.

AMENDMENTS TO TITLE 39, UNITED STATES CODE

Subsection (a) of section 13 of the bill amends section 3202(a) of title 39, United States Code, to permit mail relating to voter registration under sections 6 and 7 of the bill to be mailed as penalty mail.

Subsection (b) of section 13 of the bill amends section 404 of title 39, United States Code, to permit the Postal Service to enter into arrangements with the Administration for the collection, delivery, and return delivery of voter registration forms.

AMENDMENT TO TITLE 5, UNITED STATES CODE

Section 14 of the bill amends section 5316 of title 5, United States Code, to provide that the Administrator and Associate Administrators of the Administration shall be paid at level V of the Executive Schedule.

AUTHORIZATION OF APPROPRIATIONS

Section 15 of the bill authorizes to be appropriated not more than \$50,000,000 to carry out the provisions of the bill.

EFFECTIVE DATE

Subsection (a) of section 16 provides that the provisions of the Act take effect 60 days after the first Administrator and Associate Administrators are confirmed by the Senate and House of Representatives.

Subsection (b) of section 16 provides that section 3 of the Act take effect on the date of enactment.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 39, UNITED STATES CODE

* * * * *

§ 404. Specific powers.

Without limitation of the generality of its powers, the Postal Service shall have the following specific powers, among others:

(1) To provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail;

(2) To prescribe, in accordance with this title, the amount of postage and the manner in which it is to be paid;

(3) To determine the need for post offices, postal and training facilities and equipment, and to provide such offices, facilities, and equipment as it determines are needed;

(4) To provide and sell postage stamps and other stamped paper, cards, and envelopes and to provide such other evidences of payment of postage and fees as may be necessary or desirable;

(5) To provide philatelic services;

(6) To provide, establish, change, or abolish special nonpostal or similar services;

(7) To investigate postal offenses and civil matters relating to the Postal Service;

(8) To offer and pay rewards for information and services in connection with violation of the postal laws, and, unless a different disposal is expressly prescribed, to pay one-half of all penalties and forfeitures imposed for violations of law affecting the Postal Service, its revenues, or property, to the person informing for the same, and to pay the other one-half into the Postal Service Fund;

[and]

(9) To authorize the issuance of a substitute check for a lost, stolen, or destroyed check of the Postal Service**[.]**; and

(10) *to enter into arrangements with the Voter Registration Administration of the Federal Election Commission for the collection, delivery, and return delivery of voter registration forms.*

* * * * *

§ 3202. Penalty mail.

(a) Subject to the limitations imposed by sections 3204 and 3207 of this title, there may be transmitted as penalty mail—

(1) official mail of—

(A) officials of the Government of the United States other than Members of Congress;

(B) the Smithsonian Institution;

(C) the Pan American Union;

(D) the Pan American Sanitary Bureau;

(E) the United States Employment Service and the system of employment offices operated by it in conformity with the provisions of sections 49-49c, 49d, 49e-49k of title 29, and all State employment systems which receive funds appropriated under authority of those sections; and

(F) any college officer or other person connected with the extension department of the college as the Secretary of Agriculture may designate to the Postal Service to the extent that the official mail consists of correspondence, bulletins, and reports for the furtherance of the purpose of sections 341-343 and 344-348 of title 7;

(2) mail relating to naturalization to be sent to the Immigration and Naturalization Service by clerks of courts addressed to the Department of Justice or the Immigration and Naturalization Service, or any official thereof;

(3) mail relating to a collection of statistics, survey, or census authorized by title 13 and addressed to the Department of Commerce or a bureau or agency thereof;

(4) mail of State agriculture experiment stations pursuant to sections 325 and 361f of title 7; **[and]**

(5) articles for copyright deposited with postmasters and addressed to the Register of Copyrights pursuant to section 15 of title 17**[.]**; and

(6) *mail relating to voter registration pursuant to sections 6 and 7 of the Voter Registration Act.*

* * * * *

SECTION 5316 OF TITLE 5, UNITED STATES CODE

§ 5316. Positions at level V.

* * * * *

(124) Director, National Highway Safety Bureau.

(125) Director, National Traffic Safety Bureau.

(126) Repealed. Pub. L. 91-644, § 7(2), Jan. 2, 1971, 84 Stat. 1887.

(127) Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice.

(128) Auditor-General of the Agency for International Development.

(129) Vice Presidents, Overseas Private Investment Corporation (3).

(130) Deputy Administrator, Urban Mass Transportation Administration, Department of Transportation.

(131) Assistant Directors, Special Action Office for Drug Abuse Prevention (6).

(132) General Counsel of the Equal Employment Opportunities Commission.

(133) Director, National Cemetery System, Veterans' Administration.

(133) Deputy Administrator for Administration of the Law Enforcement Assistance Administration.

(134) General Counsel, Energy Research and Development Administration.

(135) Additional officers, Energy Research and Development Administration (8).

(135) General Counsel, Commodity Futures Trading Commission.

(136) Additional officers, Nuclear Regulatory Commission (5).

(136) Executive Director, Commodity Futures Trading Commission.

(137) *Administrator and Associate Administrators (2), Voter Registration Administration, Federal Election Commission.*

ADDITIONAL VIEWS OF REPRESENTATIVE LINDY (MRS.
HALE) BOGGS ON H.R. 11552, THE VOTER REGISTRA-
TION ACT

The right to vote is one of the most valuable preogatives of American citizenship. All too often in the past legal and quasi-legal impediments served to reduce the number of individuals exercising this franchise. Gradually these impediments were removed through constitutional amendment, statute and judicial action. Yet today there are far too many individuals who do not actively participate in our democracy.

A report by the Special Election Reform Committee of the American Bar Association found compelling evidence that the existing registration process plays a large part in the poor voter turnout witnessed in recent years. The purpose of this Act is to increase participation in elections by facilitating registration.

Easing the burden of registration on individual citizens would not be worthwhile, if, in the process, State election prerogatives were preempted, additional burdens were placed on the officials responsible for registration, barriers were erected to voter registration programs conducted by civic groups, or voter fraud was fostered or facilitated. This legislation has been carefully considered and drafted to avoid just these objections. State law is the criterion used to judge eligibility for Federal elections. State and local officials responsible for registration will be provided with personnel and financial assistance should they request it. Civic-minded groups, and the independent ward and precinct clubs which have traditionally served the cause of democracy by encouraging citizens to register and vote will be provided with the registration forms and materials needed to foster these efforts. Finally, responsibility is placed on all involved to seek out and report any fraud that might occur. Stiff penalties are provided for those unscrupulous individuals who might attempt to pervert this the mainstay of the election process. Because of these safeguards, this legislation provides a system that is workable, practical and which preserves the integrity of the ballot, while at the same time, it immeasurably increases the opportunity for citizen participation in our democratic system.

LINDY BOGGS.

MINORITY VIEWS OF HON. WILLIAM L. DICKINSON,
HON. SAMUEL L. DEVINE, HON. CHARLES E. WIGGINS,
HON. J. HERBERT BURKE, HON. W. HENSON MOORE,
HON. BILL FRENZEL, HON. MARJORIE S. HOLT, AND
HON. JAMES C. CLEVELAND

There is only one, legitimate, rationale on which to base Federal invasion of an area traditionally left to each State, and that rationale is that postcard registration will increase citizen participation in the electoral process. The facts suggest that this rationale is more in the nature of a myth.

LITTLE EVIDENCE MAIL REGISTRATION WILL INCREASE VOTER
PARTICIPATION

Proponents claim H.R. 11552 will increase the number of eligible voters who register and who actually go to the polls on election day. However, the evidence of past elections, the results of a Census Bureau voter registration survey, and the belief of some of the proponents of the bill themselves confirm that this bill will have little, if any, effect on increasing voter registration.

The following examples from the 1972 General Election offer slim hope of improvement.

1. The State of North Dakota has no pre-registration requirement for its voters. The voters in North Dakota register at the same time they vote on election day. This is the simplest form of voter registration available and yet in 1972, 30.1 per cent—nearly one-third—of the eligible voters did not vote.

2. In Texas, a registration by coupon procedure is used. A voter clips a registration coupon from his local newspaper and mails it to his local voter registration office. Despite this simple registration procedure 54.9 per cent—more than half—of the eligible voters did not vote on election day.

3. In Alaska, where the voting residency requirement is 30 days, 52.5 per cent—more than half—of the eligible voters failed to cast their ballots in the election.

4. The national average of voter participation in the 1972 presidential election was only 55.6 per cent. Some 44.4 per cent of eligible voters failed to vote despite the provisions of the 1970 Voting Rights Act which made it easier to vote by (1) requiring residency of only thirty days for presidential elections; and (2) allowing absentee voting in presidential elections.

The encouragement and facilitation of maximum participation in the electoral process is an admirable objective which, unhappily, H.R. 11552 does not address in any meaningful way. The only political scientist to testify on this Bill was Dr. Richard Smolka who has said:

Rather than rely on a method which is wasteful on its face, ineffective in operation, and which opens the door to large

scale fraud, it would seem preferable if legislation were directed to the heart of the problem, the unregistered voter. The "unregistered voter" is well known and may be classified into three groups, those persons who become newly eligible by reason of age, those persons who have moved to a new county or state and those persons who simply are not interested in registering and voting.

As to the newly eligibles, a program of registration in High Schools and Colleges would readily solve that problem.

As to the new address group, one Pennsylvania registrar has an arrangement with the Post Office so that he receives all address changes, he then sends each registered voter a form on which they can update their registration. Other address change tie-ins, with such as utility companies, readily suggest themselves.

As to the alienated group, Dr. Smolka has suggested a door to door canvass. Such a canvass would be an ideal project for civic clubs and thereby would significantly reduce the tax burden of registration drives.

None of these direct and obviously effective solutions are included in H.R. 11552. In fact there is abundant evidence to suggest that postcard registration could reduce voter turnout.

When postcards are mailed out before every federal election, and at least every two years, everyone in the country will receive them. In that group are 100 million already registered voters, and if the Bill works at all, the 100 million will increase. The cost of printing, handling, sorting and double checking—to say nothing of the real cost of delivery which this Bill presumes non-existent, is utterly redundant, irrelevant and wasteful. It is the sort of bureaucratic profligacy by which our citizens are increasingly annoyed, and rightfully so.

