

**HEARING ON THE 2008 ELECTION: A LOOK
BACK ON WHAT WENT RIGHT AND WRONG**

HEARING
BEFORE THE
SUBCOMMITTEE ON ELECTIONS
COMMITTEE ON HOUSE
ADMINISTRATION
HOUSE OF REPRESENTATIVES
ONE HUNDRED ELEVENTH CONGRESS
FIRST SESSION

HELD IN WASHINGTON, DC, MARCH 26, 2009

Printed for the use of the Committee on House Administration



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HEARING ON THE 2008 ELECTION: A LOOK BACK ON WHAT WENT RIGHT AND WRONG

THURSDAY, MARCH 26, 2009

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
SUBCOMMITTEE ON ELECTIONS,
Washington, DC.

The subcommittee met, pursuant to call, at 10 a.m., in room 1310, Longworth House Office Building, Hon. Zoe Lofgren (chairwoman of the subcommittee) presiding.

Present: Representatives Lofgren, Gonzalez, Davis of Alabama, McCarthy, and Harper.

Staff Present: Liz Birnbaum, Staff Director; Tom Hicks, Senior Election Counsel; Janelle Hu, Election Counsel; Jennifer Daehn, Election Counsel; Daniel Favarulo, Legislative Assistant; Kyle Anderson, Press Director; Kristin McCowan, Chief Legislative Clerk; Gregory Abbott, Policy Analyst; Peter Schalestock, Minority Counsel; and Karin Moore, Minority Legislative Counsel.

Ms. LOFGREN. Good morning, and welcome to the first hearing in the Committee on the House Administration Subcommittee on Elections. It is I think appropriate as we move into the 111th Congress that we take time to contemplate the past, and so today's hearing is part of that process, to focus on the elections, what went right, what went wrong in the last year, and to set the stage for whatever action we may need to take as a subcommittee in the future.

The good news is that we did not encounter severe problems throughout the United States in the general election last year, but the bad news is that problems voters and election officials faced in many cases were the ones we had been aware of and had been unable to improve upon.

The election system was tested in November with 130 million Americans voting in the highest turnout in 40 years. There was an encouraging increase of 3.5 million newly registered voters, up 64 percent from 2004. However, many of those voters did not have the chance to actually cast their ballot and have it counted. An estimated 4 million registered voters were unable to vote because of administrative problems in the election system.

According to newspaper accounts, tens of thousands of eligible voters were removed from the voting rolls or blocked from registering. Our witnesses today will account for some of those instances, including purging of voter rolls by some States, and rigid matching requirements.

We have heard anecdotally about polling locations where voters faced photo ID requirements that caused confusion not only for the voter, but for poll workers, as well as confusion over issues, plus the increase in new voter registration databases, provisional ballots and the like.

Now, the successes of the November 2008 elections are many, and election officials as we look at what went wrong also need to be applauded for all the things that went right. Jurisdictions were prepared. They hired more poll workers, they implemented contingency plans, leased voting equipment. And the number of States allowing for early voting, either by no excuse, absenteeism voting or in-person voting, increased, and it appears that a third of the general election voters actually cast their vote before election day. It is pretty clear that this had the effect of easing the pressure on the election day itself for that unprecedented turnout. So we are eager to hear more about that.

We have some terrific witnesses here today who are going to be able to not only celebrate those who worked hard and made this a success, but help us as we look to what we can do here in the House to improve things further.

I would note this is not about my bill, but I have introduced H.R. 1719, the Voter Registration Modernization Act. This legislation would allow any eligible citizen to register to vote up to 15 days before election day over the Internet for all Federal elections occurring after January 1st, 2014. I think at some future date I hope that we will be able to have a legislative hearing on this bill, but this is just a preliminary step to get a survey of the entire scene.

The Election Assistance Commission I am sure will pay close attention to the testimony today and determine their next steps about what the EAC can do to better assist election officials in their efforts to improve election administration. And while we can have hearings and pass legislation, in the end, so much of the responsibility is up to the EAC to ensure that they can fully support through information standards election officials in their duties.

So I want to thank all of the witnesses, and I would now turn to the ranking member of this subcommittee, Mr. McCarthy, to see if he has an opening statement that he would either like to give or put into the record.

[The statement of Ms. Lofgren follows:]

Committee on House Administration

Subcommittee on Elections

March 26, 2009

Hearing on "*The 2008 Elections: What Went Right & What Went Wrong*"

Chairwoman Zoe Lofgren

Opening Statement

Good morning and welcome to the first hearing in the Committee on House Administration Subcommittee on Elections. It is only fitting that as we move forward in the 111th Congress we first take the time to reflect on the past. Today's hearing on the November 2008 Elections, What Went Right & What Went Wrong, will set the stage for our hearings in the Subcommittee on Elections this Congress. We are going to learn from the past and see what this Committee can do to build on the successes, ensure that the failures are not repeated, and address any unresolved issues for future elections.

Going into the November 2008 election I think we were all holding our breath, waiting to see if we would have systemic problems due to an anticipated increase in voter turnout. The good news is, we did not and many problems were averted. The bad news is, the problems voters and election officials faced, are ones that we have been aware of and still have not improved upon.

The election system was tested in 2008, with 130 million Americans voting- the highest turnout in 40 years. There was also an encouraging increase of 3.5 million newly registered voters- up 64% from 2004. However, many of those voters never had the chance to cast their ballot and have it counted. An estimated 4 million registered voters were unable to vote because of administrative problems in the election system.

The challenges the election systems faces begin with the voter registration process. According to newspaper accounts, tens of thousands of eligible voters were removed from the voting rolls or blocked from registering. Our witnesses today will account for some of these instances, including, the illegal purging of voter rolls by some states and rigid matching requirements. At the polling location, voters faced photo ID requirements that caused significant confusion for both the voter and the poll worker. Confusion over this issue plus the increase in voters, new voter registration databases, and the use of provisional ballots resulted in delays at the polls. Voters casting absentee ballots also struggled to have their votes counted because they never received their ballots or could not meet the procedural requirements, particularly our military and overseas voters.

The successes from the November 2008 election are many and election officials should be applauded for their work. Jurisdictions were prepared- they hired more poll workers, implemented contingency plans, leased voting equipment, and extended voting hours. One of the major successes was the increase in the number of states that allow early voting either by no excuse absentee voting or in-person early voting. In November 2008, nearly 1/3 of the general election voters cast their ballots before Election Day. This eased the pressure off the system on Election Day, which is why we had so fewer problems in those states with early voting. Ten states also eased strain on the system by allowing Election Day Registration.

We have much to learn from the November 2008 election and need to applaud and thank the election officials who made the process more successful than expected. However, we cannot sit back and say the system is fixed because the election was without major incident. In light of this, I have introduced H.R. 1719, The Voter Registration Modernization Act. This legislation allows any eligible citizen to register to vote up to fifteen days before Election Day over the Internet for all federal elections occurring after January 1, 2014. It also allows registered voters to update their registration over the internet at any time, including at the polling place on Election Day.

The Election Assistance Commission needs to pay close attention to the testimony today and determine their next steps, what the EAC can do to better assist election officials in their efforts to improve election administration. While we can have hearings and pass legislation, but in the end it is up to the EAC to ensure that they can fully support, through information and standards, election officials in their duties.

I want to thank all the witnesses for testifying and look forward to a very interesting hearing.

Mr. MCCARTHY. Thank you, Madam Chairman. I, one, appreciate the hearing, but, two, I apologize for being a little late. I have two hearings going at once. We had Financial Services with some votes, and now we have Secretary Geithner over there. But I feel this is important as well.

I thank the Chair for calling today's hearing. In order to move forward, it is important to understand where we have been, and I welcome the opportunity to examine what worked well in 2008 general elections, as well as what could be improved as the 2010 election approaches.

In the lead-up to the 2008 election, we heard countless stories from the media about the great burden that unprecedented turnout would place upon our Nation's voting systems. Some even touted doomsday predictions that the electoral process would collapse under the strain.

Madam Chair, as we sit here several months into the new Congress and the new administration, I will paraphrase Mark Twain by saying that the reports of the death of our Nation's voting system were greatly exaggerated.

While no election of this size and scope will ever be perfect, we have heard of no large scale voting issues or areas where a particular population was disenfranchised due to weakness in the system. There have been anecdotal reports of problems, and I expect we will hear cases from our witnesses today that will cause us concern and warrant further scrutiny. But given the enormous challenges that were faced in the 2008 elections, we must also give credit where credit is due; namely, with our State and local election officials.

As I have often said, our elections should be run by those who know the electorate best. Any time the Federal Government tries to interfere with what should be a State-administered process, we run the risk of imposing a one-size-fits-all solution to a unique problem.

I look forward to receiving testimony from our witnesses today on how to assist State and local election officials in carrying out their duties while not stifling their ability to effectively administer their elections.

While the 2008 elections ran rather smoothly, there is one area in which we continue to fall short, ensuring that the men and women of the U.S. military who are willing to give their lives in defense of their country from locations around the globe are able to cast a ballot that will be counted.

As you will recall in the last Congress, I introduced H.R. 5673, the Military Voting Protection Act, or MVP Act. The bill was endorsed by Vets for Freedom, the Nation's largest veterans organization for those who serve in Iraq and Afghanistan. It was written to ensure that military personnel are not left out of the election process while serving their country overseas.

Studies have shown that our military personnel overseas have cast votes that were not counted due to lengthy delivery times involved in returning the ballots to the United States. It is clear that the military personnel serving overseas has the largest disadvantage when attempting to participate in our electoral process, yet Congress has sat idly by and has done nothing to protect their con-

stitutional right while they put themselves in harm's way to protect us.

As our witnesses from the Election Assistance Commission who appear before us today will recall, in September 2007 the EAC released the report on military and oversea absentee voting, which found that the third largest reason for rejected ballots was that they were received by the election offices after the deadline stipulated by State law. The EAC findings also suggested that roughly 10 percent of all uncounted military and overseas absentee ballots were rejected because they were received past the required deadline.

In particular, I look forward to hearing from our EAC commissioners today as to what can be done to ensure that our Nation's Armed Forces are not disenfranchised simply because they are serving our country overseas.

Again, I thank each witness for the time they have spent preparing for today's hearing. I look forward to receiving your testimony.

Ms. LOFGREN. The gentleman yields back. Other members will be invited to submit their statements for the record.

At this point I would ask unanimous consent to put the following documents into the record: A report by the Asian-American Legal Defense and Education Fund on the 2008 election; a letter from the ACLU on voter registration issues and the 2008 election; a statement by Mr. Miles Rappaport of DEMOS; a report and letter from Fair Vote on the 2008 election; and a statement from Project Vote. Without objection, those reports will be made part of the record.

[The information follows:]



ASIAN AMERICAN ACCESS TO DEMOCRACY IN THE 2008 ELECTIONS

**Local compliance with the Voting Rights Act
and Help America Vote Act (HAVA)
in NY, NJ, MA, MI, IL, PA, LA, NV, TX, VA, MD, and DC**

**A Report of the
Asian American Legal Defense and Education Fund**

The Asian American Legal Defense and Education Fund (AALDEF), founded in 1974, is a national organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF works with Asian American communities across the country to secure human rights for all.

This report was written by AALDEF staff attorney Glenn D. Magpantay, with the assistance of executive director Margaret Fung, policy analyst Nancy W. Yu, voting rights coordinator Bryan Lee, and administrative assistant Julia Yang.

AALDEF thanks the many volunteer attorneys, law students, interns, and members of the co-sponsoring organizations for their assistance in monitoring the elections.

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I. INTRODUCTION

Like many minority voters in Florida in 2000, Asian Americans across the nation have encountered a range of discriminatory barriers when they exercised their right to vote. In 2000 in New York, mistranslated ballots flipped the party headings so that Democrats were listed as Republicans and vice versa; in San Francisco, a lack of interpreters resulted in limited English proficient Asian American voters being turned away; and in Los Angeles, translated materials were hidden from voters. In many states, Asian American voters faced hostile poll workers and outright discrimination.

