

# U.S. Senate Special Committee on Aging

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## Testimony of Hon. Deb Markowitz, Vermont Secretary of State Immediate Past President, National Association of Secretaries of State (NASS)

Good morning. Thank you Chairman Kohl and committee members for the opportunity to offer some insights on the affect of the aging population in the United States on the administration of elections.

I am Vermont Secretary of State Deb Markowitz, also Immediate Past President of the National Association of Secretaries of State (NASS). I have served as Vermont's Secretary of State for ten years, and I also serve on the Election Assistance Commission's Board of Advisors. Last year I had the pleasure of participating in a McGeorge Law Review Symposium addressing the challenges of voting as people age.

There was a time not too long ago when the only people who spent much time thinking about the challenges of running our nation's elections were the bureaucrats charged with elections administration. But that all changed in November of 2000 when the country experienced a dramatic example of how a poorly managed election could call into question the legitimacy of our democracy. Since that time our electoral system has undergone close scrutiny resulting in public debate, judicial decisions, federal and state legislation and unprecedented investments in new technology. One of the lessons we have learned from this experience is that it is not acceptable to wait until a system breaks down before we fix it—especially if it involves the fundamental expression of our democracy - voting. That is why it is vitally important that we anticipate and plan for the challenges our country's voting systems will face as our nation ages.

**The aging of America.** According to the United States Census Bureau, the number of Americans who are 55 and older will nearly double between 2007 and 2030, from 60 million (or 20 percent of the population) to 107.6 million (31 percent of the population.) By 2030, there will be 70.3 million Americans who are 65 and older, nearly two times the 34.8 million alive today. This demographic bloc will make up 20% of the overall population. We don't even have to wait that long to see the effect of the "aging of America;" between 2007 and 2015, the number of Americans ages 85 and older is expected to increase by 40 percent.

With medical advances not only are Americans living longer, but more will be healthy and active. The National Institute on Aging has reported that the rates of disability and functional limitation among the older population have declined substantially over the past two decades with only one-in-five older Americans reporting a chronic disability. That being said, we can expect an increase in long term care needs as more people will live long enough to develop age-related conditions such as dementia. It is projected that among Americans who reach age 65, 69 percent will need long-term care at some time in their lives. Indeed, the Congressional Research Service has reported that "[t]wo-thirds of the people receiving long-term care are over 65, an age group expected to double by

2030. After 2030, even faster growth rates are anticipated for people over 85, the age group most likely to need care.”

As Americans age we do not expect to see a decline in their interest in participating in civic life by voting. People age 65 and older consistently vote in higher proportions than other age groups. In 2004, 69 percent of the older population voted, compared with 52 percent of those ages 25-44. In 2004, of all the votes cast, 19 percent were by people age 65 and older. By the 2040 presidential election, people 65 and older are projected to cast 41 percent of all of the votes. This means that as we plan for future elections we must consider the unique opportunities and challenges that will be presented by the aging of America.

**Planning for the future.** With more Americans living longer the challenge of meeting the civic needs of older people must be addressed by the individuals and institutions that serve this growing population, and by the individuals and institutions that run our elections. As we do this we must remain clear about our underlying values: that in a democratic society we should facilitate access to voting while ensuring that there are safeguards in place to preserve its integrity.

Maximizing access to voting while protecting the integrity of the election is not as easy as it sounds. There is a varied body of state and federal laws designed to ensure voting rights, discourage voter suppression and prevent voter fraud; and every state has its own unique history, tradition and legal structure related to the administration of elections within its jurisdiction.

It is important to remember that the issues that arise with aging voters must be addressed within the broader political context. Policies that balance the tension between increasing access and preserving integrity are hotly debated. We see this particularly as applied to such issues as voter registration reforms, the need for voter identification, and technology that will permit all voters to cast a private and independent vote. Also, the tension between voting access and integrity raise unique challenges when applied to people who need assistance to vote, who are under guardianship or who have cognitive impairment, as well as to those who no longer have current identification and to those who may not have easy access to the polling place.

**Recommendations.** There are steps we can take in our states to prepare for the aging of America.

1. We must make sure that across the country elderly voters have the option of voting by absentee ballot or by mail.
2. We must ensure that our polling places are convenient to our older voters, perhaps by placing polling places in senior centers or by offering public transportation to the polls.
3. We must make our polling places easier for the elderly to navigate by having clear, easy to read signs and chairs available to make it easier for elders to “stand” in line.

4. We must continue our efforts to develop voting technology that is easy to use to permit elderly voters to continue to vote privately and independently even as they have a harder time reading and writing.

5. We must explore new ways to reach voters who are in residential care facilities to ensure that they are provided an opportunity to vote, and to prevent voter intimidation or fraud.

6. We must be sure that states that choose to adopt voter identification requirements do so in a way that does not disenfranchise the elderly who no longer have a valid drivers license or other government issued identification.

**Vermont's approach.** In Vermont we are addressing the challenge of the aging population in a variety of ways.

**1. Vote-by-phone technology.** We use the IVS Vote-By-Phone system to permit voters with disabilities, the elderly and others to vote privately and independently at our polling places. This system permits a voter to use the telephone keypad to mark a paper ballot which is printed out in our Elections Center, and which can then be counted with the rest of the ballots on Election Day. Although we have so far only deployed this voting option in our polling places it has great potential for use by older and disabled voters who may wish to vote at home, but who cannot privately and independently mark a paper ballot.

**2. Mobile polling.** In the 2008 general election we plan to implement a mobile polling project in which trained election workers will bring ballots to residential care facilities prior to the election to permit eligible residents to register and vote. Residents who cannot vote independently will be offered assistance from bipartisan pairs of election workers who have been trained to work with elderly voters, and in particular, voters who may have some cognitive impairment. We will be partnering with Dr. Jason Karlawish, University of Pennsylvania Department of Medicine, Geriatrics Division; Richard J. Bonnie, John S. Battle Professor of Law, University of Virginia; and Charles P. Sabatino, Director of the American Bar Association's Commission on Law and Aging to pilot, test and measure the success of mobile polling in Vermont. Mobile polling has tremendous potential to enable residents of nursing homes, assisted living facilities and other residential care facilities to freely exercise their rights to vote while minimizing risk of voter intimidation and fraud.

**Conclusion.** In our states and as a nation we must be proactive to ensure that we do not shut our older Americans out of the voting process. I thank this committee for taking the time to consider how our election laws and practices must change and adapt to ensure that in the future we are prepared for this new challenge.