H.R. 11552 would mandate a tremendous expansion of the staff of the Federal Elections Commission and add non-compatible demands on that agency at a time when it has not fully digested the Federal Election Campaign Act and Amendments. This delegation of voter registration authority would create an unnatural mix of primary responsibilities in both the legislative and administrative areas. Although all independent agencies are hybrids partaking of some characteristics of each of the three branches of government, it is customary and sound policy not to mix primary responsibilities.

H.R. 11552 imposes severe burdens on the States and, as amended by the Committee, denies any financial assistance in the carrying out of mandated functions.

To add both to the expense and the possibilities of fraud, this Bill mandates that the postcards be made available to all organizations in any quantity they may request for registration drives. Some provision to insure responsible use of the material, such as a receipt system, would serve the voting public well to curb potential abuses.

Bi-annual mail-outs would make more sense, and the possibility of voting in more than one precinct on the basis of the same notification, at least, would be diminished if each notification were printed with a series of "election numbers" to be punched on each use. Each new notification would then start over with a new bi-annual series. This

would operate as a useful purging of the rolls with respect to people who do not for any reason re-register by postcard.

Postcard registration will be an administrative nightmare for state and local officials, creating chaos in voter registration processes and wreaking havoc with election day procedures. Some of the obstacles are: illegibility of cards, the creation of dual registration lists for state and federal elections, duplicate registration, inadequacy of mail addresses, the possibility of dirty tricks, determining where to send the postcard and the actual size of the postcard. With all of these potential Snafus, it's not surprising that a sizeable majority of state and local officials oppose postcard registration.

Postcard registration may increase the potential for and offer unparalleled opportunity for fraud. Now, as a means of fraud prevention, it is customary to require a person who desires to register to vote to appear in person before the registrar, so they can be asked questions pertinent to their qualifications. At the very least, this establishes that there is an actual person registering who can offer identification—not a fictitious name sent in by mail which cannot be checked for veracity before the election.

Postcard registration will set up a new federal bureaucracy with almost unlimited authority to spend huge sums of the taxpayers' money. Nobody can really say what the true costs of the bill will be. The estimates of the annual cost of a national postcard registration system run all the way from \$15 to \$500 million. Whatever the figure, it will be more than a country with a \$90 billion targeted deficit should spend for a program in which the experts have no confidence.

Voter registration qualifications and procedures have traditionally been left up to the states. Up to now, Congress has legislated in the field of registration only when due process or equal protection were involved.

No matter how you look at this bill, it's a loser! If our intention is to register more people, there are better ways to do it. Instead, the Congress would do well to enact legislation which will implement a national mandate to register every American who wants to vote. There are two alternatives available to us which would better meet this challenge.

The first is to provide direct grants to the states with guidelines for their use to assist them in their registration efforts. The second is to provide states with grants for a comprehensive face-to-face registration drive. This would aid the states in two ways; i.e., increasing registration and at the same time up-dating and purging their current lists. In the long run, this would be less expensive than a national postcard system but more expensive than the first alternative.

These alternatives are seen by most election experts and officials as being more cost-effective as well as more likely to increase voter participation than the postcard bill which, while conceptually appealing and well-intended, is likely to be counterproductive.

1. Dr. Richard G. Smolka is a professor of Government at The American University in Washington, D.C., and has been director of the Institute of Election Administration at the University since 1971. He is, also editor of ELECTION News, a monthly newsletter for elections officials at all levels of government, author of a column of elec-

tions "the Ballot Box," which is published weekly in COUNTY NEWS, the official publication of the National Association of Counties, and author of "Washington Report", a monthly column published in NEWS DIGEST, the official publication of the International Institute of Municipal Clerks.

W. L. DICKINSON.
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JAMES C. CLEVELAND.

ADDITIONAL VIEWS OF HON. WILLIAM L. DICKINSON

Postcard registration is "a bill to encourage and proliferate fund and steal elections throughout the United States. . . . I cannot imagine a proposal that provides for a more efficacious way to practice fraud and steal elections than this bill. There is not a single protection in the bill against fraudulent voting, when we get down to the final analysis". These harsh words were spoken on the the Senate floor by the distinguished former Senator from North Carolina, Sam Ervin, during the 92d Congress. There are no significant differences in the Bill now before us.

The American Civil Liberties Union and many state and local officials also believe that postcard registration will increase the opportunities for fraud.

PERSONAL APPEARANCE REDUCES FRAUD

It is customary to require a person who desires to register to vote to appear in person before the registrar so he can be asked questions pertinent to his qualifications. At the very least, personal appearance establishes that there is an actual person registering who can offer identification. Postcard registration would do away with this means of fraud protection which although not infallible is certainly better than no precautions at all. A fictitious name sent in by mail is not likely to be checked for veracity before the election, particularly in populous areas.

Because registration forms will be available in bulk, it will be easy for a single individual to register numerous times with little chance of detection simply by making multiple applications to various election boards. The possibility for groups to engage in election fraud is just as great, and the results would expose the electoral process to even greater dangers.

Under the local postcard systems presently in place, state and local officials have found it extremely difficult to prevent underage persons from registering. Youngsters then use the registration notification form as proof of age for being admitted to bars and restaurants.

In Maryland, nonforwardable registration notifications containing false or fraudulent information were distributed in a test mailing. About 10% of these cards were not returned, indicating the definite potential of fraud.

Some proponents claim that the bill preserves the most effective fraud prevention device in wide use today—the ability to compare the signature of the voter at the polling place with the signature in the official files. However, states such as Virginia have no signature law. In these states, there will be no signature to compare with the signature on the postcard. This will open up avenues of fraud or require substantial changes in state laws.

BURDEN OF PROOF SHIFTED

Section 6(c) provides that receipt of a registration notification form would be prima facie evidence that the registrant is a qualified voter. This effectively shifts the burden of proof, with respect to citizenship, age and residence, from the applicant to the challenger.

In personal appearance registration, the registrar has an opportunity to raise these questions and require at least some proof; he may even delay the registration of the applicant until sufficient proof has been provided.

Under a postcard system, the registrar (has nothing before him but the averments of the applicant). These may be verified, of course, if the volume of postcards (to be mass mailed) permits sufficient time and if the corroborative information is readily available. Once the notification has been mailed, however, the election officials can no longer question the voter.

Nor can a poll watcher challenge a voter's qualifications without sufficient proof (to rebut the statutory presumptions). The big difference between this and the present situation is the lack of pre-registration screening. Even though a challenged ballot may be set aside for later resolution, in a close election it would, in all probability, be counted before the necessary proof has been brought in. Considering the growing number of elections won by narrow margins and the considerable problem of illegal aliens now in this country, the possibility of elections turning on illegitimately registered voters is very real. Any registration system therefore, which increases the opportunities for fraud is inimical to sound election practice.

MULTIPLE FRAUD OPPORTUNITIES

With postcard registration, an individual could register by mail and vote by absentee ballot. Absentee ballots are an established source of fraud; coupled with postcard registration disturbing new opportunities for fraud would be visited upon an already suspicious electorate.

Proponents claim that adequate fraud checks are contained in the bill to prevent such practices; they further state that similar systems have already been implemented in several states with no reports of fraud. Closer analysis reveals, however, that these states conducted almost no serious investigations into the question of actual fraud. Even (de minimus) fraud checks were not followed. For example, New Jersey requires that each registration by postcard must contain a counter-signature of a witness to that registration. State and local officials, however, have not checked the accuracy or authenticity of such counter signatures. Because state and local officials have not adhered to the fraud safeguards provided for under existing systems, proponents cannot claim that these systems are fraud-free. Further investigations are needed before such an assessment can be made. The counter signature concept, moreover, merely requires a simple conspiracy rather than individual fraud.

What is even more alarming is the possibility that many honest, innocent citizens could be fraudulently disenfranchised. Pranksters or corrupt partisans could obtain stacks of these postcards and invalidate the registration of many innocent citizens without their knowl-

edge. This could be easily accomplished by filling out a postcard form which would have the effect of changing an innocent citizen's name, place of residence or party affiliation. It is likely that the citizen would become aware of this fact only when he went to the polls to vote, at which point nothing could be done to re-enfranchise him.

PHILADELPHIA STORY

The possibility of such deliberate disenfranchisement is not simply idle conjecture. Between 1937 and 1943, political party workers in Philadelphia illegally filled out postcard address change forms for members of the opposite party, thereby disenfranchising them and insuring their own party victory at the polls. This practice became so wide-spread that it was a factor in the eventual abolition of the postcard registration system.

By greatly increasing the potential for fraud and insuring administration chaos, postcard registration may cause many state and local officials to throw up their arms in resignation and switch to a system of no registration in federal elections.

WM. L. DICKINSON.

ADDITIONAL VIEWS OF HON. SAMUEL L. DEVINE

ADMINISTRATIVE OBSTACLES

Proponents of postcard registration do not seem to be fully aware of the administrative and logistical problems involved in the implementation of a national postcard registration system. The postal service would have to mail out, and state and local officials would have to process, the equivalent of 500 stacks of postcards each one the height of the Washington Monument. The Voter Registration Administration would not only have to deal with 50 state agencies, but would also need to exercise some degree of control over the more than 7,000 cities, counties, and other units of local government, 173,000 precincts and 1,000,000 state and local election officials.

This legislation assumes a commonality of the voter registration function among the 7,000 election and registration boards that does not exist. Levels of sophistication between these boards vary from the very simple and labor intensive to the extremely complicated and computer intensive. It will be clearly impossible to adopt federal postcard registration to these diverse registration systems.

H.R. 11552 would turn loose an army of untrained registrars capable of causing disruption to state and local registration systems. Most of the existing state postcard systems require registrars to be trained by registration experts. Montgomery County, Maryland, for example, requires each person interested in registering other people by postcards to take an hour and half course. Not surprisingly, the Montgomery County system works rather well (it has the advantage of having a well-educated, affluent population which can easily fill out the cards properly).

The proposed federal registration system does not contain any training requirement. The question arises if such training sessions are necessary in high education level countries like Montgomery, aren't they even more necessary in less educated areas? If training is not necessary, why does Montgomery County continue to require it?

Election day difficulties.—Few people are aware of the intricacies and complexities of the election administration processes. Hundreds of small but separate tasks must be performed correctly and in sequence in order to conduct a proper election. Each of these tasks, if neglected or if improperly performed as scheduled, may lead to a serious election day disorder.