For nearly twenty years, the Asian American Legal Defense and Education Fund (AALDEF) has monitored elections for anti-Asian voter disenfranchisement, compliance with the federal Voting Rights Act's language assistance provisions (Section 203) and non-discrimination protections (Section 2), and implementation of the Help America Vote Act (HAVA). Section 203 requires Asian language ballots and interpreters in covered jurisdictions. HAVA requires voting signs, provisional ballots for voters who may otherwise be prevented from voting and identification of certain first-time voters. Since 2004, AALDEF has successfully persuaded several jurisdictions to voluntarily provide language assistance to voters.

This report reviews our observations from monitoring 229 poll sites during the 2008 Presidential Elections on November 4, 2008 in 52 cities in eleven states and the District of Columbia. 1,500 volunteer attorneys, law students, and community volunteers inspected 137 poll sites for mandatory language assistance and required postings under HAVA. They also surveyed 16,665 Asian American voters, in 11 Asian languages, at 113 poll sites about their voting encounters. We observed first-hand a number of problems and also received complaints from Asian American voters, interpreters, and other poll workers.

Although local election officials sought to comply with federal laws and provide assistance to voters, in 2008, we found the following obstacles:

- Limited English proficient Asian Americans had much difficulty in voting. Interpreters and translated voting materials, if any, were inadequate. Some poll workers were completely unaware of their responsibilities under the Voting Rights Act or outright refused to make language assistance available to voters.
- Poll workers were hostile and made racist remarks toward Asian American and limited English proficient voters. Poorly trained poll workers made voting difficult and frustrated voters.
- Asian American voters' names were missing or incorrectly listed in voter lists located at poll sites. Although HAVA requires that these voters be offered provisional ballots, poll workers denied voters this right.
- Poll workers made improper or excessive demands for identification – often only from Asian American voters – and misapplied HAVA's ID requirements.
- Inadequate notice of poll sites and misdirection to voting booths created much confusion and discouraged voters.

Vigorous enforcement of voting rights laws as well as concerted effort by local election officials can remedy many of these problems. AALDEF's recommendations to ensure and expand access to the vote are listed at the end of this report.

II. BACKGROUND

A. Legal Background

1. The Voting Rights Act

Voting is a fundamental constitutional right.¹ Democracy works best when all voters understand how to participate in the electoral process. Equal access and opportunity to vote are the first steps towards safeguarding the fundamental right to vote.

In the early 1970s, Congress found that limited English proficiency was a serious barrier to the political participation of Asian Americans, Latinos, Alaskan Natives, and Native Americans. Asian American citizens were registered to vote at much lower rates than non-Hispanic whites.² As a result, Congress adopted the language assistance provisions of the Voting Rights Act in 1975, and reauthorized them in 2007.³ In enacting these provisions, Congress found that:

[T]hrough the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational opportunities afforded them resulting in high illiteracy and low voting participation.⁴

The provisions, codified at Section 203, mandate bilingual ballots and oral language assistance at voting booths and poll sites in certain jurisdictions with large populations of limited English proficient voting-age citizens. Section 203 has helped 700,000 Asian Americans, particularly first-time voters, fully exercise their right to vote.⁵

Section 203 covers counties when the census finds 5% or more than 10,000 voting-age (over 18 years old) citizens who speak the same Asian, Hispanic, or Native American language have limited English proficiency, and, as a group, have a higher illiteracy rate than the national illiteracy rate.⁶ After the 2000 Census, sixteen counties in seven states – Alaska, California, Hawai'i, Illinois, New York, Texas, and Washington – were required to provide Asian language assistance.⁷

Another provision of the Voting Rights Act, Section 208, guarantees that limited English proficient voters may obtain assistance by persons of their choice.⁸ These individuals may be friends, relatives, or official election interpreters, but not the voters' employers or union representatives. These individuals may also accompany the voters inside the voting booth to translate the ballot.

Finally, Section 2 of the Voting Rights Act guards against minority voter discrimination.⁹ Asian American voters who were subjected to discrimination in voting can seek remedies that may include language assistance. The U.S. Department of Justice has brought lawsuits under Section 2 involving Asian Americans in which it sought translated voting materials and interpreters to ameliorate the harms that were perpetuated.¹⁰

2. The Help America Vote Act

Following the presidential election debacle in Florida in 2000, former Presidents Gerald Ford and Jimmy Carter co-chaired the National Commission on Federal Election Reform. The Commission's Report, *To Assure Pride and Confidence in the Electoral Process*

(August 2001), laid the basis and findings for the Help America Vote Act (HAVA), which Congress enacted in December 2002.

HAVA provides voters with new rights, mandates a series of changes in how states conduct elections, and provides federal funds to update voting systems and expand access to the vote. HAVA provides all voters with the opportunity to cast provisional ballots and make voting information more accessible by providing sample ballots, instructions on how to vote, and information about voters' rights.¹¹



HAVA mandates that certain new voters provide identification in order to vote.¹² Identification is required of first-time voters who registered by mail.

HAVA also provides federal money to help states improve election administration. These funds may be used to improve accessibility to the vote and poll sites for "individuals with limited proficiency in the English language."¹³ States have broad discretion to use the money for language assistance or for other purposes, such as purchasing new voting machines or developing the statewide voter databases required under HAVA.

B. AALDEF Voting Rights Program

AALDEF's voting rights program includes enforcement of the Voting Rights Act, fair redistricting that gives Asian Americans meaningful representation, advocacy for minority language assistance, elimination of voting barriers, and expanded access to the vote.

1. History

The Asian American Legal Defense and Education Fund has monitored elections since the 1980s and over the years has won many victories for Asian American voters.

In 1985, AALDEF negotiated an agreement with the New York City Board of Elections to provide Chinese language assistance at poll sites.

In 1988, AALDEF conducted a nonpartisan bilingual exit poll in New York's Chinatown to assess the use and effectiveness of voluntary language assistance.

In 1992, AALDEF testified before the U.S. House of Representatives Judiciary Committee on expanding the language assistance provisions of the Voting Rights Act.¹⁴ As a result, ten counties in New York, California, and Hawai'i were newly covered for Asian language assistance under Section 203.

In 1996, AALDEF expanded its poll monitoring in New York City to include emerging Asian ethnic groups, such as South Asians.

In 2000, AALDEF's exit poll covered fourteen poll sites surveying 5,000 Asian Americans in New York City.

In 2002, AALDEF's exit poll was expanded to four states: New York, New Jersey, Massachusetts, and Michigan surveying 3,500 voters in the Congressional Midterm

Elections. In Michigan, AALDEF monitored a consent decree between the U.S. Department of Justice and the City of Hamtramck to remedy past voting discrimination.

In 2004, AALDEF monitored the 2004 Presidential Elections in 23 cities in 8 states. Over 1,200 volunteer attorneys, law students, and community volunteers monitored almost 200 poll sites, and surveyed 10,789 Asian American voters, in 23 Asian languages and dialects, at 87 poll sites.¹⁵

In 2005 and 2006, using findings from past poll monitoring efforts, AALDEF joined or initiated lawsuits against Boston and New York, respectively, for compliance with the Voting Rights Act.

In 2006, AALDEF monitored the Congressional Midterm Elections in 25 cities in 9 states. AALDEF surveyed 4,726 Asian American voters at 82 poll sites. Volunteer attorneys inspected 123 poll sites in New York City and Boston that were specifically targeted for language assistance under the Voting Rights Act.

In 2007, AALDEF testified before the U.S. House of Representatives Judiciary Committee in support of reauthorizing the language assistance provisions of the Voting Rights Act.¹⁶ AALDEF's comprehensive report, which found that Asian American voters continued to face racial discrimination, harassment, and institutional barriers in the electoral process, was included as part of the Congressional Record.



2. Asian American Election Protection 2008

On November 4, 2008, AALDEF covered a total of 229 poll sites¹⁷ in 52 cities in 11 states – New York, New Jersey, Massachusetts, Michigan, Illinois, Pennsylvania, Texas, Louisiana, Nevada, Virginia, Maryland – and the District of Columbia.¹⁸

AALDEF surveyed 16,665 Asian American voters, in 11 Asian languages and dialects,¹⁹ about their experiences in voting at 113 poll sites. Volunteer attorneys inspected 137 poll sites in New York City and Boston that were specifically targeted for language assistance under the Voting Rights Act and in Northern Virginia, Northern New Jersey, and Eastern Pennsylvania for voting signs required under HAVA.

In total, 1,500 volunteer attorneys, law students, and members of the co-sponsoring organizations observed first-hand a number of problems and received more than 800 complaints from Asian American voters, interpreters, and poll workers. The exit poll and poll site monitoring documented incidents of anti-Asian voting disenfranchisement and the need for voluntary language assistance.

AALDEF also observed 185 polling places during the Presidential Primary Elections in New York, New Jersey, Virginia, Maryland, and Pennsylvania.

AALDEF operated a multilingual telephone hotline to record complaints of voting problems. Operators spoke seven languages and dialects: English, Cantonese, Mandarin, Toisan, Korean, Tagalog, and Gujarati.

Whenever serious problems arose on Election Day, AALDEF attorneys immediately contacted local election officials to remedy the situations and reported incidents on the 1-888-OUR VOTE hotline as part of the national Election Protection Project of the Lawyers Committee for Civil Rights.

Every week throughout the year, AALDEF also registers new voters at the Manhattan federal court in New York City after naturalization swearing-in ceremonies. In 2008, AALDEF registered over 3,000 new voters.

3. New Initiatives in 2008

In 2008, AALDEF launched new initiatives to protect the Asian American vote.

Voter Registration Trainings – In May, AALDEF conducted a series of free legal trainings in 5 cities to assist Asian American community-based organizations in 6 states and Washington, DC to prepare for summer voter registration drives and the fall Presidential Elections. Attorneys provided legal information under local, state, and federal laws about:

- (1) legal responsibilities in conducting voter registration;
- (2) voters' rights on Election Day regarding interpreters, provisional ballots, identification requirements, and remedies to problems; and
- (3) legal rules regarding electoral and voter education activities for tax-exempt nonprofit organizations.

Training sessions took place in Washington, DC; New York, NY; Philadelphia, PA; Boston, MA; and Newark, NJ. AALDEF trained 150 community leaders and voter registration volunteers.

Election Law Assistance – AALDEF worked with pro bono law firms to conduct legal research in preparation for the trainings and to answer specific questions on voting matters from community groups and individual voters.

- Rules and Regulations for Third-Party Voter Registration under federal law and for CA, CT, HI, IL, MI, NY, NJ, MA, RI, PA, VA, MD, and DC
- Election Rules for Nonprofits under Federal IRS and State Corporation Law for NY, NJ, MA, PA, VA, MD, and DC.
- Voter Identification Requirements for NY, NJ, MA, PA, IL, MI, VA, MD, and DC.
- Poll Worker / Interpreter Requirements for NY, NJ, MA, PA, VA, MD, and DC.
- Procedures for Filing HAVA Complaints for NY, NJ, MA, PA, VA, MD, and DC.
- Voters' Rights on Election Day regarding Provisional Ballots and Assistance for NY, NJ, MA, PA, IL, MI, VA, MD, and DC.

Voters' Rights Trainings – Throughout October and early November, AALDEF conducted 73 voter protection workshops and trainings, reaching nearly 2,600 community leaders, lawyers, and students.

Voter Education – AALDEF educated voters, through ethnic media press conferences and multilingual palm cards, about their rights under HAVA and the Voting Rights Act. AALDEF informed voters about provisional ballots, what to do if their names were missing from voting lists or their records had incorrect information, and the right to bring friends or family members into the voting booth to translate the ballot for them.

4. Voting Rights Litigation Since 2004 and Complaints in Preparation for 2008

After the 2004 elections, AALDEF initiated or participated in the following cases under federal election laws:

Chinatown Voter Education Alliance v. Ravitz – AALDEF filed a lawsuit under Section 203 of the Voting Rights Act against the NYC Board of Elections for failure to provide adequate Chinese and Korean language assistance.²⁰

U.S. v. Boston – The U.S. Department of Justice sued the City of Boston under Section 2 for discrimination against Chinese and Vietnamese voters. AALDEF intervened representing Asian American and Latino voters and organizations. The settlement, which expired at the end of 2008, mandated language assistance.²¹ In 2007, DOJ and AALDEF returned to court to ensure fully translated ballots and transliterations of candidates' names.