Under postcard registration, if only 1% of the voters need election day clarification, thousands of telephone calls would come into state and local election offices. As telephone lines become tied up and officials and voters are unable to get through to determine registration status, the breakdown begins. Long waiting lines develop, harassed precinct officials begin to lose their customary good nature, voters grow impatient, and hundreds perhaps thousands of people are disenfranchised.

Election day snafus may result in contests that are not decided until long after the election is over. The specter of five or six Wyman-Durkin type elections awaiting resolution by Congress only further crystallizes the arguments against postcard registration.

The attorneys fees generated in resolving such contests could add tremendously to the hidden social costs of H.R. 11552. For example, the legal fees for 1974 contests, without the impact of postcard generated contests, ran in excess of \$174,000, and the Durkin-Wyman fees ran in excess of \$214,000.

At a time when the Federal Government is already deep in its own debt and is being pushed toward the rescue of debt ridden local government, it would seem unwise to embark upon a program which would carry with it such high costs and such little promise of solving the problem at which it is aimed.

In addition to the extravagant costs of postcard registration, the virtually unlimited opportunities for fraud which it creates are appalling. It invites the registration of fictitious persons at vacant lots, and as many other frauds as the ingenious felon can invent. Perhaps a better title for H.R. 11552 would, in fact, be the "Tombstone Rubbings Act of 1976."

SAMUEL L. DEVINE.

ADDITIONAL VIEWS OF JAMES C. CLEVELAND

H.R. 11552 will add significantly to the already tremendous cost of holding elections—and will not only fail to improve that system but will undermine its integrity—that basic ingredient that makes free elections work.

A thorough discussion of the pitfalls of this legislation is contained in the foregoing Minority Views and also in Minority Views to accompany the report on last year's postcard voter registration bill (see House Report 93-778).

The essence of the minority viewpoint was stated in the latter-mentioned views as follows: "While the bill is both conceptually appealing and well-intentioned, closer analysis shows that it will raise havoc with election administration procedures, create chaos in the political process and disenfranchise many honest, innocent citizens."

Postcard registration, in addition to its potential for fraud and confusing administrative red tape, will set up a new federal bureaucracy with almost unlimited authority to spend huge sums of the taxpayers' money at a time when we should be receiving both the size and the cost of government.

It has been costing about \$200 million a year just to administer the electoral process (this figure does not include the money spent on campaigns).

The estimates of the annual cost of a national postcard registration system run all the way from \$15 to \$500 million. Most estimates fall into the \$30 and \$125 million range H.R. 11552 would authorize \$50 million.

Even proponents admit that it will be costly. One friendly witness testified that it would be "scandalously wasteful" to make a mass mailing of the postcards to every household. Another witness cited figures between \$320 and \$500 million as the actual cost if the cards are mailed to every household. During the mark-up, Subcommittee Chairman Dent estimated \$100 million.

GUARANTEED WASTE

It appears certain that this bill sets in motion an almost uncontrollable appetite for federal money. While most people really concerned with electoral participation will see the expense as excessive, some honest folk will disagree. There is one extravagance in H.R. 11552, however, that no amount of congenial argument can explain away. That is a mandated waste of \$10 million a year.

Dr. Richard Smolks zeroes in on the problem in the following two paragraphs:

Distribution of the forms. H.R. 11552 provides for mass distribution of voter registration forms to every household in the United States at least once every two years. There are more than 100 million registered voters in the United States.

Every one of these 100 million registered voters would receive a voter registration form which would be of no possible use. This provision of the bill absolutely guarantees a waste of approximately \$20 million every two years merely for printing, handling and postage of forms going to persons already registered.

This bill will waste more money for postage alone than is currently being spent to register voters by all state and local governments combined in any election year. But further waste is inevitable. If only 10 percent of the 100 million voters who are already registered actually complete the form and send it to their local registrar or call, or write the registrar to inquire about it, personnel and processing costs of additional millions will be added. This is one of the excellent reasons why both Maryland and New Jersey rejected any attempt to mass mail voter registration forms.

This mandated waste is unconscionable and particularly so in view of the increasing awareness (prompted by the New York City situation) that we should be making an aggressive effort to trim the federal budget and its staggering deficit.

JAMES C. CLEVELAND.

ADDITIONAL VIEWS OF CHARLES E. WIGGINS

IMPACT ON THE SYSTEM

Postcard registration could profoundly alter the federal structure in the area of election administration by taking from the States the time-honored responsibility for voter registration and giving it to the Federal bureaucracy. Up to now, Congress has legislated in the registration field only when it believed that due process of equal protection were being denied.

There may be a need for Congress to establish statutory minimum standards, but it should not dictate procedures, foolish or otherwise.

Postcard registration would set up yet another federal bureaucracy with the customary "Big Brother" overtones. At worst the Voter Registration Administration could become a partisan agency, giving aid to its political allies while refusing to give aid and advice to its enemies. More likely, however, the Administration would simply become another moribund bureaucracy which would slow the registration efforts of the individual states by accident rather than by design.

Section 6 of the bill would require that state and local officials process the registration forms, but that the Voter Registration Administration determine the cost of the processing. What if there is disagreement? What if the costs of processing exceed the administration's estimates? Will state and local governments be forced to make up the difference?

Section 8 of the bill requires that each of the approximately three¹ hundred thousand state and local election officials as defined by the Act may request federal intervention in the registration process if they have reason to believe that individuals who are not qualified electors are attempting to register. Any one of this legion of state and local officials could use this provision to block the registration of students, blacks, and other minorities. This provision would severely cripple the Voting Rights Act of 1965 and the Voting Rights Act Amendments of 1970. By the time the Voter Registration Administration could fully investigate and check the validity of the state and local official's complaint, registration would probably be closed and election day have come and gone.

REDUCING REGISTRATION

Several state and local officials and Dr. Richard Smolka, Director of the Institute of Election Administration and a leading expert on voter registration, have expressed the belief that a federal postcard registration system might reduce overall voter turnout.

¹ Exact figure being researched.

There are several ways that postcard registration could reduce voter turnout:

1. Past experience with address changes by postcard indicates that up to one-third of the postcards may be either illegible or incomplete. This problem is especially acute among the poor and lower middle class voters—the main target of the proposed legislation. If the name or address is incomplete or illegible, there is often no way of finding out who sent in the card. People who send in these illegible and incomplete cards, despite warnings to the contrary, will often think they are registered when they are in fact not. On election day these people will be ineligible to vote and further alienated from the system.

2. Postcard registration would be dependent on the U.S. mail system which has been known to be both inefficient and unreliable. Mail service is especially bad in poor and lower middle class neighborhoods, where most pockets of low registration are located. With 150 million or more pieces of mail shuttling back and forth in the postal system, there will be undoubtedly considerable loss and confusion. Disenfranchised will occur because cards will be lost or arrive too late to be processed.

3. States may decide to separate federal from state and local elections by scheduling the latter in odd number years as New Jersey and Virginia have done. The total separation of state and local elections from federal elections will tend to reduce voter turnout in all elections.

4. If the states did not adopt postcard registration for all elections, voters would have to comply with two registration procedures—one for federal elections and another for state and local elections. Confusion would result when registrars and voters attempt to determine which persons are entitled to vote in all elections, which one federal elections, and which ones in state and local elections. Many people would assume that they are registered for all elections, when in fact they are only registered for and can only vote in either state and local or federal elections. These registrants will be partially disenfranchised and understandably annoyed.

5. Perhaps the major cause for low turnout is voter alienation. Postcard registration would eliminate the only face-to-face contact many people have with their political system prior to election day. A study published in *Public Opinion Quarterly* by Robert Kraut and John McConahay found that person-to-person contact with an eligible voter prior to election day will increase the likelihood that he or she will vote. Conversely, the lack of such contact will probably reduce the likelihood of an eligible voter actually going to the polls. Postcard registration will eliminate this vital encounter.

There is no compelling reason to enact H.R. 11552, indeed if one is committed to the solution of the problem it purports to address. There are many compelling reasons not to enact this Bill.

CHARLES E. WIGGINS.

ADDITIONAL VIEWS OF J. HERBERT BURKE

H.R. 11552, it is argued, will bring U.S. voting turnouts more in line with other western democracies. Such a claim is based on the fallacious assumption that such a difference in voter interest really exists.

In fact, when comparable situations are analyzed, turnout in the United States is remarkably similar to that in other western democracies. Complex and significant differences between political systems and methods of computing voter turnout account for many of the apparent disparities between the United States and other countries.

Specifically, unlike the United States, some European countries exclude those legally and mentally unable to vote from their computations on total voting age population, thus boosting their participation percentage in relation to the United States. Also, in a few countries, voting is compulsory; and in some cases, the figures given are simply inaccurate. For example, the Australian Embassy has stated that their turnout figure is significantly lower than the quoted 97 percent.

In the British parliamentary election of 1970, 71 percent of all eligible voted, 11 percent more than in the United States. However, turnout in Britain's poor urban areas was 45–52 percent the same as it is in the United States. Suburban London turnout was 65–75 percent, roughly equivalent to the average U.S. suburban turnout. High turnout, which raised the total percentage, occurred in areas with unique political conditions uncommon in America. For example, in Cornish, Welsh, Scottish, and Northern Irish districts, three- and four-way races accounted for a higher than average turnout of 75–90 percent. Likewise, top turnout of 90–92 percent was observed in Northern Irish districts where internal strife replaced politics as usual.

During very recent years, turnout in both Canada and Great Britain has dropped about 5–7 percent, a figure quite similar to the drop in the United States.

Critics of the U.S. electoral habits are fond of saying voter turnout is abysmally low—only 55 percent in 1972, and they are equally fond of saying that postcard registration will somehow improve this.

What is wrong with the basic assertion is, of course, that the 55 percent figure is inaccurate. When aliens, the mentally ill, prisoners, ex-felons, invalid ballots, those disqualified by residency requirements, those who are ill on election day, those who do not vote for President, etc. are properly accounted for, turnout is actually somewhat higher.

Illegibility. Without tight control as in the case under present state laws, there may be many illegible and incomplete postcards. Previous experiences with postcards registration and address changes in Los Angeles, Philadelphia, and the State of Washington, Hawaii and Montana indicate that up to from 10 to 33 percent of the postcards returned to state and local officials may be returned either incomplete or illegible.

Experience has also shown that registration forms are not easily filled out no matter how simple they appear to be. For example, even

where there is special training for assistants to help fill out forms accurately and completely, there is still a significant percentage of error.

In order to process the illegible and incomplete postcards, an interchange of correspondence will sometimes be necessary, a costly and time-consuming process. Even then, states and local officials may well accumulate thousands of postcards that will be completely unsuitable for processing because of illegible handwriting or insufficient information. These applicants will be surprised, and dismayed, on election day when they find they are not registered to vote.

Dual registration: Most state and local officials have stated that federal postcard registration would result in dual registration systems. As a result, two sets of records would have to be maintained or distinguishing marks would have to be made to separate the various classes of registrants.

Presently, there are over 521,000 elected public officials in the United States of whom 535 sit in Congress. Approximately 999 out of every thousand elected officials are state and local officials. Under a dual registration system, citizens who register by postcard will only be able to vote in federal elections.

In some instances, it would be necessary to have separate ballots and separate voting machines: One set for federal elections and one set for state and local elections. There would be additional costs, additional clerks needed, as well as increased expertise. This would entail an additional expense of many millions of dollars at a time when the public is wrestling under the twin federal spending burdens of taxation and inflation.

J. HERBERT BURKE.

ADDITIONAL VIEWS OF HON. BILL FRENZEL

I do endorse the primary minority views signed by all the Republican Members of the Committee. These additional remarks are aimed at specific aspects of the bill on which I believe more comment is necessary.

First, H.R. 11552, however, nobly motivated, or however conceptually appealing, simply will not do the job claimed for it. Instead it will be counterproductive, and may actually reduce voter participation. Certainly it will raise havoc with existing registration systems. Surely it will foul up registration administration. It may increase vote alienation, disenfranchise otherwise qualified voters. Finally, it will be a scandalous waste of the taxpayers money.

Poll after poll has shown conclusively that people don't vote for reasons other than difficulty in registering. Of those who do register, only 75 percent vote in a Presidential election. And only the most highly motivated even bother to register.

Repeated surveys by the Census Bureau shows that the principal reasons for non-voting is apathy and hostility toward politics. No postcard can change these attitudes. As a matter of fact, most people won't fill out postcards.

Postcard registration, with proper controls (this bill does not have such controls), works well in metropolitan Minneapolis or in Montgomery County. Voters there are educated and affluent. They are used to using the mails to conduct business. The people that this bill purports to help—the unregistered, the disadvantaged, the poor, the minorities—don't regularly use the mail. Many don't even have regular addresses. Many would have difficulty filling in the card. This group simply will not be helped by postcards.

Four states used some form of postcards in the last election. None of these states mailed cards to homes or postal boxes. In Texas, coupons in newspapers could be mailed in. In Maryland, cards were distributed by trained personnel who helped the registrants fill them in. In New Jersey and Minnesota, they were placed in public buildings and distributed by untrained groups and individuals, but not mailed. In New Jersey, they had to be countersigned.

These states had interesting experiences. Together they averaged 7.6 percent below the national average in 1974 voter turnout, while they had averaged only 2.8 percent below in 1972, and 4.9 percent below in 1970. Each had a substantially lower turnout than in the previous comparable election. Altogether, they are an excellent example of the fact that postcard registration does not improve voter turnout.

As of the end of 1975, 14 states have passed legislation to permit mail registration. According to Bureau of Census's estimates, this represents 41.1 percent of our entire Voting Age Population. It seems to me we ought not force our marvelous federal postcard down the

throats of nearly half of those state election officials who are already using a system designed to meet their particular problems and needs.

One of the reasons, postcard registration reduces voter turnout is that it diverts local resources and personnel from other more effective registration activities. Effective programs, like face-to-face registration through mobile or branch registration offices should be encouraged not crowded out. In other words, if the federal government forces the states to go to postcard systems, the states will reduce registration efforts that really work.

The costs are staggering. With a \$74 billion deficit, we have no business instituting a system which we know won't work, but which will cost anywhere from \$50 million to \$500 million. Remember, it is not just the costs of printing and mailing. The largest costs are in handling the cards, making call-backs on incomplete card, checking the duplicate registrations, etc. All these costs are being federally forced on the states, and onto our local government. Surely the clerks will have no time to do anything else like registering real, live people.

This year's bill has a new feature. It involves the Federal Elections Commission. Instead of the Census Bureau (Senate version) or the General Accounting Office (last session's House version), this year the administration or postcard registration is given to the FEC. The FEC did not ask for the job. It was not officially consulted. It is already overburdened and underfinanced. This extra burden may kill the FEC.

Another particularly bad feature of this bill is in Section 7(a). We force the post office to deliver the cards for free, or rather force them to bury the cost somewhere in their \$1.2 billion incurred expenses figure. Either way, the taxpayer will foot the bill in a big way but with no idea of the total cost. It's a use of subterfuge to fool the people as to the onerous cost of the program. Further, it's an obvious usurpation of the jurisdiction of the Post Office and Civil Service Committee.

Because I believe that we have an obligation to try to register every citizen, and to try to stimulate every citizen to vote, I have introduced H.R. 6145 as a substitute for H.R. 11552. H.R. 6145 preserves our federalist system. It lets state and local officials decide which is the best registration system for their areas.

It recognizes the federal responsibility for registration by providing funds, on the basis of population, to the states. But it preserves the states' rights to choose how to improve their systems. The fund distribution is a sort of revenue sharing plan which will work without a bureaucracy and without needless cost.

If this substitute H.R. 6145 is made in order by the Rules Committee, I shall offer it. I believe it recognizes federal responsibility, but does not force federal standards.

BILL FRENZEL.

ADDITIONAL VIEWS OF HON. W. HENSON MOORE

Numerous flaws exist in the language of H.R. 11552 as reported by the House Administration Committee.

Under the present provisions of the bill, the Commonwealth of Puerto Rico is uniquely exempted from post card voter registration requirements. Evidence presented to the Committee indicates that Puerto Rico has an above average voter turnout under its present voter registration system and therefore would not "benefit" by the alleged "improvements" of post card voter registration. I commend Puerto Ricans for their civic participation in the election process, but I would also like to suggest to my colleagues that what is sauce for the goose should be sauce for the gander. North Dakota has no voter registration system whatsoever. Therefore, the suggested premise that voter registration systems deter high voter turnout simply does not apply. With this in mind, why not exclude North Dakota from post card voter registration? Why not exempt other rural areas within certain States that have no pre-registration requirements?

The views of State officials who would be required to work with post card registration on a day-to-day basis also merit attention. With all of the potential snafus inherent in post card registration, it is not surprising that a sizable majority of state and local officials oppose post card registration. In a 1973 poll of the Secretaries of State, only three felt that a system of federal post and registration would be better than their current state system. Eight Secretaries felt that at a given cost other alternatives may be better than the post card system. Thirty preferred their current system to post card registration.

I also have reservations about the advice and consent problem dragged into H.R. 11552 during its mark-up. The bill stipulates that both the House and Senate have to approve the appointment of the three Administrators of the Voter Registration Administration.

The problem does not center upon the ability of the House to wisely exercise such a power. Instead, the problem is of a constitutional nature. Article II, Section II of the U.S. Constitution vests advice and consent authority in the Senate alone without any reference to the House of Representatives.

During the hearings on H.R. 11552, Wade Martin, Jr., the Secretary of State of Louisiana and Chairman of the Regular and Special Election Committees of the National Association of Secretaries of State made excellent points, several of which follow below:

To facilitate maintenance of registration lists, and to prevent fraud, Louisiana, like many other states, in cooperation with various citizen's groups, adopted a simple permanent registration procedure. And experience has proved to us that more individuals register and remain eligible to vote under permanent registration. This system calls for change only if the person fails to vote in a certain number of elections, or changes his voting residence.

But H.R. 11552 would in effect scrap all such modern and undesirable systems, and necessitate cumbersome, inconvenient and expensive re-registration.

Since, as I have said, the voters of our state favor simplified voting and registration procedures, it is only realistic to expect that many of them will fail to re-register as would be required by this act. They may be absent from their homes when the blank arrives, or may not visit a post office; many of them may suffer as a result of the present increasing inefficiency of mail deliveries; or delay filling in the form. And still others will simply conclude that filling out a registration card, and delivering or mailing it to the registration officials, every two years or more often is just too much trouble.

For whichever of the reasons above, or any other reason, they fail to meet the post card registration requirement, multitudes of our citizens who now regularly cast their votes would be disenfranchised as a direct result of H.R. 11552.

One last problem is not election oriented but arises out of the fraudulent use of the Notification of Registration Forms as a means of identification. Nationally prominent political scientist Richard Smolka addressed this particular problem in an incisive manner:

There is also one non-election related potential effect of H.R. 11552 which I would like to bring to the attention of this committee. The voter identification card which is issued by many states and which would be required under this legislation has increasingly been used fraudulently. Misuse of this identification to establish citizenship, age or residence has become so frequent that the New York State Board of Elections has called the attention of the County Election Commissioners to the situation. Dr. Rossotti and I found misuse of the card in both Maryland and New Jersey where mail registration made it easy to obtain. Misuse has also been reported in Florida and in other states which do not have registration by mail.

Although the misuse does not affect elections, when aliens illegally in this country use a voter registration card to obtain "instant citizenship" and thereby take employment away from American citizens and taxpayers, there may be widespread if unintended, consequences. Election officials have no control over the misuse especially if the cardholder never comes to the polls. Other less important uses include proof of age by minors to obtain alcoholic beverages, and proof of residence by persons who wish to avoid out-of-state fees.

In Dade County, Florida, officials report that persons accused of misdemeanors are released upon posting of a \$1 bond and their voter registration card. Prostitutes, it is alleged, register repeatedly with various names and addresses to remain outside the custody of the law. In New Jersey, persons obtained voter registration cards made out in the name of social security recipients in order to cash stolen checks.

Although officials in Maryland and New Jersey as well as other states have attempted to prevent the use of the voter

registration card as personal identification, the fact that it is frequently issued by the county government, and in many states by the same county official who authenticates birth certificates, deeds, and other legal documents, makes the voter identification card a convincing document for most purposes.

In light of expert testimony exposing the onerous features of H.R. 11552 by voting-procedures professionals and the only academician to testify before the Committee, there is a noticeable absence of evidence to support passage of H.R. 11552.

W. HENSON MOORE.

ADDITIONAL VIEWS OF HON. MARJORIE S. HOLT

H.R. 11552 is a pathetic bill, unneeded by the general public, unwanted by the taxpayer, a bill supported by many groups in whose interest it might be to control the system of voter registration within the United States. I will raise a few procedural questions as a former administrator of elections for Anne Arundel County, Maryland. I do so because federal post card registration would be a tactician nightmare.