U.S. v. Philadelphia – The U.S. Department of Justice filed an action under Section 203 for Spanish language assistance. AALDEF persuaded the City to provide, voluntarily, interpreters in Chinese, Korean, Vietnamese, and Khmer as part of the settlement.²²

Crawford v. Marion County Election Board and Indiana Democratic Party v. Rokita – AALDEF submitted an *amicus* brief to the U.S. Supreme Court on behalf of 25 Asian American groups opposing a constitutional challenge to an Indiana law requiring voters to show government-issued photo identification. AALDEF detailed the racially discriminatory impact of restrictive voter ID laws on Asian American voters, using data from prior AALDEF exit polls.²³

AALDEF advocated for state legislative proposals for mandatory language assistance. One bill in Massachusetts would extend the settlement in *U.S. v. Boston* beyond December 31, 2008 and would require bilingual ballots and the transliteration of candidate names. A proposed bill in New Jersey would amend the current state law which already provides for language assistance in Spanish, to include Asian languages as well.

AALDEF also made specific complaints about particular issues in anticipation of the 2008 Elections.

Overcrowded Poll Site – During the Primary Elections in Philadelphia Chinatown's main poll site, voters had to wait over two hours to vote. Some simply could not wait and left without voting. Voters complained about these problems in prior elections. AALDEF, working with the Committee of 70, discovered that the poll site was overpopulated, beyond what state law allowed. AALDEF complained to local elections officials who moved the poll site to a larger location, assigned more poll workers and voting machines, and printed additional poll books to check-in voters.

Harassment of Korean American voters – In 2007, a losing candidate for the Fort Lee, NJ School Board sought to investigate Korean American voters. He claimed that the voters

did not live in Fort Lee and were not U.S. citizens. He issued subpoenas to the voters, at their Fort Lee addresses, by the local sheriff in the early morning hours. Such service of process was unduly aggressive. Voters complained that they felt "punished" for voting and did not want to vote again. AALDEF filed a complaint about the investigation with the U.S. Department of Justice under the Voting Rights Act's anti-intimidation provisions.

5. After Election Day 2008

On Election Day, AALDEF received more than 800 complaints of voting problems. In the weeks after the elections, AALDEF followed up with every voter to confirm the incidents and obtain more details.

AALDEF also looked up voters' records in official databases of registered voters to confirm the complainants' registrations, assigned poll sites, and whether their votes were counted.

AALDEF sent complaint letters to election officials in each of the jurisdictions we monitored. These letters reviewed the most significant problems in detail and offered concrete recommendations for improvements. These letters were sent to elections officials in the following jurisdictions:

- NY: New York City
- NJ: Bergen, Middlesex, Hudson counties
- MA: Boston, Lowell, Quincy, Malden
- PA: Philadelphia, Delaware, Bucks, Montgomery counties
- MI: Dearborn, Detroit, Hamtramck, Ann Arbor, Novi, Canton, Troy
- IL: Cook County, Chicago
- TX: Houston
- LA: New Orleans
- NV: Las Vegas
- VA: Fairfax, Arlington, Henrico, and Chesterfield counties; Virginia Beach
- MD: Montgomery County
- Washington, DC

This report highlights the most widespread and egregious barriers Asian American voters encountered during the 2008 Elections.

AALDEF's Multilingual Exit Poll, Nov. 2008: Respondents

ALL	FIRST-TIME VOTER	FOREIGN BORN	NO FORMAL U.S. EDUCATION	ENGLISH AS NATIVE LANGUAGE	LIMITED ENGLISH PROFICIENT	LARGEST ETHNIC GROUPS
TOTAL: 16,665	31%	79%	21%	20%	35%	32% Chinese 31% South Asian 14% Korean 9% Southeast Asian 5% Filipino

BY ETHNIC GROUP

	FIRST-TIME VOTER	FOREIGN BORN	NO FORMAL U.S. EDUCATION	ENGLISH AS NATIVE LANGUAGE	LIMITED ENGLISH PROFICIENT	LARGEST ETHNIC GROUPS
Chinese	29%	74%	23%	15%	45%	N/A
Korean	25%	83%	20%	18%	54%	N/A
Filipino	24%	74%	12%	26%	6%	N/A
South Asian	36%	87%	22%	24%	20%	49% Indian 25% Bangladeshi 11% Pakistani
Southeast Asian	35%	83%	20%	9%	49%	70% Vietnamese 18% Cambodian

AALDEF EXIT POLL RESULTS – Nov. 4, 2008

All Voters Surveyed	First-Time Voter	Foreign Born	No Formal U.S. Education	English as Native Language	Limited English Proficient	Largest Asian Groups Surveyed
16,665	31%	79%	21%	20%	35%	Chinese 32% South Asian ¹ 31% Korean 14% Southeast Asian ² 9% Filipino 5%
BY STATE						
New York	29%	81%	23%	23%	39%	Chinese 40% Asian Indian 12% Korean 12% Bangladeshi 12% Indo-Caribbean 8%
New Jersey	30%	84%	22%	14%	28%	Korean 36% Asian Indian 33% Filipino 12%
Massachusetts	38%	74%	22%	16%	45%	Chinese 47% Cambodian 18% Vietnamese 15%
Pennsylvania	32%	70%	24%	21%	42%	Chinese 47% Asian Indian 19% Vietnamese 10% Korean 8% Cambodian 5%
Michigan	43%	72%	8%	21%	16%	Asian Indian 25% Arab 24% Chinese 21% Bangladeshi 15%
Illinois	25%	88%	48%	14%	53%	Korean 50% Chinese 15% Asian Indian 14%
Virginia	30%	79%	16%	20%	28%	Korean 22% Vietnamese 20% Asian Indian 15% Chinese 13% Filipino 9%
Maryland	24%	78%	12%	17%	19%	Chinese 31% Asian Indian 23% Korean 15% Vietnamese 9%
Texas	32%	87%	12%	12%	38%	Vietnamese 54% Filipino 15% Chinese 8%
Louisiana	29%	82%	26%	3%	64%	Vietnamese 98%
Nevada	31%	74%	18%	26%	27%	Filipino 48% Chinese 17% Vietnamese 9%
District of Columbia	13%	54%	12%	42%	23%	Chinese 29% Korean 20%

¹ Includes Asian Indian, Bangladeshi, Pakistani, Indo-Caribbean, Sri Lankan, and Nepalese.

² Includes Vietnamese, Cambodian, Laotian, Hmong, Thai, Indonesian, Burmese, and Malaysian

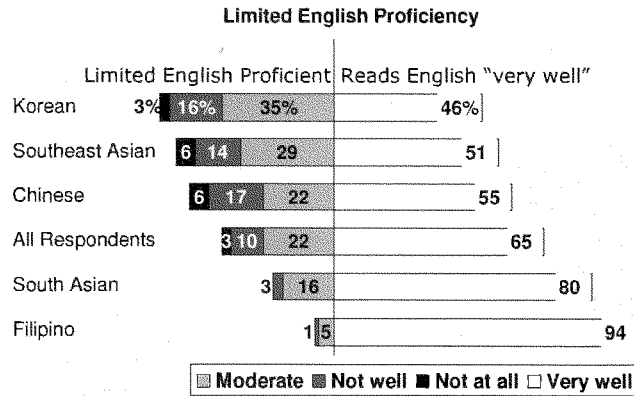
III. FINDINGS AND OBSERVATIONS

Asian Americans had to overcome many barriers to exercise their right to vote, including (A) the lack of language assistance; (B) racist and poorly trained poll workers; (C) incomplete voter lists and denials of provisional ballots; (D) improper identification checks; and (E) poll site confusion.

AALDEF Voter Survey, November 4, 2008	
Complaint/ Problem	Voters
Name not on list of registered voters	540
Voted by provisional ballot	446
No interpreters / translated materials	254
Poll workers poorly trained	168
Directed to wrong poll site/precinct voting booth	168
Poll workers were rude/hostile	112

A. Language Assistance

Limited English proficient Asian Americans had much difficulty in voting. In AALDEF's survey, 79% of all respondents were foreign-born naturalized citizens. 21% had no formal education in the United States,²⁴ and only 20% identified English as their native language. 35% were limited English proficient,²⁵ of which almost one-third (31%) were first-time voters.



Language assistance, such as interpreters or translated voting materials, if any, was far from adequate. Notwithstanding federal mandates, poll workers were cavalier in providing language assistance to voters. In our survey, 254 Asian American voters complained that there were no interpreters or translated materials available to help them vote.

1. Compliance with the Voting Rights Act (Mandatory Language Assistance)

The Voting Rights Act requires language assistance for voters in several jurisdictions where AALDEF conducted its survey. Section 203 of the Act covers counties in New York and Texas for translated ballots, voting materials, and interpreters at poll sites. In New York, Chinese assistance is required in Queens, Brooklyn (Kings County), and Manhattan (New York County), and Korean assistance in Queens. In Texas, Vietnamese assistance is required in Houston (Harris County).

Similarly, litigation under the non-discrimination protections (Section 2) of the Voting Rights Act also requires language assistance in Boston, MA for Chinese and Vietnamese voters. Notwithstanding positive efforts by elections officials, there have been many shortcomings in compliance.

In New York City, among Chinese American voters, 51% were limited English proficient. 30% needed interpreters, and 25% needed translated materials to vote. Among native Korean speakers in Queens County, 75% were limited English proficient. 35% used interpreters and 26% used translated materials.

In Boston, among native Chinese speakers, 63% were limited English proficient. 35% used interpreters, and 39% used translated materials to vote. Among native Vietnamese speakers in Boston, 54% were limited English proficient. About 20% needed interpreters and 23% used translated materials.

In Houston, among native Vietnamese speakers, 51% were limited English proficient. 18% used interpreters, and 12% used translated materials to vote.

a. Translated Voting Materials and Signs Missing

Section 203 requires the translation and posting of all voting signs and materials. However, many poll sites did not have them.

Poll workers were both uninformed and unwilling to display the translated voting materials properly. In Boston, poll workers at seven poll sites had misplaced or never opened the required translated materials. During the Presidential Primary Elections, in New York, three poll sites in Flushing with large numbers of Chinese and Korean voters posted Chinese and Korean materials behind the voting machines, hidden from voters.

b. Interpreter Shortages

Oral language assistance is also needed to help limited English proficient voters cast their ballots.

In New York City, many poll sites did not have enough interpreters. 25% of all Chinese-speaking interpreters assigned by the Board of Elections and 28% of all Korean-speaking interpreters assigned were missing.

At one poll site in Jackson Heights, Queens, NY, the poll site coordinator did not even know that a Korean interpreter was available at the site.

At another poll site in Manhattan's Lower East Side, NY there was only one interpreter for hundreds of voters. Poll workers tried to get additional interpreters but were told they "didn't need" them. The lone Chinese interpreter was extremely overworked.

The same problems occurred during the Presidential Primary Elections in New York where 20% of Chinese and 29% of Korean interpreters were missing. At a poll site in the East Village, there was only one interpreter and when this person went on break, there was no one to assist limited English proficient voters. In Bayside, Queens, NY, interpreters were not given any materials, tables, or chairs and could not set up for the election. They made several requests for tables and chairs but were repeatedly ignored.

Similarly, in Boston, 21% of Chinese and 17% of Vietnamese interpreters were absent. In our survey, 38% of voters who wished to receive oral language assistance could not find interpreters who spoke their language or dialect.

Indeed, in Boston, interpreters were not always readily available to assist voters. Poll sites failed to post signs indicating that language assistance was available, interpreters did not wear nametags identifying themselves as interpreters, and some interpreters left for extended periods of time or failed to report to their sites on time.

Some interpreters did not effectively assist voters. In Houston, TX, two Vietnamese American voters stated that they were unable to vote for president even after requesting poll worker assistance.

c. Adequacy of Translated Ballots

Section 203 requires the translation of ballots so that limited English proficient voters can fully and independently exercise their right to vote. However, the full translation and readability of translations continued to be an issue in the 2008 elections.