Distribution of completed and blank registration cards.—As H.R. 11552 is now written, the Voter Registration Administration will be required to determine where postcards must be returned. In states with centralized registration systems, which is the exception to the rule, this would be relatively simple. But most states enjoy local autonomy in registration. In such cases, determination would be virtually impossible. The Administration would have to print with different return addresses, postcards for every local registration jurisdiction. In itself, this is an enormous expense, but the Administration must additionally print forms for every jurisdiction in several different languages, increasing the distribution problem and the costs.

The problem which will face the Federal Government in sending out the cards will be more than just an accurate return address, it will also add a burden to the Postal Service because the return address will be accurate only if delivered to the correct postal patron. I understand, for example, that Madison County, Alabama contains 14 county and five state offices which have defined duties in connection with federal elections. Which of these is the proper authority to which postcards should be returned and how will the postman know which card to deliver to whom?

Size of the card.—Although it is generally assumed that the postcard application will be the size of a standard postal card, the amount of information necessary to determine voter qualification, written legibly, may require a form of extraordinary size. Each card must contain an explanation of basic election information including: (1) A statement of the penalties for fraudulent registration, (2) a note that failure to designate party preference may, in some states, disenfranchise the voter in nominating elections, (3) a notice that those who are already registered need not register again, (4) instructions telling the citizen that his registration is not valid until confirmation is received by mail, etc.

Duplicate registration.—Large numbers of citizens will be inclined to register several times. If registration postcards are distributed to every household, persons already holding a valid registration will re-register, requiring a crash program of checking thousands of probably illegible registrations to purge duplicates.

Duplicate registrations are already becoming a problem in many states with liberal registration laws. These systems, however, are incompatible with the proposed federal system. Under state systems

with postcards, the cards are not distributed to every household and those who are already registered would be less likely to register a second or third time. Some of these systems are based on the use of trained registrars who will check to see if a person is already registered. With an army of untrained registrars, as under the federal system), many people will register again because they will not be queried and will not know whether they are already registered and will fear disenfranchisement if they do not re-register.

Duplicate registrations are already a problem in many states lacking a centralized system. With an uncontrolled system of distribution, duplicates would become a major problem.

Bookkeeping problems.—People do not always follow instructions. Sometimes they sign their names in full, sometimes they use their commonly-called names, and other times they use only initials. What will happen when an individual registered in a precinct as Robert J. Smith has to be matched with postcards from the same address from R. J. Smith, R. James Smith, and Bob Smith.

If two similar names turn up at the same address, it is impossible to know if they are father and son, relatives, or the same person. State and local officials must check every apparent duplication. **MOST DO NOT HAVE THE BUDGETS AND MANPOWER TO DO SO.**

Inadequacy of mail addresses.—In some areas, there will be no way to identify by post office address of the registrant in which precinct he lives. In many states, a zip code or even a city address might include several towns and certainly will include a number of precincts. Rural delivery routes also include a large number of precincts. Registration by postcard would provide no method of determining the precinct of these people.

Sabotage.—Under post card registration, individuals wishing to befool the system of postcards and raise havoc not already implicitly created by this law may fill out many postcards with fraudulent names and addresses. This is particularly true because of extreme laxity in the method of distribution. Once again, Clerks would be forced to spend excessive time, non-existent budgets, and hire more people to sort genuine applications from the fakes. Until now, even states with postcard registration have not had this problem, because their method of distribution is much more controlled.

H.R. 11552 features bad amendments such as its inclusion in the Federal Elections Commissions and the Puerto Rico exemption from the law. States presently, and their localities, are doing a good job in registration. Where they fail, corrections can and must be made at the state level.

Passage of H.R. 11552, in my view, would be the coup de grace in undermining the faith, or what little is left of it, of the American people that elections can be fairly and efficiently administered.

MARJORIE S. HOLT.



THE WHITE HOUSE

WASHINGTON

February 2, 1976

MEMORANDUM FOR: MAX FRIEDERSDORF

FROM: VERN LOEN

SUBJECT: H.R. 11552 - Voter Registration Act

This bill, reported last Thursday from the House Administration Committee, has been reinstated for Rules Committee consideration at 2:00 p.m. Tuesday and for floor consideration on Thursday.

The majority informed the minority today that they will offer floor amendments en bloc to place the Voter Registration Administration in the General Accounting Office rather than in the Federal Elections Commission as envisioned in the reported bill.

That ought to make the proposal much more palatable to Chairman Hays, who has never been very hot for post card registration because of his antipathy toward Common Cause.

Rep. Bill Frenzel will testify against the bill in Rules and lead the floor fight with help from Rep. John Anderson. The minority is contacting the Secretaries of State Association to ask their help in contacting Members to cite possibilities for abuse and administrative nightmares.

It is possible there will be a floor fight on the rule. You will recall we defeated a similar bill in 1974 by beating the rule. Some 140 Members who voted against the previous question on that occasion remain in the House. The minority is hoping for a strong veto signal before the Rules Committee meets tomorrow.

This legislation also will be discussed briefly at the House GOP Conference on natural gas at 9:30 a.m. Tuesday, 2212 R.H.O.B.

cc: Jim Cannon
Paul O'Neill
Charles Leppert
Tom Loeffler
Alan Kranowitz

THE WHITE HOUSE

WASHINGTON

July 27, 1976

Five

MEMORANDUM FOR: JACK MARSH

FROM: ED SCHMULTS

SUBJECT: H.R. 11552

Attached is a proposed Q & A on the President's position on H.R. 11552, the Voter Registration Act. I have been advised that Jimmy Carter has called upon Carl Albert to expedite passage of this bill. The position here is one that was used when the President met in April 1975 with minority members of the House Administration Committee concerning various postcard registration bills then pending in the Committee. Information prepared at that time indicates that similar proposals have been strongly opposed by the National Association of Secretaries of State who regard them as administrative nightmares, and the American Civil Liberties Union, which believes that postcard registration will increase the opportunities and possibilities for fraud.

Nessen's office indicated that a question may now be raised concerning the President's position on postcard registration. Barry Roth has been advised by Tom Cooper, Assistant Minority Council of the House Administration Committee, that the Rules Committee will consider on Thursday a rule on this bill. Cooper also advises that House Administration Committee Chairman Frank Thompson indicated today that he expected passage by the House prior to the Convention recess.



QUESTION:

Ron, Governor Carter has contacted Speaker Albert and requested that he seek expeditious passage of H. R. 11552, the Voter Registration Act. What is the President's position?

ANSWER:

The President has opposed the Voter Registration Act (authorizing citizens to register for Federal elections by post card). There is little assurance that increased registration will increase voter participation in elections, when great numbers who are already registered do not show up at the polls to vote. Also, the Act will be an administrative nightmare for State and local governments and it will increase the potential and likelihood for fraud. This legislation would create additional financial burdens on the Federal government when the President is trying to curb Federal spending, and it would establish a further large Federal administration within the Federal Election Commission.

ES/BNR 7/27/76



Committee on House Administration

Barry

Attached are the
Thompson Amendments
which were printed in
the Record and the
FEC Amendments which
may be offered.

Sm



ferences conducive to a fair selection process.

Should H.R. 8401 become law and ERDA submit the proposed arrangement it has been negotiating for the commercial gaseous diffusion plant, Congress would have to be troubled by the consideration that others, if given the opportunity on a fair and reasonable basis, might well have offered the Government a better deal.

Additionally, the details of the proposal by the Bechtel combine indicate the strong likelihood that the arrangement ERDA would submit for Congressional approval will place essentially all monetary risks on the Government and create the sort of risk-free situation for the private owners that is no more illustrative of the free enterprise system than the complete absence of competition.

II. THE GOVERNMENT'S ROLE IN GASEOUS DIFFUSION ENRICHMENT

The Government's monopolistic role to date in uranium enrichment has worked very well. The supply for the civilian sector has been well-handled and reasonably priced. The Government's costs are being recovered, and the price of uranium fuel has had the stabilizing benefit of a known, relatively-unfluctuating cost factor for the important enrichment step.

Until the free enterprise system truly indicates its willingness to enter this field of uranium enrichment, the Government should continue with its present role on the basis of full-cost recovery, increasing its facilities as required by the anticipated demand for services.

It may be, perhaps, that uranium enrichment by the private, free enterprise sector will occur first through the use of gas centrifuge technology—soon to be demonstrated by the Government—rather than the diffusion process that has been in use for several decades. Beneficial operation of the free enterprise system will determine the course of such business trends and events. The cozy, paternalistic presence of the Government in a surety or risk protector role, even if extended to more than one entity, can only distort free enterprise and betray the taxpayers.

III. COVERAGE OF BOTH COOPERATIVE ARRANGEMENTS FOR GAS CENTRIFUGE PROJECTS AND THE ADMINISTRATION'S PROPOSED ARRANGEMENTS FOR A PRIVATELY OWNED GASEOUS DIFFUSION ENRICHMENT PLANT

For many years, under the Atomic Energy Act, demonstration projects have been entered into pursuant to Congressional authorization included as part of AEC's (ERDA's) normal authorization acts. Demonstration projects, by definition in the Atomic Energy Act, are the end phase of the R & D spectrum, and are envisioned in Section 31 of the Act. H.R. 8401 is not needed for any such demonstration projects. It is clear to me, and as far as I know no one disputes, that cooperative projects for the demonstration of centrifuge facilities are quite in order. The Administration could, and should, have sought authorization for such cooperative arrangements sometime ago. I can only assume that this area of development was deliberately thrust into H.R. 8401 to give the bill the appearance of desirable legislation.

In the 30 years of its existence, the Atomic Energy Act was never amended to authorize Federal assistance to a commercial project that was beyond the demonstration stage. The Administration's proposed arrangement for the privately owned gaseous diffusion enrichment plant would, for the first time, involve assistance under the Atomic Energy Act (as amended by H.R. 8401) for a straight commercial, non-R & D project. As the Comptroller General accurately points out in his October 31, 1975, report (*Examination of the Administration's Proposal for Government Assistance to Private U.S. Groups*) the gaseous

diffusion facility that the private entrepreneurs would build would be a "last-of-a-kind" plant, copying the process and hardware the Government has been operating for several decades.

Federal support of a privately owned commercial plant for non-R & D reasons has been wisely avoided by the Atomic Energy Act up to this time. That legislative policy remains a sound one and should be continued.

IV. THE FOREIGN CONNECTION

I happen to believe that, all things considered, it is much more advisable for the U.S. to be in the position of a supplier of enrichment services for foreign use than not to be. But it does not make any sense for the U.S. to become involved as a sort of guarantor in a private deal that offers foreign investors an assured 60 percent of product in return for their substantial investment in the domestic plant.

Requirements of the Atomic Energy Act, that H.R. 8401 would not amend, wisely make it practically impossible to assure foreign buyers that quantities of enriched uranium products would be routinely exported. The Act provides for certain procedures and governmental approvals that cannot be dealt with at one swoop in context of the arrangement the Bechtel combine has indicated it plans to make with its foreign associates. ERDA (as well as other Executive agencies) has certain statutory responsibilities in regard to proposed exports of special nuclear material and other related matters that may well conflict with any express or inferential guarantee on its part that the private assurance of exports of percentages of product will necessarily be effectuated.

Also there are certain Federal licensing conditions that must be satisfied under the Atomic Energy Act. The involvement of ERDA as a contracting party to the private arrangement could inject a note of conflicting interests.

For example, the private plant would be subject to licensing by NRC. However, under presently applicable law, if ERDA were to take over ownership of the plant, such licensing would not be required.

As part of the licensing requirements of the privately owned facility, no construction permit or operating license may be given by NRC to a corporation or other entity if the NRC "believes or has reason to believe it is controlled, or dominated by an alien foreign corporation or a foreign government." This is a finding that NRC would have to make after it carefully reviewed all of the rights and privileges of the foreign investors, and ERDA's involvement in the arrangement on behalf of the Administration could well serve to inject some undue pressure on NRC. And should ERDA take over the plant as a non-licensed operation, this statutory requirement could be bypassed.

V. CERTAIN CONGRESSIONAL PROBLEMS

Without regard to any Constitutional questions, certain acute problems for the Congress would be invited by the blanket authorization for the Administration to make any arrangement it desired provided it was then approved by the Congress.

To begin with, the timing of the legislation is such that it is being considered by both Houses after the negotiations with the Bechtel combine have apparently been concluded. There is clearly no logical reason why the essential details of the proposed arrangement should not be made available to the Congress before a legislative judgment is made concerning the need for and the precise contents of the bill. Passage of the bill in the dark when illumination is available only serves to put such Congressional action in an unfavorable light, and later to add embarrassment should Congress decide not to approve the submitted arrangement.

Another problem exists in the intricacy of the provisions of the new subsection 45b de-

scribing the Congressional consideration and approval process. It is not clear whether Congress must approve a submitted arrangement within the 60-day period in order for the commitment to become effective, or whether Congress, at its election, can take a longer period to act favorably. Such a period of time may not be adequate to examine complex or artfully-drafted commitments with sufficient care. Also, in the same period the Administration may deliberately have ERDA submit all or several of its proposed arrangements for gas centrifuge demonstration projects at the same time the proposed commitment with the Bechtel combine for the diffusion plant is submitted. Insufficient time for consideration can as easily lead to approval as disapproval.

Still another problem exists in the wording of subsection 45b in regard to what the submittal must consist of. There is some indication that the Administration considers the language of the bill to require the submittal of ERDA's proposed agreement with the Bechtel combine but not the agreement with the foreign investors, to which ERDA may or may not be a party. Prudent contracting procedure would dictate that ERDA should also be a party to the agreement with the foreign associates because the meaning and interpretations of that commitment (as understood by the parties thereto) will be a principal component of the entire arrangement. For example, if the domestic entrepreneurs default and the Government takes over the construction and operation of the plant, many of the rights of the foreign associates would probably survive and have an effect on the Government's prerogatives.

But whether or not ERDA is a party to the commitment with the foreign associates, it would be of first-rank importance for the Congress to have the opportunity to review their contract rights and obligations as part of the entire arrangement.

In addition to the foregoing considerations, various provisions of the Atomic Energy Act call for Congressional review of certain proposed nuclear exports. It could be a source of embarrassment for the Congress were it, on the one hand, to give its blanket approval to an arrangement that would promise foreign entities 60 percent of the uranium enrichment product and then later, from time to time, express its disapproval of or prevent specifically-proposed exports of the special nuclear material.

Private commercial deals and governmental functions (of both the Executive Branch and the legislative), like oil and water, don't mix properly.

PROPOSED AMENDMENTS TO H.R. 11552, THE VOTER REGISTRATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON), is recognized for 5 minutes.

Mr. THOMPSON. Mr. Speaker, as a courtesy to the Members of the House and the members of the Committee on Rules, I submit for the Record the following proposed amendments to H.R. 11552, the Voter Registration Act.

The amendments are designed to conform H.R. 11552 to the Supreme Court decision in *Buckley against Valeo*, and to provide for the immediate implementation of the act:

AMENDMENT TO H.R. 11552, AS REPORTED

Page 3, line 5, strike out "and the House of Representatives".

Page 3, line 6, strike out "two Associate Administrators" and insert in lieu thereof "an Associate Administrator".

Page 3, beginning on line 8, strike out "The President shall submit" and all that follows through line 10.

Page 3, line 11, strike out "date of enactment of this Act."

Page 3, line 12, insert immediately after "The" the following: "Administrator and"

Page 3, beginning on line 13, strike out "Administrators" and insert in lieu thereof "Administrator".

Page 3, immediately after line 16, insert the following new subsection:

(c) The Federal Election Commission shall carry out the duties and powers of the Administrator and shall take such actions as may be necessary to carry out the provisions of this Act during the period beginning on the date of the enactment of this Act and ending on the date on which the first Administrator and Associate Administrator of the Administration are qualified under subsection (a).

Page 10, line 10, immediately after "shall" insert the following: ", subject to amounts appropriated under section 15."

Page 11, line 14, strike out "approve" and insert in lieu thereof "does not".

Page 11, line 15, insert "disapprove" immediately before "any rule or regulation".

Page 11, beginning on line 19, strike out "not approved" and insert in lieu thereof "disapproved".

Page 11, line 21, strike out "not approved" and insert in lieu thereof "disapproved".

Page 12, beginning on line 21, strike out "section 204 of the Voting Rights Act Amendments of 1970 (42 U.S.C. 1973aa-1), relating to expanded opportunities of registering to vote and voting for electors for President and Vice President" and insert in lieu thereof "the Voting Rights Act of 1965".

Page 14, beginning on line 5, strike out "Administrators (2)" and insert in lieu thereof "Administrator".

Page 14, strike out line 13 through line 21 and insert in lieu thereof the following new section:

EFFECTIVE DATE

Sec. 16. The foregoing provisions of this Act, and the amendments made by this Act, shall take effect on the date of the enactment of this Act.

THE ABANDONMENT OF ISRAEL

(Mr. BOLLING asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. BOLLING. Mr. Speaker, the United States and every other democratic nation on Earth has a vital stake in the survival of Israel. We must not waiver in our long-standing determination to see to it that our fellow democracy persists. The following analysis in the July 1976 edition of Commentary can help us all keep the importance of our conduct in the Middle East in clear focus:

THE ABANDONMENT OF ISRAEL

(By Norman Podhoretz)

When, about a year ago, the United Nations declared that Zionism was a form of racism, a measure of comfort for the state of Israel and its supporters could be found in the fact that an impressive degree of opposition was mounted to this "obscene" idea—as the American representative called it—both within the General Assembly itself and in the world outside. At Mexico City in 1975, where the same resolution was first introduced, it was approved with only two opposing votes: that of Israel and that of the United States. Then, at meetings of the OAU in Kampala and of the Group of 77 at Lima (in which neither the United States nor

Israel could participate), it was introduced again and passed with no opposition at all. This time, at the UN, Israel and the United States were joined by thirty-three other nations in voting against the resolution, while another thirty-two abstained, leaving its sponsors with a majority but nothing remotely approaching the overwhelming endorsement to which they had by now become accustomed. This time too there were protests from private groups, especially within the United States, where much outrage against the resolution was expressed and virtually no support. Indeed, so great did the revulsion against the resolution appear that in the opinion of the British ambassador to the UN, the net result was a victory for Israel rather than a defeat.

If, however, the Zionism-racism resolution was a victory for the Israelis, it was a victory of the type of which they might with perfect precision have said: One more such and we are undone. Certainly the response to the resolution revealed that Israel was not entirely isolated. But on closer inspection it revealed a deterioration in Israel's position which went much deeper than the gross voting statistics or the mere volume of public protest by themselves could even begin to suggest.

In order to appreciate the extent of that deterioration, it is necessary to bear in mind what the Zionism-racism resolution said about the State of Israel. The resolution did not merely condemn the state of Israel for alleged crimes against the Palestinians, or for discriminating against its own Arab citizens. What the resolution did was to denounce the state of Israel itself as an illegitimate entity. The very idea of a sovereign Jewish state in the Middle East (Zionism), let alone the actuality of one, no matter what its boundaries might be, was by definition declared criminal (racist). In the eyes of this resolution, Israel could only cease to be criminal if it ceased to be both Jewish and sovereign—if, in other words, it ceased to exist. Returning to the boundaries of 1967 or even the boundaries of 1948 would make not the slightest difference. For the resolution did not concern boundaries or occupied territories; it concerned the right of a sovereign Jewish state of any size or shape to exist in the Middle East.

From Israel's point of view, it was bad enough that a majority of the member-states of the United Nations—under whose auspices the state of Israel had come into being in the first place—when asked whether a sovereign Jewish state had the right to exist in the Middle East, should have answered No. Yet the manner in which most of the member-states who answered Yes to this question chose to do so was in its own way almost as bad. The United States argued vehemently that the resolution was wrong in principle, that it was based on a perversion of language and a distortion of the historical record. But no more than two or three of the other countries who either voted against the resolution or abstained (Costa Rica and Barbados come to mind) acted on any such principled basis. One after another the delegates who had been instructed by their governments to oppose or abstain rose to the rostrum to make speeches "in explanation of vote"; and one after another they argued not that the resolution was wrong but that it was politically unwise. Far from defending Israel, moreover, most of the countries that refused to endorse the resolution went out of their way to assure the world that they yielded to no one in their disapproval and indeed detestation of Israel's many crimes. In effect, while they were not prepared to go so far as to say that Israel had no right to exist, neither were they quite prepared to affirm unequivocally that Israel did have a right to exist.

For all practical purposes, then, the United States remained Israel's only real defender.