In Dorchester, MA, poll workers could not locate Vietnamese-language provisional ballots. They said these were not provided to them.

In New York, Chinese voters complained that translations on ballots were too small to read. The Board of Elections provided new Ballot Marking Devices under HAVA to magnify the ballots for voters with impaired vision. Unfortunately, poll workers did not direct voters to these machines nor did they know how to use them.

In Boston, ballots did not have transliterations of candidates' names in Chinese. Limited English proficient voters typically know the candidates by their transliterated names, which appear in Asian-language media, advertising, and campaign literature.

In our survey, 95 Chinese voters stated that they had difficulty identifying their candidates of choice because the names were not translated. One voter in Chinatown remarked that "the only translation on the ballots was 'Democrat' and 'Republican'." He said names like "Obama" were not transliterated, so he was relegated to vote simply based on party label, not by the name of his preferred candidate. He said that others at the poll site, especially those who had recently naturalized, had similar problems understanding the ballot and were disappointed to find that the ballots were not fully translated.

AALDEF Multilingual Exit Poll, Nov. 2008: Language Minority Groups

STATE - LOCALITY	LANGUAGE MINORITY GROUP	LIMITED ENGLISH PROFICIENT	PREFERS VOTING WITH ASSISTANCE	USED INTER- PRETER	USED TRANSLATED MATERIALS
NEW YORK					
- Manhattan	Chinese	61%	36%	27%	23%
- Queens	Chinese	58%	31%	21%	20%
	Korean	75%	29%	35%	26%
	Urdu	22%	9%	*	*
- Brooklyn	Chinese	62%	43%	31%	26%
	Bengali	50%	21%	*	*
	Urdu	39%	20%	*	*
NEW JERSEY					
- Bergen Co.	Korean	62%	22%	22%	*
- Middlesex Co.	Gujarati	29%	12%	*	*
	Chinese	25%	9%	*	*
MASSACHUSETTS					
- Boston	Chinese	63%	45%	31%	39%
	Vietnamese	54%	32%	20%	23%
- Lowell	Khmer	47%	31%	29%	*
- Quincy	Chinese	38%	15%	*	*
ILLINOIS					
- Chicago/Cook Co.	Korean	81%	43%	35%	34%
MICHIGAN					
- Dearborn	Arab	27%	18%	*	*
- Detroit	Bengali	45%	27%	*	*
- Hamtramck	Arab	40%	29%	16%	*
MARYLAND					
- Rockville	Chinese	36%	20%	*	*
- Silver Spring	Korean	45%	10%	*	*
	Vietnamese	43%	13%	*	*
VIRGINIA					
- Centreville	Korean	53%	12%	*	*
- Falls Church	Vietnamese	49%	13%	*	*
- Annandale	Korean	78%	31%	32%	*
PENNSYLVANIA					
- Philadelphia	Chinese	63%	41%	34%	*
- Bensalem	Gujarati	42%	17%	*	*
TEXAS					
- Houston	Vietnamese	51%	27%	18%	23%
LOUISIANA					
- New Orleans	Vietnamese	63%	45%	*	*

* None available

2. Compliance with Section 208 (Assistance by Persons of Choice)

Voters have the right to be assisted by persons of their choice under Section 208 of the Voting Rights Act. Unlike Section 203, this provision applies across the nation. These assistants may accompany voters inside the voting booth to translate the ballot. The only exception under this federal law is that they may not be the voters' union representatives or employers. Poll workers, however, obstructed this right.

At one site in Alexandria, VA, poll workers did not allow limited English proficient voters to bring interpreters with them into the voting booth. Poll workers stated that individuals should have a minimum proficiency in English in order to be American citizens and to vote.

At a poll site in Edison, NJ, one Gujarati-speaking voter complained that an election official made disparaging remarks when the voter asked that his son be allowed to interpret for him from within the voting booth.

3. Voluntary Language Assistance

Many states and localities with large and growing Asian American populations are not required to provide language assistance under federal law. In response, AALDEF has successfully persuaded elections officials in New Jersey, Massachusetts, Illinois, Michigan, Pennsylvania, Virginia, and Maryland to provide language assistance voluntarily to voters. Such commendable efforts were insufficient. In every state where AALDEF conducted poll monitoring, limited English proficient voters complained about the lack of assistance.

a. New York: Bengali, Urdu, and Punjabi

New York City has the largest South Asian population in the nation. According to the 2000 Census, the Bangladeshi population increased 471%, numbering over 28,000. The Pakistani population increased 154%, numbering over 34,000. The Indian population increased 118%, numbering over 206,000. South Asians are becoming citizens, but they faced a number of difficulties in participating in the political process.

In AALDEF's survey, 50% of Bengali speakers in Brooklyn and 37% of Bengali speakers in Queens were limited English proficient. 39% of Urdu speakers in Brooklyn and 22% of Urdu speakers in Queens were limited English proficient. 29% of Punjabi speakers in Queens were also limited English proficient.

The New York City Board of Elections should translate voter registration forms and provide Bengali, Punjabi, and Urdu interpreters at poll sites in Queens and Brooklyn.

b. New Jersey: Korean, Chinese, and Gujarati

The Asian American population in New Jersey has doubled since 1990, numbering over half a million. There are 37,000 Koreans in Bergen County and 57,000 Indian and 23,000 Chinese Americans in Middlesex County. Groups like the Korean American Voters' Council, South Asian Americans Leading Together, and the Organization of Chinese Americans encourage Asian American participation in the political process.

Among native Korean speakers who voted in Bergen County, 62% were limited English proficient. 22% prefer to vote using language assistance. Among native Gujarati speakers in Middlesex County, 29% were limited English proficient. 12% prefer to vote with language assistance.

AALDEF had been advocating for translated voter registration forms since 2003. In early 2008, the State Attorney General finally printed voter registration forms in Korean, Gujarati, and Chinese. New Jersey is the first state in the nation to translate voter materials in a South Asian language.

Moreover, under New Jersey state law, Voter Bill of Rights signs must be available and translated into the language spoken by 10% or more of registered voters in a district.²⁶



Unfortunately, none of the 25 poll sites that AALDEF inspected in Bergen County provided a translated Voter Bill of Rights, even though translated signs were required by law.

Midhessen, NJ appointed Chinese and Hindi/Gujarati speaking poll workers. Bergen County translated voting instructions into Korean. During the Presidential Primary Elections, however, one poll worker in Fort Lee, NJ did not even know why she received translated voting instructions.

More effort is needed. Korean American voters in Palisades Park and Fort Lee specifically complained of the absence of Korean interpreters and signs. Likewise, South Asian voters in Edison and Chinese voters in East Brunswick reported similar shortages of interpreters and signs.

c. Massachusetts: Khmer and Chinese

The Asian American population in Massachusetts has grown by 68% since 1990, numbering over a quarter million. Boston has the largest number of Chinese and Vietnamese American voters. Last year, the settlement order expired that required the City to provide translated voter notices, bilingual ballots, and interpreters at poll sites. Lowell, Quincy, and Malden also have growing Asian American populations, and groups like the Chinese Progressive Association, ONE Lowell, and Viet-Vote have long worked to increase Asian American voting participation.

Lowell has almost 10,000 Cambodian Americans, which comprise almost a third of the City's entire population. Among native Khmer speakers in Lowell, 47% were limited English proficient. 29% of voters used interpreters to help them cast their votes.

While the Lowell Elections Commission hired about 20 Khmer and Vietnamese interpreters, they were not always readily accessible to voters due to the failure of poll workers to post signs indicating the availability of interpreters, wear nametags, or actively approach voters.

In Quincy, the Asian population has increased 146% since 1990, with about 9,500 Chinese Americans. One in ten residents of the City of Quincy is Chinese. Among Chinese speakers in Quincy, 38% were limited English proficient, while 15% prefer to use language assistance to cast their vote. Quincy, MA hired 15 Chinese and Vietnamese speaking poll workers.

Asian language assistance should be provided on a statewide level to encompass localities with growing Asian American populations.

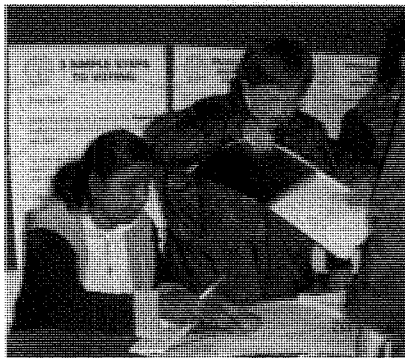
d. Pennsylvania: Chinese, Vietnamese, Korean, and Khmer

The Asian American population in Pennsylvania has nearly doubled since 1990, numbering almost a quarter million. AALDEF collaborated with APIA Vote's Pennsylvania chapter, which worked on voter education and turnout during both the Presidential Primary and General Elections in Philadelphia, Delaware, Montgomery, and Bucks counties.

Among native Chinese speakers, 63% were limited English proficient and 34% used interpreters. Among native Vietnamese speakers, 41% were limited English proficient. 12% used translated materials to cast their vote. Among native Korean speakers, 44% were limited English proficient. 39% used interpreters and 11% used translated materials.

The U.S. Department of Justice sued the City of Philadelphia for violations of the Voting Rights Act for Spanish language assistance in 2006. With the settlement in *U.S. v. Philadelphia*,²⁷ the City agreed to provide Asian language interpreters at poll sites. In 2008, the City provided 30 Chinese, Khmer, Korean, and Vietnamese interpreters.

Nonetheless, there were interpreter shortages. In Chinatown, the lack of assistance nearly caused one voter to leave when poll workers could not find her name on the rolls. A partisan campaigner had to help the voter cast a provisional ballot.



During the Presidential Primary Elections, Philadelphia provided a language line that poll workers could call and get on-the-spot assistance for voters. However, poll workers did not know it existed, did not know how to access the line, or the line was overwhelmed and was constantly busy. Voters in Olney left because they could not understand the ballots and were not able to get help.

The Pennsylvania Secretary of State translated voter registration forms into five languages, including three Asian languages (Chinese, Korean, and Vietnamese), and also hired an advertising agency to develop multilingual voter turnout materials. AALDEF reviewed these items and asked for community input. We commend such outreach efforts. Now, more must be done at the local level.

e. Illinois: Korean

The Greater Chicago Area has the nation's third largest Korean American population, after Southern California and New York. With the help of the Korean American Resource and Cultural Center (KRCC), the county voluntarily provided interpreters at poll sites and hired bilingual judges of elections. The City also hired election judges who spoke Gujarati, Hindi, Tagalog, Urdu, and Vietnamese as well. KRCC also conducted voter education workshops in Korean prior to the elections. Such efforts still did not adequately address the great need for language assistance.

Among Korean speakers, 81% were limited English proficient. 35% of voters used interpreters and 34% used translated materials to vote. Thirty voters, most of whom spoke Korean, complained that it was difficult to vote because of the lack of language assistance.

f. Michigan: Bengali and Arabic

AALDEF has been assisting the APIA Vote Michigan Coalition in developing strategies to advocate for language assistance in particular municipalities.

Among native Bengali speakers in Detroit, 45% were limited English proficient. 27% prefer voting with language assistance. In Hamtramck, 40% of native Arabic speakers were limited English proficient. 29% prefer voting with language assistance.

In Dearborn, 27% of Arabic speakers were limited English proficient. 21% of Arabic speaking voters used interpreters and 18% prefer voting with some form of language assistance.

In the past, the City of Hamtramck was required to provide Bengali and Arabic language assistance pursuant to a consent decree by the U.S. Department of Justice for voting discrimination and racial profiling at the polls in violation of the Voting Rights Act.²⁸ The settlement has since expired, but the City continued to voluntarily provide interpreters at poll sites. However, one Bangladeshi American voter commented that he was unaware of the Bengali interpreter when he voted because he did not see any signs indicating that there was an interpreter.

In Detroit, MI, a Bangladeshi American voter stated that he had observed several people having difficulty with reading the ballot and needed further clarification, but there were no interpreters or translated materials for them.

g. Virginia: Vietnamese and Korean

The Asian American population in Virginia has grown by 62% since 1990, numbering more than a quarter million. In Fairfax County, the Vietnamese population has doubled, numbering about 20,000; likewise the Korean population has grown tremendously, numbering about 45,000 in 2000.

The Asian Pacific American Legal Resource Center's (APALRC) Language Rights Project expands language assistance to government services in the District of Columbia, Virginia, and Maryland, and AALDEF worked with APALRC to monitor language access at the polls.

Among Vietnamese speakers surveyed in Falls Church, Virginia, 49% were limited English proficient. 13% prefer voting with language assistance. In Annandale, 78% of Korean speakers were limited English proficient. 32% of voters used an interpreter. In Centreville, 53% of native Korean speakers were limited English proficient. 12% prefer voting with language assistance.

The lack of assistance created opportunities for certain campaign workers to take advantage of limited English proficient voters for partisan gain. In Annandale, VA, limited English proficient Korean American senior citizens had to turn to a Republican campaigner for assistance. This person led groups of voters into the poll site and refused to give them privacy while they cast their votes. AALDEF received and reported similar complaints of improper voter influence during the 2006 elections by the same individual involved.

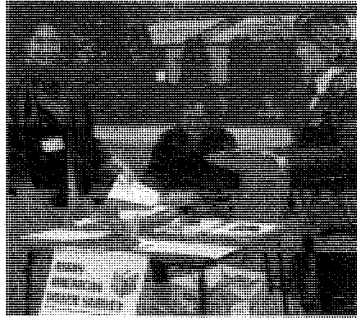
To avoid improper electioneering, election officials should provide both translated ballots and non-partisan appointed interpreters at poll sites.

h. Maryland: Chinese, Vietnamese and Korean

The Asian American population in Montgomery County has grown by 60% since 1990. More than one in ten residents is Asian American, the second largest Asian population in the region and the largest in the state. Almost a third (31%) of the 100,000 Asian Americans are Chinese.

In Silver Spring, 45% of Korean speaking voters was limited English proficient with 10% preferring to vote with language assistance. 43% of Vietnamese speaking voters were also limited English proficient and 13% preferred to vote with language assistance.

In our survey, 36% of native Chinese speakers in Rockville, Maryland were limited English proficient. 20% prefer using language assistance to cast their vote. Although local election officials agreed to appoint bilingual election judges, voters complained about the lack of interpreters. One limited English proficient Chinese voter said that she was only able to vote for candidates whose names she recognized in English.



i. Texas: Chinese

Houston is covered under the Voting Rights Act for Vietnamese language assistance. Chinese Americans are the next largest Asian American group and they are growing at a fast rate. OCA Greater Houston has been pressing for Chinese-speaking interpreters and translated voting materials at poll sites.

The County Clerk is seeking to translate certain voting materials in Chinese, which is greatly needed. In our survey, 57% of Chinese voters were limited English proficient. 29% of voters needed interpreters.

j. Louisiana: Vietnamese

The Asian American population in New Orleans has grown by 26% between 1990 and 2000. Currently, 3% of residents are Asian American. The largest Asian American population in the region is Vietnamese. Vietnamese American Young Leaders Association of New Orleans worked on voter education and registration.

In our survey, 65% of Vietnamese voters were limited English proficient. 86% of voters needed interpreters. Although about a dozen bilingual elections commissioners were available at some poll sites, voters still complained about the lack of assistance at poll sites.

In conclusion, local elections officials are to be commended for voluntarily providing language assistance to Asian American voters. However, such efforts must be expanded to ensure full access to the vote. Local elections officials should translate voter registration forms, voter guides, ballots and other voting materials, as well as hire bilingual poll workers.

B. Racist and Poorly Trained Poll Workers

Poll workers were hostile towards Asian American and limited English proficient voters. In our survey, 112 Asian American voters complained that poll workers were "rude or hostile." Several more poll workers were unhelpful or unknowledgeable about proper election procedures, prompting 168 Asian American voters to complain to AALDEF.

1. Racist Poll Workers

A number of poll workers made derogatory remarks and gestures.

At one poll site in Brooklyn, NY, a poll worker remarked that Middle Eastern voters "looked like terrorists to [him]." At another poll site, a poll site supervisor challenged an Arab American voter saying, "We don't trust you; you're not voting. If you want to complain, go to the judge." The voter was not able to vote.

A voter complained that a poll worker in Long Island City, Queens, NY made her feel uncomfortable when the poll worker asked, "Why do you have an American name? Are you Japanese?"

A Sikh voter was made to vote by provisional ballot because his last name (Singh) was very common and the poll workers in Ozone Park, Queens, NY "couldn't figure out which one he was."

Sometimes Asian American voters were simply treated with less courtesy than white voters were, or they were simply ignored.

In Chinatown, Manhattan, NY, a poll worker made comments complaining about Chinese American voters and was inattentive when they arrived. The poll worker made an entire line of voters wait while he sent text messages on his cell phone.

In Ann Arbor, MI, a Chinese American voter felt insulted when a poll worker greeted all the white voters in front of her but turned silent when she approached.

In Lowell, MA, several Asian American voters reported being ignored by poll workers. One particular voter complained that when she came to the front of the line, the poll worker instead turned to the white voter standing behind her. The voter had to go to a different poll worker to vote.

In Hamtramck, MI, several Asian American voters complained about one poll worker yelling at voters.

Some poll workers made disparaging remarks about minority language assistance. During the Presidential Primary Elections, in Fort Lee, NJ, when asked if there were any interpreters, the poll worker responded, "Are you kidding? No." In Flushing, Queens, NY, a poll worker said, "There are just too many Asians here" and "They [Asians] should have to learn English."

2. Poorly Trained Poll Workers

HAVA requires that voters be informed of their rights at poll sites. Poll workers, however, failed to post the Voter Bill of Rights signs in Virginia, New Jersey, Pennsylvania, and New York. In Alexandria, VA, one poll worker did not even know what the sign was. In Bergen County, NJ, only seven poll sites, out of 26 poll sites observed, displayed the

sign. In New York City, 40% of 47 poll sites observed were missing the sign. In Fairfax, VA, poll workers posted the sign, only after our observer inquired about its absence.

Poorly trained and inefficient poll workers deterred voters from casting their ballots. In Dearborn, MI, an Arab American was turned away and sent home when the poll worker did not find her name on the list. She was not offered a provisional ballot. Having voted at the poll site for the last twenty years, she went home to retrieve her voter registration card. She returned only to find that she was simply on the wrong line.

Some poll workers did not even know how to properly look up voters' names. One voter in Jersey City complained that the poll worker tried to turn him away saying he was not registered to vote. The voter protested, and the poll worker found that there was more than one book with voters' names.

Sometimes poll workers unfairly rushed Asian American voters or denied them privacy. In Chinatown, Manhattan, NY, one poll worker opened the curtain of the voting booth while the voter was still voting, to see if she was finished. Another voter reported that she was only able to vote for president as a result of being rushed.

3. Improper Electioneering

Poll workers engaged in improper electioneering. In Midwood, Brooklyn, NY, one poll worker told voters to "press all the buttons on the left," effectively having them vote entirely for one party's candidates. In Annandale, VA, a bilingual poll worker was explicitly reminding Korean-speaking voters that John McCain was on the ballot, but not similarly communicating that Barack Obama was also on the ballot. In Chinatown, Manhattan, NY, a poll worker was telling people with accents to vote for Obama and that they could pick "whoever they wanted for the other positions."

C. Incomplete Voter Lists and Denials of Provisional Ballots

Many Asian Americans complained that their names were missing from lists of registered voters located at poll sites. In the past, poll workers used to turn away voters, but HAVA now requires that provisional ballots be given to all voters to preserve their right to vote. However, such ballots were not always offered or were expressly denied. At times, voters were even turned away.

1. Asian Voters' Names Missing

Voters reported to their assigned poll sites, or to poll sites where they had previously voted, only to find their names missing from voter lists. In our survey, 540 voters complained that their names were not listed or listed incorrectly.

Voters' names were misspelled or their first and last names were inverted. In some instances, wives' names were missing but their husbands' names were found. When voters complained about these errors, poll workers became hostile.

In Washington, D.C., a poll worker said that voters whose first and last names were inverted should not be able to vote. In Boston, one poll worker's hostility toward voters whose names were missing or misspelled caused the voters to leave without voting by provisional ballot.

During the Presidential Primary Elections, in Fort Lee, NJ, one voter had registered as a Democrat prior to Election Day but when he arrived at the poll site, he was incorrectly listed as a Republican and was not allowed to vote.

There were several deficiencies in agency registration. The National Voter Registration Act requires voter registration to be done by state agencies, such as the Department of Motor Vehicles. Several voters complained of deficiencies in this process in Lowell, MA, Upper Darby, PA, and Ann Arbor, MI.

In Detroit, MI, a Bangladeshi American citizen tried to register at the Department of Human Services with his cousin, who resided at the same address. His name was missing but his cousin's name was found. On Election Day, the voter was not offered a provisional ballot and instead was told to stand with a group of people whose names were not found. Poll workers made phone calls regarding this group. After waiting close to an hour, the voter left because he had to go to work and was unable to vote.

2. Denials of Provisional Ballots

Although HAVA requires that voters whose names are missing be offered provisional ballots, poll workers denied voters this right and simply turned them away. Indeed, voters had to demand, explicitly, provisional ballots. In our survey, 446 voters complained that they had to vote by provisional ballots.

Poll workers were too quick to turn away Asian American voters and assumed they were not registered, as we observed in Quincy, MA and Philadelphia, PA. During the Presidential Primary Elections, in Fairfax County, VA, one first-time voter complained that her name was not in the voter roll so she was turned away.

In Ozone Park, Queens, NY, an elderly couple who had trouble walking was instructed to go to another poll site because the poll worker did not find their names. The couple came back with a friend who found their names on the list.

Poll workers improperly denied Asian American voters the right to vote by provisional ballots. Voters were simply turned away in Philadelphia and Upper Darby, PA, Falls Church, VA.

In Fairfax County, VA, poll workers did not know what to do when voters' names were missing. One voter was certain that he was at the correct poll site but was not allowed to vote by provisional ballot.

In Novi, MI, a couple came to the poll site and the husband voted without incident but the wife's name was missing. The wife asked for a provisional ballot, but poll workers refused to give her one.

During the Presidential Primary Elections, in Flushing, Queens, NY, a poll worker refused to assist a voter with a provisional ballot when her name was not found. The poll worker grew belligerent when she could not understand the voter and, inexplicably, refused to ask an interpreter to assist.

Some cities had more systemic problems that undermined HAVA's goal of allowing voters to vote by provisional ballots.

In Lowell, MA, voters were not permitted to vote by provisional ballot at poll sites. Instead, if names were missing, poll workers either called City Hall or directed the voter to City Hall to confirm their registration and cast a provisional ballot. Voters

were unable to vote on Election Day. AALDEF observed the same problem in the 2004 elections.

In Philadelphia, PA, the main poll site in Chinatown had a limited number of provisional ballots, and poll workers would not distribute the ballots unless voters specifically demanded them. When voters did ask, poll workers requested documentation of their addresses. But many voters did not know they could ask for a provisional ballot and simply left without voting. Similar problems occurred during the Presidential Primary Election, but in that election, poll workers turned away voters and told them to register for the next election.

Even when voters cast provisional ballots, poll workers also did not know what to do thereafter. In Ozone Park, Queens, NY, one poll worker was rude, dismissive, and said, "I don't know what to do with this," when a South Asian American voter opted to vote by provisional ballot.

Jurisdictions must comply with HAVA's mandate to provide provisional ballots to voters at poll sites if their names are missing from voting lists. Poll workers also need better training on the rules regarding provisional ballots and how to handle such ballots.

3. Improvements to Provisional Balloting and Updating Voter Lists

Names will not appear on lists of registered voters at poll sites for a variety of reasons. Oftentimes their information was entered incorrectly or their registration forms were lost or mishandled. These voters were never registered through no fault of their own. Other times, voters were misinformed of their proper poll sites and ended up going to the wrong location. Voters may also have been at the correct sites, but their names were improperly removed from lists.