If the United States had not spoken out so forcefully in defense of Israel, there would in all probability have been no country to speak out in defense of Israel but Israel itself. Yet forceful as the American support for Israel was in the case of the Zionism-racism resolution, it held only cold comfort for Israel.

The reason is that while the United States would unquestionably have opposed such a resolution under any circumstances, it is by no means clear that the opposition would have been as passionate or as effective if anyone but Daniel P. Moynihan had been the American representative at the time. The strong language in which Moynihan denounced the resolution and the tactics he used in lobbying against it originated with him and not in Washington, and they were tolerated rather than enthusiastically endorsed by his superiors in the State Department. Consequently, if not for the accident of Moynihan's presence in the UN when the issue arose, the resolution might well have passed without serious principled opposition and by a margin approaching the near-unanimity achieved by the Arabs at Lima, Kampala, and Mexico City.¹

In short, Moynihan's behavior, far from being an accurate barometer of American policy toward Israel in general, was—and in retrospect looks more and more like—an aberration in an otherwise consistent pattern of weakening American support for the Israeli position. Officially, of course, the United States continues to affirm its commitment to Israel, and not merely in words. American military aid continues to be supplied to the Israelis in greater quantities than ever, and American votes continue to be cast in the Security Council, in the Human Rights Commission, in UNESCO, in the International Labor Organization, and in the World Health Organization against the endless parade of resolutions condemning Israel and all its works. At the same time, however, everyone senses the presence of powerful undercurrents pulling in the other direction. In the UN, Moynihan's "lectures on democracy and decency"—as, according to the New York Times, they are scornfully called by "several diplomats" of unspecified nationality—have given way to the "courtesy and restraint" of William Scranton. "Arab diplomats," the Times reports, "lauded what they said was a new 'tone' that Mr. Scranton had introduced in the Middle East debates." And indeed there was a new tone. In the Security Council, in his very first statement as the American ambassador, Scranton praised Jamil M. Baroudy of Saudi Arabia for his "inimitable wit and remarkable eloquence and, most important of all and truly and seriously, his very extraordinary knowledge of history." This was just after Baroudy had demonstrated "his very extraordinary knowledge of history" by asserting, among other things, that the Zionists had forced Woodrow Wilson into World War I. Baroudy then proceeded to put his "inimitable wit and remarkable eloquence" on full display the next day in a speech to the Security Council declaring that *The Diary of Anne Frank* was a forgery and that the Holocaust would some

¹ The contrast between these earlier votes and the one in the General Assembly obviously disposes of the often-repeated charge that Moynihan's tactics "made things worse" for Israel. The truth is that as a result of those tactics, opposition to the resolution grew as it passed through the parliamentary process on its way to final approval. In the Third Committee, where it was first introduced, the opposing vote (negatives plus abstentions) was 56; in the next stage (a vote to postpone), opposition increased to 61; and in the vote in the General Assembly itself, it rose to 67.

ESTABLISHMENT OF ADMINISTRATION
Section 3

(Delete Section 3 and insert in lieu thereof the following.)

Section 3(a) -- There is established within the Federal Election Commission, the Voter Registration Administration.

- (b) The Federal Election Commissioners shall appoint an Administrator and an Associate Administrator to establish and -- administer a National Voter Registration Program and to carry out such other duties as set forth in Section 4.
- (c) The Federal Election Commission shall carry out the duties and powers of the administration and take such other actions that may be necessary to carry out the provisions of this Act during the period beginning with the date of enactment of this Act and ending on the date when the first Administrator and Associate Administrator are appointed by the Commission under this Section. The Administrator and Associate Administrator shall not be members of the same political party. The administrator shall be the chief executive officer of the administration. The administrator and the associate administrator shall be paid at a rate not to exceed the rate of basic pay in effect for Level V of the Executive Schedule (5 U.S.C. Section 5316).



COMMENT: This amendment changes the present Section 3 of H.R. 11552 in a fashion which would more clearly delineate the lines of authority for the Voter Registration Administration. Under the existing bill, it is the responsibility of the Commission to establish and administer the National Postcard Voter Registration Program until such time as the administrators are appointed by the President. By Amending this Section to provide for the Commission to have the responsibility for the administration of this program from start to finish would ensure a smooth transfer of administrative personnel once the postcard administrators are appointed. It is unclear under the existing bill whether the administrators of the voter registration are accountable to the Election Commission or to the President and what their role is within the Commission. This amendment will hold the Election Commission accountable for the administration of this program.



Amendment Number 2

DUTIES AND POWERS

section (4)

Delete ^{Parts} ~~Section~~ (2), and (3).

COMMENT: Under the Federal Election Campaign Act of 1971, a National Clearinghouse for Election information was established with the responsibility for "conducting independent studies of the administration of elections. Such duties include: ... (2) practices relating to the registration of voters; and (3) voting and counting methods." Parts 2 and 3 under Section 4 would call for the Voter Registration Administration to conduct exactly the same types of studies that the Clearinghouse of the Federal Election Commission is already conducting. This would be a duplication of effort and a needless waste of resources.

Also. Section (4)

insert line 7 after "employers" -

"with the approval of the Commission."

insert line 13 after "consultants"

- "with the approval of the Commission"



Amendment Number 3

Section 4, Part (4), line 10 -- delete the word "competitive" and insert in lieu thereof "excepted".

COMMENT: Employees of the Federal Election Commission are presently serving in the excepted service under Title 5 U.S.C., H.R. 11552 would result in half of the Federal Election Commission serving under the competitive service and half of the Commission remaining under the excepted service. Entirely separate personnel program would have to be established with separate grievance procedures required for those individuals who would be serving in the competitive service. All employees should be serving under one type of service in order to avoid duplication of resources and effort.

Employees placed in the "competitive" service would be governed by the enormously complicated civil service grievance procedures and would hamper effective administration of any personnel policies established by the Commission.



Amendment Number 4

Section 15, line 10 (page 14) -- delete the phrase "not to exceed 50 million dollars"

COMMENT: Reasonable estimates for the cost of administering this National Voter Registration Program run far beyond 50 and even 100 million dollars. It is unreasonable to expect such a program to be implemented and administered for the 1976 elections while mandating such a severely limited ^{authoritative funds.} ~~utilization of resources.~~



THE WHITE HOUSE

WASHINGTON

October 10, 1975

MEMORANDUM FOR: JACK MARSH
THRU: MAX L. FRIEDERSDORF
VERN LOEN *VL*
FROM: CHARLES LEPPERT, JR. *CL*
SUBJECT: Status Report on H. Res. 710
Nixon Papers and Tapes, etc.

H. Res. 710, relating to the Nixon papers and tapes was favorably reported by the Committee on House Administration on September 18, 1975, by a vote of 10-5-1. Voting against the resolution were Rep.'s Dickinson, Devine, Wiggins, Holt, and Moore. Rep. Cleveland voted present.

The House Administration Committee filed its Committee report on H. Res. 710 on October 9, 1975. Rep. Cleveland filed Minority views which I am advised raise some excellent constitutional issues concerning the resolution. Copies of the Committee report are being sent to me as soon as they are available.

The Committee on House Administration has three other measures before the Committee of interest. They are:

- (1) H.R. 1686, Postcard Voter Registration which was referred to the Full Committee on July 23, 1975, without amendments. No action scheduled at this time.
- (2) H.R. 3211 and S. 95, Overseas Citizens Voting Rights Act is in the process of being marked-up by the Full Committee. It is anticipated that this bill will go to the House for consideration in November 1975.
- (3) H.R. 111, et al, Federal Election Campaign Act Amendments which are pending in the Subcommittee on Elections and nothing is scheduled at this time.

" H.R. 214 et al concerning wiretapping and electronic surveillance is pending before the Subcommittee on Courts, Civil Liberties and the Administration of Justice in the House Judiciary Committee. Hearings on this legislation were held in March, May, June, July and September 1975. No action on these bills are scheduled for the Subcommittee during the month of October 1975.

THE WHITE HOUSE

WASHINGTON

October 8, 1975

MEMORANDUM FOR: MAX FRIEDERSDORF

FROM: JACK MARSH 

It is my understanding that H. Res. 710, relating to Nixon papers and tapes, may be considered within the next several weeks before the House Administration Committee. I would be grateful for a discreet inquiry from one of your House people and a status report. I suggest at the time they make the inquiry of the Committee that they also inquire about another matter pending before the same Committee, in order to not arouse any unusual interest in the request. For example, postcard registration is pending before the same Committee.

We would also be interested in the status of H. R. 214, electronic surveillance before the Judiciary Committee.

94TH CONGRESS
1ST SESSION

H. R. 1686

JANUARY 20, 1975

A BILL

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Voter Registration Act”.

4 DEFINITIONS

6 (1) the term “Administration” means the Voter
7 Registration Administration;

8 (2) the term "State" means each State of the
9 United States, the political subdivisions of **each State**,

the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and the District of Columbia;

(3) the term "Federal office" means the office of the President, the Vice President, an elector for President and Vice President, a Senator, a Representative, or a Delegate to the Congress;

(4) the term "Federal election" means any biennial or quadrennial primary or general election and any special election held for the purpose of nominating or electing candidates for any Federal office, including any election held for the purpose of expressing voter preference for the nomination of individuals for election to the office of President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention;

(5) the term "State election" means any election other than a Federal election; and

(6) the term "State official" means any individual who acts as an official or agent of a government of a State or political subdivision thereof to register qualified electors, or to conduct or supervise any Federal election in a State.

ESTABLISHMENT OF ADMINISTRATION

SEC. 3. (a) There is established within the General Accounting Office the Voter Registration Administration.

(b) The President shall appoint, by and with the advice and consent of the Senate, an Administrator and two Associate Administrators for terms of four years each, who may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be members of the same political party. The Administrator shall be the chief executive officer of the Administration.

DUTIES AND POWERS

SEC. 4. The Administration shall—

(1) establish and administer a voter registration program in accordance with this Act for all Federal elections;

(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States (but this publication shall not disclose any information which permits the identification of individual voters);

(3) provide assistance to State officials concerning voter registration-by-mail and election problems generally;

(4) obtain facilities and supplies and appoint and fix the pay of officers and employees, as may be necessary to permit the Administration to carry out its duties

1 and powers under this Act, and such officers and em-
 2 ployees shall be in the competitive service under title 5,
 3 United States Code;

4 (5) appoint and fix the pay of experts and consult-
 5 ants for temporary services as authorized under section
 6 3109 of title 5, United States Code;

7 (6) provide the Congress with such information as
 8 the Congress may from time to time request, and pre-
 9 pare and submit to the President and the Congress a
 10 report on its activities, and on voter registration and
 11 elections generally in the United States, immediately
 12 following each biennial general Federal election; and

13 (7) take such other action as it deems necessary
 14 and proper to carry out its duties and powers under this
 15 Act.