The accuracy of voter lists needs to be improved. For voters who voted by provisional ballot, those provisional ballot affirmations can be used to correct voter registration errors and omissions in the database of registered voters. Most of the information on the affirmations, typically written on provisional ballot envelopes, is already used for voter registration. The Carter/Ford National Commission on Federal Election Reform, which laid the groundwork for many of HAVA's provisions, also recommended this solution. This should be implemented accordingly.

Poll workers also inconsistently decided whether voters may cast provisional ballots. Poll workers should always offer provisional ballots if voters believe they are at the correct poll sites. Even if provisional ballots are cast at the wrong poll sites, the ballots should be counted for all the races in which the voters are eligible to vote.

New Jersey uses the information provided on provisional ballot envelopes to update the voter registration file. This procedure reduces the number of voters who need to vote provisionally in subsequent elections. New York and New Jersey also count all the votes on provisional ballots cast at the wrong election districts, provided that the ballots are cast at the correct New York poll site or same New Jersey county in which the voter resides.

Provisional ballots preserve an individual's vote, at least in theory. Poll workers need better training on the proper administration of provisional ballots. When voters have taken all the necessary steps to register, corrective measures must be put into place to correct errors and omissions.

D. Improper Identification Checks

HAVA requires identification from a very narrow category of first-time voters. Notwithstanding positive efforts by election officials and community groups to educate the public, as well as poll worker trainings that stressed the specific ID rules, identification was still required of a very large number of minority voters on Election Day.

AALDEF conducted a series of voter rights trainings to review current voter identification laws in light of the U.S. Supreme Court's *Crawford* decision upholding photo identification requirements. AALDEF sought to dispel myths and ensure that ID requirements would not disenfranchise Asian Americans on Election Day.

Nonetheless, many long-time Asian American voters complained that they were racially profiled and required to provide identification. These voters were not required to show ID under HAVA because they were not voting for the first time.

Asian American Voter Complaints About Identification Checks

In states where ID is not generally required to vote

	DC	NV	MD	IL	NJ	NY	PA	MA
Required to provide ID to vote	28	43	51	124	262	1903	199	185
% of total voters surveyed	22%	25%	7%	40%	18%	24%	42%	18%
% ID not required under HAVA	82%	77%	76%	70%	69%	68%	68%	60%

In states where ID is not generally required, 2,795 voters were required to present identification. The vast majority of them, 68%, were not required to do so under HAVA. AALDEF received complaints and personally observed these improper and sometimes excessive demands for identification from Asian American voters in almost every state.

AALDEF received specific complaints of racial profiling from Indian American voters in Bensalem, PA and Bangladeshi American voters in Woodside, Queens, NY. We received other complaints as well:

In Jamaica, Queens, NY, poll workers assumed Asian American voters did not speak English fluently and automatically asked them for identification.

In Elmhurst, Queens, NY, when a Korean American voter knew his rights and said identification was unnecessary, the poll worker scoffed at him. One voter was even asked to show identification twice.

In Washington, D.C., one voter complained that after her name was found in the voter rolls, a second poll worker refused to let her vote until she presented her identification again. The voter had already confirmed her identity, while a white voter in line behind her was not asked to provide any identification.

Some states require all voters to provide identification before they can vote. However, we found that while identification checks were applied to Asian American voters, white voters were not required to show ID. Sometimes Asian American voters had to provide additional forms of ID.

In Centreville, VA, a Korean American voter complained that he felt embarrassed that poll workers only asked him and his family, *but no one else*, to prove their identity.

In Houston, TX, an election officer insisted that a Pakistani American voter present *both* his voter registration certificate and another form of identification. Under Texas law, a voter who does not have a certificate may vote after providing another form of ID and signing an affidavit.

In Canton, MI, a Chinese American voter, who had been voting since 1997, did not have ID with him and was asked to return with ID. He was not informed that Michigan law still allows him to vote by signing an affidavit.

These identification checks often were required only of Asian American or language minority voters. Such demands for identification could discourage voters. Poll workers must be better trained on the legal requirements of voting, and when such demands for identification are discriminatory, these poll workers must be removed from their posts.

E. Poll Site Confusion

Inadequate notice of poll sites and misdirection to voting booth lines inside poll sites created much confusion. Voters were often redirected, sometimes incorrectly, to other lines or poll sites, only to be sent back later to their original locations.

In our survey, 168 Asian Americans who voted complained of poll site confusion in trying to vote. (This number does not capture voters who did not vote and appeared at poll sites but were told to go elsewhere to vote.)

Voters were misdirected to the wrong voting lines, which exacerbated already long waiting times.

In Woodside, Queens, NY, one voter waited at the wrong district table for 35 minutes before he was redirected to the correct table, where he had to wait on line again. Many other voters left without voting because of long lines.

In Lowell, MA, one busy poll site had three lines that fed into six different precincts. Many individuals waited on the wrong lines. One voter was redirected onto different lines three times. He eventually left without voting because he could not wait so long.

In Detroit, MI, a Bangladeshi American voter was sent to the wrong precinct and waited over an hour on that line before discovering that it was the wrong line.

In Chicago, IL, one poll worker reprimanded voters and kept redirecting them to different places. One voter was redirected to three different poll sites, even though she had been voting for the past five years.

In some places, more concerted effort is needed to remedy problems.

In Chinatown, Philadelphia, PA, during both the Presidential Primary and General Elections, Asian American voters complained about slow poll workers and extremely long lines. During the Primary Election, some voters waited in line for up to four hours. Voters left due to the frustration and long waits.

In New Orleans, LA, one poll site had three lines. Near the entrance, a map directed voters to the proper line. However, when the lines extended past the front entrance, voters did not know where to stand and when they got to the front, they had to start on another line all over again. We attempted to call this incident

into the Louisiana Secretary of State's office on Election Day, but we were unable to get through because the line was constantly busy.

Voters need better notice of their assigned poll sites and precincts within poll sites. Sometimes better poll site management is needed to more efficiently manage peak turnout times. If voters are at the wrong locations, they should be allowed to cast provisional ballots and have their votes counted for the races in which they are eligible to vote.

IV. RECOMMENDATIONS

Several steps must be taken to address the barriers faced by Asian American voters. AALDEF makes the following recommendations.

A. National Recommendations

- The United States Supreme Court should uphold Section 5 of the Voting Rights Act. Congress reauthorized the provision for 25 years in 2007, finding that racial, ethnic, and language minority voters continued to face voting discrimination and that the enforcement provision was necessary to protect the right to vote. The provision is being challenged in *Northwest Austin Municipal Utility District One v. Holder*.
- Congress should consider legislation to allow for universal voter registration, which will alleviate many of the registration problems that Asian American voters encountered.
- Congress should amend HAVA to clarify that voting by provisional ballot should also be used to correct errors and omissions in voters' registrations, as was recommended by the Carter/Ford National Commission on Federal Election Reform.
- The U.S. Department of Justice should continue its vigorous enforcement of Section 203 of the Voting Rights Act for Asian language assistance and increase enforcement of Section 208 to ensure that voters can be assisted by persons of their choice.
- The U.S. Department of Justice should more forcefully investigate and enforce full compliance with HAVA, including the proper and nondiscriminatory application of identification requirements, the availability of provisional ballots, and the posting of Voter Bill of Rights signs at poll sites.
- The U.S. Election Assistance Commission should translate the national voter registration form into the federally required Asian languages.

B. Local Recommendations

- Language assistance should be provided to limited English proficient voters. There should be translated voter registration forms, voting instructions, and ballots, as well as interpreters and bilingual poll workers at poll sites.

- Poll workers should be reprimanded or removed from their posts if they are hostile or discriminate against Asian American voters, or deny language assistance to voters.
- Voters whose names cannot be found in lists of registered voters located at poll sites must be given provisional ballots. Local election officials should count the ballots of all these registered voters when their ballots are cast in their neighborhoods and local districts, even if they were at the wrong poll sites.
- Errors in the registrations of new voters must be corrected so that ballots are not disqualified. Voting by provisional ballot should be used as opportunities to correct such errors.
- Poll workers need better training in election procedures and voters' rights, especially on...
 - the requirements for language assistance and the proper use and posting of translated voting materials and signs under Section 203, where applicable;
 - voters' rights to be assisted by persons of their choice, who may also accompany voters inside voting booths under Section 208;
 - how to properly direct voters to their assigned poll sites and precinct voting booths;
 - proper demands for voter identification checks under HAVA; and
 - proper administration of provisional ballots under HAVA.

AALDEF will continue to work with national, state, and local legislators, policy makers, and election officials to ensure full compliance with the Voting Rights Act and Help America Vote Act and to guarantee that all Americans can exercise their right to vote.

**Poll Sites Monitored by the Asian American Legal Defense and Education Fund
November 4, 2008**

STATE (total sites) - City/County (total sites)	Neighborhood/City	Number of Sites
DISTRICT OF COLUMBIA (2) - Washington, DC	Chinatown Columbia Heights	1 1
ILLINOIS (7) - City of Chicago - Cook County	Albany Park Argyle Chinatown Devon Glenview	2 1 1 1 2
LOUISIANA (3) - New Orleans	East Bank	3
MASSACHUSETTS (33) - Boston - Lowell - Malden - Quincy	Chinatown Dorchester Mission Hill South End Other Highlands Malden Center North Quincy	3 6 2 3 10 7 1 1
MARYLAND (5) - Montgomery County	Gaithersburg Rockville Silver Spring	1 2 2
MICHIGAN (12) - Oakland County - Washtenaw County - Wayne County	Novi Troy City of Ann Arbor Canton Dearborn Detroit Hamtramck	1 2 2 2 2 1 2
NEW JERSEY (10) - Bergen County - Hudson County - Middlesex County	Fort Lee Palisades Park Tenafly Jersey City East Brunswick Edison	2 2 1 2 1 2
NEVADA (3)	Las Vegas	3
NEW YORK (40) - Bronx - Brooklyn - Manhattan	Bay Ridge Kensington Midwood Sunset Park Williamsburg Chinatown Other neighborhoods	1 2 2 1 4 1 9 19

- Queens	Astoria	1
	Bayside	3
	Elmhurst	4
	Floral Park	2
	Flushing	11
	Fresh Meadows	2
	Jackson Heights	3
	Jamaica	4
	Ozone Park	3
	South Ozone Park	1
	Sunnyside	1
	Woodside	4
PENNSYLVANIA (7)		
- Bucks County	Bensalem	1
- Montgomery County	Montgomery	1
- Philadelphia County	Chinatown	2
	Olney	1
	South Philadelphia	1
- Delaware County	Upper Darby	1
TEXAS (3)		
- Harris County	Houston	3
Virginia (65)		
- Arlington County	Arlington	2
	Alexandria	2
- Chesterfield County	Midlothian	1
- Fairfax County	Annandale	3
	Burke	3
	Centreville	1
	Chantilly	1
	Clifton	1
	Fairfax	12
	Falls Church	11
	Great Falls	1
	Herndon	2
	Kingstowne	1
	Lorton	1
	Mc Lean	4
	Oakton	1
	Reston	2
	Springfield	6
	Vienna	3
- Henrico County	Glen Allen	1
- Virginia Beach	Virginia Beach	6

- ¹ Reynolds v. Sims, 377 U.S. 533, 561-62 (1964).
- ² Senate Comm. on the Judiciary Report, July 2, 1992, Voting Rights Act Lang. Assist. Amends. of 1992, Report 102-315, Calendar No. 537, 102nd Congress, 2d Session, at 4.
- ³ Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006, Pub. L. No. 109-246, 120 Stat. 577 (2006).
- ⁴ Voting Rights Act of 1965, Section 203, 42 U.S.C. Sec. 1973aa-1a (amended 2006).
- ⁵ Hearing of the House Subcomm. on the Constitution, House Judiciary Committee, on the Voting Rights Act: Section 203-Bilingual Election Requirements (Part I), 109th Cong. 35-38 (Nov. 8, 2005) (statement of Margaret Fung, Exec. Dir., AALDEF).
- ⁶ 42 U.S.C. Sec. 1973aa-1a (b) (2) (A), as amended by Section 8 of Pub. L. No. 109-246, 120 Stat. 577 (2006).
- ⁷ The counties are AK- Kodiak Island Borough (Filipino); CA- Alameda (Chinese), Los Angeles (Chinese, Filipino, Japanese, Korean, Vietnamese), Orange (Chinese, Korean, Vietnamese), San Diego (Filipino), San Francisco (Chinese), San Mateo (Chinese), Santa Clara (Chinese, Filipino, Vietnamese); HI- Honolulu (Chinese, Filipino, Japanese), Maui (Filipino); IL- Cook (Chinese); NY- Kings (Chinese), New York (Chinese), Queens (Chinese, Korean); TX- Harris (Texas); and WA- King (Chinese). 67 Fed. Reg. No. 144, 48871-77 (July 26, 2002) (Notices).
- ⁸ Voting Rights Act of 1965, Section 208, 42 U.S.C. Sec. 1973aa-6.
- ⁹ Voting Rights Act of 1965, Section 2, 42 U.S.C. Sec. 1973.
- ¹⁰ United States v. City of Hamtramck, Civ. Action No. 00-73541 (E.D. Mich. 2000); United States v. City of Boston, Civ. Action No. 05-11598 (D. Mass. 2005).
- ¹¹ HAVA Section 302 (a), (b); (a), (b) (2); (b) (2) (2).
- ¹² HAVA Section 301 (a) (5).
- ¹³ HAVA Section 101 (b) (1) (G).
- ¹⁴ Hearing of the House Subcomm. on Civil and Constitutional Rights, House Judiciary Committee, on the Lang. Assist. Provis. of the Voting Rights Act, S. 2236, 102 Cong. Rec. at 12 (Apr. 1, 1992) (statement of Margaret Fung, Exec. Dir., AALDEF); Senate Report 102-315, Calendar No. 537 July 2, 1992, at 12.
- ¹⁵ For more detailed information about exit poll findings, see AALDEF, *The Asian American Vote 2004: A Report on the Multilingual Exit Poll in the 2004 Presidential Election*.
- ¹⁶ Hearing of the House Subcomm. on the Constitution, House Judiciary Committee, on the Voting Rights Act: Section 203-Bilingual Election Requirements (Part I), 109th Cong. 35-38 (Nov. 8, 2005) (statement of Margaret Fung, Exec. Dir., AALDEF).
- ¹⁷ Cities and poll sites with large concentrations of Asian American voters were selected based on voter files, census data and interviews with local election officials and community leaders. Sites with a history of voting problems were also selected.
- ¹⁸ The determination of states was based on the size of the Asian American populations, the interest of local groups to co-sponsor the project, and capacity to mobilize the requisite number of volunteers.
- ¹⁹ The survey questionnaire was written in 11 Asian languages: Chinese, Korean, Japanese, Vietnamese, Khmer, Tagalog, Urdu, Bengali, Punjabi, Gujarati, and Arabic, in addition to English. Volunteers were conversant in 41 Asian languages and dialects.
- ²⁰ Civ. No. 06-CV-913 (S.D.N.Y. 2006).
- ²¹ Civ. Action No. 05-11598 (D. Mass. 2005).
- ²² Civ. Action No. 06-4592 (E.D. Pa. 2007).
- ²³ The U.S. Supreme Court upheld the Indiana law in a 6-3 decision. 553 U.S. ____ (April 28, 2008).
- ²⁴ Other surveys, including the census, phrase questions on educational attainment without making distinctions between the education completed abroad and the education acquired in the U.S. The percentages presented in this report reflect educational attainment only in the U.S.
- ²⁵ Limited English proficiency is determined by one's ability to read English less than "very well." U.S. Census Bureau, *Census 2000 Summary File 3, Table PCT62D: "Age by Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over"* (2001); H.R. Rep. No. 102-655, at 7 (1992), as reprinted in 1992 U.S.C.A.N. 766, 771.
- ²⁶ N.J. Stat. § 19:12-7.1(b) (2007).
- ²⁷ Civ. Action No. 06-4592 (E.D. Pa. 2007).
- ²⁸ U.S. v. City of Hamtramck, (E.D. Mich. 2000).

WASHINGTON
LEGISLATIVE OFFICE



March 24, 2009

The Honorable Zoe Lofgren, Chair
The Honorable Kevin McCarthy, Ranking Member
Committee on House Administration
Subcommittee on Elections
United States House of Representatives
Washington, D.C. 20515

Re: "The 2008 Election: A Look Back on What Went Right and Wrong"

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Dear Chair Lofgren and Ranking Member McCarthy:

On behalf of the American Civil Liberties Union (ACLU), its over half a million members, fifty-three affiliates nationwide, and countless additional supporters and activists, we commend the Subcommittee on Elections for holding a hearing to explore the lessons learned from the 2008 election. We thank the Subcommittee for allowing us to submit this letter for the record documenting some of the problems citizens encountered during the 2008 election cycle.

Introduction

According to the Cooperative Congressional Election Survey, 4 million registered voters did not vote in the 2008 presidential election because of administrative problems.¹ Another 4 million to 5 million people reported administrative problems as the reason for not registering.² In order for the United States to continue as one of the world's leading democracies, it must ensure all eligible citizens are able to register and cast their ballots. Unfortunately, onerous requirements and extensive problems with our country's voter registration system have disfranchised millions of voters.

The ACLU's Voting Rights Project has documented many of these problems and has litigated cases across the country to protect our citizens' rights to register and cast a ballot. The Voting Rights Project challenged numerous barriers to voting in the 2008 election, including, for example, restrictive photo ID requirements, vote dilution schemes, lack of minority language assistance, and improper voter purges. This letter, however, focuses on some of the major voter registration problems that stood as both administrative and legal obstacles to voters during the 2008 election.

¹ *Voter Registration: Assessing Current Problems: Hearing Before the S. Comm. on Rules and Administration*, 111th Cong. 1 (2009) (statement of Stephen Ansolabehere, Professor, Department of Government, Harvard University, Cambridge, M.A.), available at http://rules.senate.gov/public/index.cfm?FuseAction=CommitteeSchedule.Testimony&Hearing_ID=c33b5ae8-ace8-413e-85db-a256ce6169f6&Witness_ID=e394ba39-8bf4-441c-8ed3-6e8c68cf4b23.

² *Id.*; see also Editorial, *Shut Out at the Polls*, WASH. POST, Mar. 16, 2009, at A16, available at <http://www.washingtonpost.com/wp-dyn/content/article/2009/03/15/AR2009031501668.html?referrer=emailarticle>.

Processing of Registration Forms and Absentee Ballots

In September 2008, in letters to the Senate Judiciary Committee, House Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties, and this Subcommittee, the ACLU discussed its concerns that DOJ was failing to assist state election officials in facing the unprecedented administrative challenge of backlogged registration applications.³ In 2004, DOJ received many complaints from people who said they were registered to vote, but had not appeared on the voter lists.⁴ Frequently, these people were newly registered voters whose applications had not been processed.⁵ We expressed concern, based on this past experience, that state election officials' failure to process applications, to resolve eligibility prior to rejection of applications, or to clear backlogged new applications would disfranchise many citizens, especially minority and young voters.

As predicted, in the 2008 election season, citizens registered to vote in record rates. Unfortunately, in many instances, election officials failed to process voter registration forms and absentee ballot applications on a timely basis thereby preventing citizens from voting. During the monitoring of the election, the ACLU received calls from people who said the registration forms they filled out at their local motor vehicle offices had not been processed, or that, similarly, their requests for absentee ballots had not been processed or the requested ballots were not received in time to vote.

Registration List Matching Issues

Much of the ACLU's 2008 election litigation dealt with voter registration list problems. State party officials challenged registered voters and voter registration applicants as non-residents based on various database matches or comparisons. For example, in Montana, Republicans challenged 6,000 potential Democratic registered voters as non-residents prior to the 2008 election because their names appeared on a U.S. Postal Service change of address registry. The Secretary of State, however, instructed the counties involved not to process the challenges. A federal court, in a suit brought by the Montana Democratic Party, later ruled that the "timing of the challenges is so transparent it defies common sense to believe the purpose is anything but political chicanery."⁶

In other states, election officials pressed for voter database matching. For example, Georgia, relying upon a comparison of voter registration lists with drivers' license lists, sent letters to 5,000 voters or applicants for registration advising them that they would not be allowed to vote in the November 2008 election unless they submitted proof of citizenship. A three-judge court ruled that the database matching constituted a change in voting that first required pre-clearance by the Department of Justice under Section 5 of the Voting Rights Act. The court further required the state to notify all those who

³ Letter from Caroline Fredrickson, Director and Deborah J. Vagins, Legislative Counsel, Washington Legislative Office, American Civil Liberties Union to Chairman Patrick Leahy and Ranking Member Arlen Specter, Committee on the Judiciary, United States Senate (Sept. 9, 2008) (on file with authors), available at http://www.aclu.org/images/asset_upload_file353_36689.pdf; Letter from Caroline Fredrickson, Director and Deborah J. Vagins, Legislative Counsel, Washington Legislative Office, American Civil Liberties Union to Chairman Jerrold Nadler and Ranking Member Trent Franks, Subcommittee on the Constitution, Civil Rights, and Civil Liberties of the Committee on the Judiciary and Chairwoman Zoe Lofgren and Ranking Member Kevin McCarthy, Subcommittee on Elections of the Committee on House Administration, United States House of Representatives (Sept. 23, 2008) (on file with authors), available at http://www.aclu.org/images/asset_upload_file396_36895.pdf.

⁴ *Lessons Learned in the 2004 Presidential Election: Hearing Before the Subcomm. on the Constitution, Civil Rights, and Civil Liberties of the H. Comm. on Judiciary*, 110th Cong. 3 (July 24, 2008) (Statement of Gilda R. Daniels, Asst. Professor, Univ. of Baltimore School of Law).

⁵ *Id.*

⁶ *Montana Democratic Party v. Jacob Eaton*, Case 9:08-cv-00141-DWM, at 10 (D. Mont. Oct. 8, 2008).

had been sent challenge letters that they would be allowed to vote on Election Day through a special procedure ordered by the court, after which their votes would be counted if they established their citizenship.⁷

In Ohio, the state Republican Party attempted to purge registration lists and/or challenge newly registered voters whose information did not perfectly match Department of Motor Vehicle records. In fact, almost a third of all newly registered voters in Ohio had some problem with the database match. Not surprisingly then, on Election Day, the ACLU received calls on its voter protection hotline from people who showed up at the polls to vote, but whose names did not appear on the registration lists.

Time Periods for Registration Prior to an Election

Currently, there is a patchwork of laws across the country with varying registration requirements for individuals who move less than 30 days before an election. Relocating from one state to another should not cause someone to lose his or her right to vote. In practice, however, these laws can prevent citizens from voting, and often disproportionately impact young voters and military families who are frequently more mobile. Moves within a state can be even more complex, with rules sometimes depending on when the voter moved and whether the voter moved across precinct, city, or county lines. In Ohio, the ACLU even documented problems where voters were threatened with prosecution for requesting ballots if they had not been registered for 30 days in advance of the November 2008 election. Such complexity breeds confusion and calls out for a simplified standard.

Proof of Citizenship for Voter Registration

Proof of citizenship requirements have also deprived many people of the right to vote. For example, Arizona voters approved a proof of citizenship requirement for voter registration in 2004. Between January 2005 and the fall of 2007, 31,550 voter registration applications were rejected for failure to provide proof of citizenship. Only 11,000 of the total were subsequently able to register, even though some 90 percent of the applicants claimed the United States as their place of birth. The district court upheld the constitutionality of the proof of citizenship statute in a challenge brought by several plaintiff groups.⁸

Student Voter Registration Requirements

The ACLU has found that students in several states have been subjected to improper residency challenges. Many local jurisdictions apply a special, and unconstitutional, presumption that students cannot be residents of the places where they attend school. For example, the ACLU worked on behalf of students at Georgia Southern University in Statesboro, who had been challenged as non-residents. Currently, the ACLU and other organizations are investigating complaints from students attending Georgia Southern College in Cochran, who were denied the right to vote in 2008 because they were not deemed to be local residents.