16 QUALIFICATIONS AND PROCEDURE

17 SEC. 5. (a) An individual who fulfills the requirements
 18 to be a qualified voter under State law and who is registered
 19 to vote under the provisions of this Act shall be entitled to
 20 vote in Federal elections in that State, except that each State
 21 shall provide for the registration or other means of qualifica-
 22 tion of all residents of such States who apply, not later than
 23 thirty days immediately prior to any Federal election, for
 24 registration or qualification to vote in such election.

1 (b) Whenever a Federal election is held in any State,
 2 the Administration may, upon the request of any State official,
 3 furnish officers and employees and such other assistance as
 4 the Administration and the State official may agree upon to
 5 assist State officials in the registration of individuals applying
 6 to register in that State under the provisions of this Act.

7 REGISTRATION FORMS

8 SEC. 6. (a) The Administration shall prepare voter
 9 registration forms in accordance with the provisions of this
 10 section.

11 (b) Printed registration forms shall be designed to pro-
 12 vide a simple method of registering to vote by mail. Regis-
 13 tration forms shall include matter as State law requires and
 14 as the Administration determines appropriate to ascertain
 15 the positive identification and voter qualifications of an indi-
 16 vidual applying to register under the provisions of this Act,
 17 to provide for the return delivery of the completed registra-
 18 tion form to the appropriate State official, and to prevent
 19 fraudulent registration. Registration forms shall also include
 20 a statement of the penalties provided by law for attempting
 21 fraudulently to register to vote under the provisions of this
 22 Act.

23 (c) A registration notification form advising the appli-
 24 cant of the acceptance or rejection of his resignation shall
 25 be completed and promptly mailed by the State official to

1 the applicant. If any registration notification form is undeliv-
 2 erable as addressed, it shall not be forwarded to another
 3 address but shall be returned to the State official mailing the
 4 form. The possession of a registration notification form indi-
 5 cating that the individual is entitled to vote in an election
 6 shall be prima facie evidence that the individual is a qualified
 7 and registered elector entitled to vote in any such election
 8 but presentation of the form shall not be required to cast
 9 his ballot.

10 DISTRIBUTION OF REGISTRATION FORMS

11 SEC. 7. (a) The Administration is authorized to enter
 12 into agreements with the Postal Service, with departments
 13 and agencies of the Federal Government, and with State
 14 officials for the distribution of registration forms in accord-
 15 ance with the provisions of this section.

16 (b) Any agreement made between the Administration
 17 and the Postal Service shall provide for the preparation by
 18 the Administration of sufficient quantities of registration forms
 19 so that the Postal Service can deliver a sufficient quantity of
 20 registration forms to postal addresses and residences in the
 21 United States and for the preparation of an ample quantity
 22 of such forms for public distribution at any post office, postal
 23 substation, postal contract station, or on any rural or star
 24 route.

1 (c) The Postal Service shall distribute the registration
 2 forms to postal addresses and residences at least once every
 3 two years not earlier than one hundred and twenty days or
 4 later than sixty days prior to the close of registration for
 5 the next Federal election in each State.

6 (d) The Administration is authorized to enter into
 7 agreements with the Secretary of each Military Department
 8 of the Armed Forces of the United States for the distribution
 9 of registration forms at military installations.

10 (e) This section shall not be construed to place any
 11 time limit upon the general availability of registration forms
 12 in post offices and appropriate Federal, State, and local
 13 government offices pursuant to agreements made under this
 14 section.

15 PREVENTION OF FRAUDULENT REGISTRATION

16 SEC. 8. (a) In addition to taking any appropriate action
 17 under State law, whenever a State official has reason to be-
 18 lieve that individuals who are not qualified electors are
 19 attempting to register to vote under the provisions of this
 20 Act, he shall notify the Administration and request its assist-
 21 ance to prevent fraudulent registration. The Administration
 22 shall give reasonable and expeditious assistance in such cases,
 23 and shall issue a report on its findings.

24 (b) (1) Whenever the Administration or a State official
 25 determines that there is a pattern of fraudulent registration,

1 attempted fraudulent registration, or any activity on the part
 2 of any individuals or groups of individuals to register individ-
 3 uals to vote who are not qualified electors, the Administration
 4 or a State official may request the Attorney General to bring
 5 action under this section. The Attorney General is authorized
 6 to bring a civil action in any appropriate district court of the
 7 United States or the United States District Court for the Dis-
 8 trict of Columbia to secure an order to enjoin fraudulent reg-
 9 istration, and any other appropriate order.

10 (2) The district court of the United States or the United
 11 States District Court of the District of Columbia shall have
 12 jurisdiction without regard to any amount in controversy of
 13 proceedings instituted pursuant to this section.

14 PENALTIES

15 SEC. 9. (a) Whoever knowingly or willfully gives false
 16 information as to his name, address, residence, age, or other
 17 information for the purposes of establishing his eligibility to
 18 register or vote under this Act, or conspires with another
 19 individual for the purpose of encouraging his false registration
 20 to vote or illegal voting, or pays or offers to pay or accepts
 21 or offers to accept payment either for registration to vote or
 22 for voting, or registers to vote with the intention of voting
 23 more than once or votes more than once in the same Federal
 24 election shall be fined not more than \$10,000, or imprisoned
 25 not more than five years, or both.

1 (b) Any person who deprives, or attempts to deprive,
 2 any other person of any right under this Act shall be fined
 3 not more than \$5,000, or imprisoned not more than five
 4 years, or both.

5 (c) The provisions of section 1001 of title 18, United
 6 States Code, are applicable to the registration form prepared
 7 under section 6 of this Act.

8 FINANCIAL ASSISTANCE

9 SEC. 10. (a) The Administration shall determine the
 10 fair and reasonable cost of processing registration forms pre-
 11 scribed under this Act, and shall pay to each appropriate
 12 State an amount equal to such cost per card multiplied by
 13 the number of registration cards processed under this Act
 14 in that State.

15 (b) The Administration is authorized to pay any State
 16 which adopts the registration form and system prescribed by
 17 this Act as a form and system of registration to be a qualified
 18 and registered elector for State elections in that State. Pay-
 19 ments made to a State under this subsection may not exceed
 20 30 per centum of the amount paid that State under subsec-
 21 tion (a) of this section for the most recent general Federal
 22 election in that State.

23 (c) Payments under this section may be made in in-
 24 stallments and in advance or by way of reimbursement, with
 25 necessary adjustments on account of overpayments or under-
 26 payments.

REGULATIONS

1
2 SEC. 11. The Administration is authorized to issue rules
3 and regulations for the administration of this chapter. Such
4 regulations may exclude a State from the provisions of this
5 chapter if that State does not require a qualified applicant
6 to register prior to the date of a Federal election.

EFFECT ON OTHER LAWS

7
8 SEC. 12. (a) Notwithstanding any other provision of
9 this Act, any State that adopts the Federal assistance post
10 card form recommended by the Federal Voting Assistance
11 Act of 1955 (50 U.S.C. 1451 et seq.) with respect to any
12 category of its electors (1) shall, insofar as such electors
13 are concerned, be deemed to be in full compliance with the
14 provisions of section 6 of this Act and (2) shall be eligible
15 to receive payments of financial assistance from the Adminis-
16 tration, as provided in section 10 of this Act, on account of
17 the simplified and greater voting opportunities thereby
18 granted to such electors.

19 (b) Nothing in this Act shall be construed to prevent
20 any State from granting less restrictive registration or voting
21 practices or more expanded registration of voting opportuni-
22 ties than those prescribed by this Act.

23 (c) Nothing in this Act shall be construed to limit or
24 repeal any provision of (1) section 202 of the Voting
25 Rights Act Amendments of 1970 (42 U.S.C. 1973aa-1),

1 relating to expanded opportunities of registering to vote and
2 voting for electors for President and Vice President; or (2)
3 the Federal Voting Assistance Act of 1955 (50 U.S.C.
4 1451 et seq.).

AMENDMENTS TO TITLE 39, UNITED STATES CODE

5
6 SEC. 13. (a) Section 3202 (a) of title 39, United States
7 Code, is amended—

8 (1) by striking out “and” at the end of clause (4) ;

9 (2) by striking out the period at the end of clause

10 (5) and inserting in lieu thereof “; and”; and

11 (3) by adding at the end thereof:

12 “(6) mail relating to voter registration pursuant
13 to sections 6 and 7 of the Voter Registration Act.”.

14 (b) Section 3206 of title 39, United States Code, is
15 amended by adding the following new subsection:

16 “(d) The Voter Registration Administration shall trans-
17 fer to the Postal Service as postal revenues out of any
18 appropriations made to the Administration for that purpose
19 the equivalent amount of postage, as determined by the
20 Postal Service, for penalty mailings under clause (6) of
21 section 3202 (a) of this title.”.

22 (c) Section 404 of title 39, United States Code, is
23 amended—

24 (1) by striking out “and” at the end of clause (8) ;

1 (2) by striking out the period at the end of clause
2 (9) and inserting in lieu thereof “; and”; and

3 (3) by adding at the end thereof the following new
4 clause:

5 “(10) to enter into arrangements with the Voter
6 Registration Administration of the General Accounting
7 Office for the collection, delivery, and return delivery
8 of voter registration forms.”.

9 AMENDMENT TO TITLE 5, UNITED STATES CODE

10 SEC. 14. Section 5316 of title 5, United States Code, is
11 amended by adding at the end thereof the following new
12 paragraph:

13 “(132) Administrator and Associate Administra-
14 tors (2), Voter Registration Administration, General
15 Accounting Office.”.

16 AUTHORIZATION OF APPROPRIATIONS

17 SEC. 15. There are authorized to be appropriated such
18 sums, not to exceed \$50,000,000, as may be necessary to
19 carry out the provisions of this Act.

94TH CONGRESS
1ST SESSION

H. R. 1686

A BILL

To establish a Voter Registration Administration within the General Accounting Office for the purpose of administering a voter registration program through the Postal Service.

By Mr. HAYS of Ohio

JANUARY 20, 1975

Referred to the Committee on House Administration