Georgia was not the only instance of local officials dissuading students from registering in 2008. This past fall, a registrar in Virginia incorrectly advised students attending an in-state university that their parents would not be able to claim them as dependents on their federal income tax returns if they registered to vote in Virginia. To help disseminate corrective registration information, the ACLU of Virginia faxed letters to 30 local registrars in Virginia urging them to allow students to register to vote

⁷ *Morales v. Handel*, No. 1:08-CV-3172 (N.D. Ga. Oct. 27, 2008).

⁸ *Intertribal Council of Arizona, Inc. v. Brewer*, No. CV06-01362 (D. Ariz. Aug. 20, 2008).

where they were attending school. The ACLU of Virginia also sent letters to local Virginia papers setting out the legal standards for student registration.

Homeless Voter Registration Requirements

There are also inconsistent standards for homeless voter registration. A person need not have a home in order to register and vote, but that fact is not widely understood. Only thirteen states have enacted homeless voting rights statutes. Fifteen others have some sort of written policy or formal opinion allowing homeless voter registration. The remaining states rely on judicial decisions or informal guidance, and too often that information does not filter down to lower level election workers. Even those states that have statutes or binding decisions protecting homeless voter registration have widely varying requirements. For example, some require a mailing address while others do not; some will accept a post office box while others will not. The resulting inconsistency operates as a barrier to full participation by homeless Americans, a disproportionate number of whom are veterans of our military.

Felony Disfranchisement Laws and Misinformation

In a recent report, the ACLU and the Brennan Center documented that confusing and highly varied state laws regarding voter registration for citizens with a past felony conviction have led to the dissemination of incorrect information regarding those citizens' ability to register.⁹ Inaccurate information regarding registration eligibility has led to widespread disfranchisement of eligible voters across the country.¹⁰ For example, in February 2009, the ACLU filed suit in South Dakota against state and local election officials who refused to allow people to vote who were convicted of offenses, but not sentenced to prison, despite state law which allows such persons to vote.

In Alabama, the ACLU is challenging that state's lack of clarity over what crimes are disfranchising. The legislature has compiled a short list of such offenses; however, the state's Attorney General has compiled a much more extensive list that is being used to prevent people from voting. Such unnecessary and confusing registration standards have led to the disfranchisement of untold numbers of would-be voters in Alabama and have left litigation as the only option to clarify the standards for an eligible citizen's right to vote.

Finally, the ACLU is also challenging a state law in Arizona that does not allow individuals with former felony convictions to register and vote until they have paid all their court costs, fines, and restitution associated with their sentence. The plaintiffs contend that conditioning the right to vote on the payment of any fee is in the nature of a poll tax in violation of the Twenty-Fourth Amendment. The complaint was dismissed by the district court and is now on appeal.

Conclusion


We appreciate the Subcommittee's examination of some of the barriers our citizens faced in the November 2008 elections. Due to inconsistent information, onerous requirements, and improper election administration our registration system all too frequently robs citizens, often those most vulnerable citizens, of their fundamental right to vote. Reforming our nation's registration system, with appropriate safeguards, should be a high priority for Congress. We look forward to working with the Subcommittee as it seeks solutions to these problems and protects voter access.

⁹ ERIKA WOOD & RACHEL BLOOM, DE FACTO DISENFRANCHISEMENT 6 (2008), available at http://www.aclu.org/pdfs/raacialjustice/defactodisenfranchisement_report.pdf.

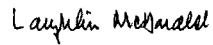
¹⁰ *Id.*

If the Subcommittee has any questions regarding the registration problems described above or would like any additional information on other voting rights issues in the 2008 election, please contact Deborah J. Vagins at (202) 715-0816 or dvagins@dcacclu.org.


Sincerely,



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cc: Members of the Subcommittee on Elections

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**Statement of Miles Rapoport
President, Démos**

**Committee on House Administration,
Subcommittee on Elections**

HEARING ON THE 2008 ELECTION: A LOOK BACK AT WHAT WENT RIGHT AND WRONG

March 26, 2009

As a national non-partisan organization dedicated to protecting and enhancing the democratic rights of U.S. citizens, Démos commends the House Subcommittee on Elections for convening a hearing on *The 2008 Election: A Look Back at What Went Right and Wrong*, on March 26, 2009. Démos takes this opportunity to submit the following comments on continuing serious problems with voter registration experienced by millions of eligible voters during the most recent election cycle. We hope that the Subcommittee will embrace the opportunity to explore reforms in election administration that can address these serious problems and ensure that every American has the opportunity to register to vote and participate in the political process.

Denial of Voter Registration Opportunities to Low-Income Voters

Ensuring access to voter registration for low-income citizens, who all too often have been left out of the electoral process because of unnecessary barriers to voter registration, was a key priority for the Democracy Program at Démos during the 2008 election cycle. Our research, investigation and advocacy revealed massive, long-standing failings in states' compliance with Congress' key initiative to ensure full access to voter registration for low-income citizens, the National Voter Registration Act of 1993 ("NVRA").

Through enactment of the NVRA in 1993, Congress aimed to increase voter participation by simplifying "unfair registration laws and procedures,"¹ especially for historically disfranchised populations. Although the NVRA may be popularly known as the "Motor-

¹ 42 U.S.C. § 1973gg(a)(1)

Voter" law because of its requirement for providing voter registration through state DMV offices, an equally important part of the law is its requirement that state public assistance offices (administering programs such as Food Stamps, TANF, Medicaid and WIC) must provide voter registration services to all persons applying for benefits, recertifying their eligibility for benefits, or recording a change of address.

Despite states' obligations under the NVRA, data strongly suggest that public assistance agencies across the country are not complying with their obligation to provide voter registration services. Dēmos' research shows that between initial implementation of the law in 1995-1996 and the most recent data reported by the EAC for 2005-2006, voter registration applications from public assistance agencies have declined by 79 percent nationwide. Nine states reported decreases of 90 percent or more.² Poor compliance with the NVRA perpetuates an already troubling discrepancy in political participation: nationwide, 80 percent of citizens in households making \$100,000 or more are registered to vote, compared with only 60 percent of citizens in households making less than \$25,000.³

Representative of the problem, but by no means the only offender, was Missouri's Department of Social Services (DSS). The state of Missouri has a substantial income gap with respect to those registered to vote: only 66 percent of adult Missouri citizens in households making less than \$25,000 a year were registered to vote in 2006 compared to 85 percent of those in households making \$100,000 or more. According to data from the Federal Election Commission and Election Assistance Commission, voter registrations from public assistance agencies dropped by 88 percent in Missouri between 1995-1996 and 2003-2004.

Field investigations confirmed what the numbers strongly suggested, specifically, that the agency was not providing the opportunity to register to vote to every individual who applied, recertified, or changed an address in connection with public assistance benefits. We notified the Secretary of State and agency Director about our findings. When we received no response that the offices would change their practices, Dēmos – together with partners including the Lawyers' Committee for Civil Rights Under Law, Project Vote, and a pro bono law firm – filed a complaint in federal district court and requested a preliminary injunction for immediate relief in light of the then-upcoming election.

On July 9, 2008, the court heard testimony from eleven witnesses and accepted extensive written submissions from the parties. Less than a week after the hearing, on July 15, the Court issued the preliminary injunction we had requested, finding that Missouri DSS had violated the NVRA by failing to provide plaintiffs – and tens of thousands of other low-income Missourians – with the opportunity to register to vote required by the NVRA.⁴ The state's own documents confirmed that the state was short by approximately *one million* of the number of voter registration applications that would have been necessary to provide required voter registration services to DSS clients between 2003 and 2008. Other evidence showed that voter registrations applications completed by clients had been allowed to pile up on a caseworker's desk for more than a year without being submitted to election authorities for

² Douglas Hess and Scott Novakowski, *Unequal Access: Neglecting the National Voter Registration Act* (Feb. 2008), available at <http://www.demos.org/pubs/UnequalAccessReport-web.pdf>. To put these declines in context, it is important to understand that the maximum possible decline in voter registrations is 100%: a 100% decline means that the number of voter registrations at public assistance agencies has declined to zero, with no further decline being numerically possible. Accordingly, a 79% nationwide decline in voter registrations at public assistance agencies – with some states recording a 90% decline – indicates an extremely grave compliance problem, approaching the outer mathematical boundary for a reduction in voter registrations.

³ *Id.* at 3, citing Douglas R. Hess, Project Vote, "Representational Bias in the 2006 Electorate," (2006), Table 6: Household Income and Voting Behavior, available at <http://www.projectvote.org>.

⁴ *ACORN, et al. v. Scott, et al.*, 2:08-cv-04084 (W.D. Mo., July 15, 2008), available at <http://www.demos.org/publication.cfm?currentpublicationID=39FF09AD-3EF4-6C82-5C632CE1D7216F235>.

processing, and that many local offices were simply unaware of their voter registration obligations. Based on these and other violations, the court directed the agency to immediately comply with the voter registration requirements of the NVRA and adopt a comprehensive plan on how to do so.

As a result, voter registration applications received at DSS offices skyrocketed. Whereas all Missouri public assistance agencies had received a total of only 15,500 registration applications over a two-year period in 2005-2006, DSS alone has since received over 70,000 registrations since August 2008 and the end of January 2009. The state's public assistance agency received over 12,700 registrations per month in five and a half months since the court order went into effect - a staggering increase over its previous two-year average of just 649 applications a month.

Dēmos is currently working in at least 10 states to overcome similar problems in compliance with states' voter registration obligations under Section 7 of the NVRA, and data from many more states indicate the need for investigation and enforcement. This problem affects millions of low-income persons who are missing the opportunity to register to vote at a local public-assistance agency. For many low-income individuals, such agencies may be their sole point of contact with the government, and sole opportunity to register to vote.

Ensuring states' compliance with their obligations under Section 7 of the NVRA must be a priority so that low-income citizens may register and participate in our political process, as Congress had intended 15 years ago in passing the NVRA. We are encouraged that the Voting Section of the U.S. Department of Justice, after years of neglecting its responsibility to enforce Section 7 of the NVRA, has entered into settlements with two states in the past year since Dēmos and its partners met with the leadership of the Voting Section last year.⁵ However, there is much more work to be done to fulfill the promise of the NVRA for ensuring the political participation of low-income citizens.

Denial of Voter Registration Opportunities to Veterans

As this Subcommittee is aware, many of our nation's veterans experienced serious obstacles to voter registration and the vote prior to the 2008 presidential election. Many veterans reside for extended periods at VA facilities -- nursing homes, emergency housing, rehabilitative care centers, or some other type of facility with few on-site voter registration services-- and some, especially those who are disabled, face significant obstacles to traveling off-campus for voter registration.⁶ This problem was exacerbated prior to the 2008 elections by shifting and detrimental VA policies.

In the months preceding the 2008 presidential election, the Veterans Health Administration issued and withdrew no less than three different policies on voter registration. The first policy directive, VHA Directive 2008-23 issued on April 25, 2008, required all VA facilities to develop comprehensive voter registration plans to assist veterans in voting, required the VA to publicly post voter registration information for veteran inpatients, and required that VA facilities provide absentee voter applications if patients cannot leave the facility. Unfortunately, two and a half

⁵ See DOJ NVRA settlements with Arizona (available at <http://www.demos.org/publication.cfm?currentpublicationID=BB58168C-3FF4-6C82-5DEC8F3E8A072061>) and Illinois (available at <http://www.demos.org/publication.cfm?currentpublicationID=51787F81-3FF4-6C82-568C31CA2CEDD7CD1>).

⁶ In 2006, 773,600 veterans obtained treatment at inpatient VA facilities. See <http://www.va.gov/opa/fact/safiers.asp> (last viewed September 6, 2008).

weeks later, it issued Directive 2008-25, rescinding Directive 2008-23 and announcing a broad *prohibition* against any third-party voter registration drives. In addition, the VA refused to accede to state requests from California, Connecticut, Vermont, North Carolina, and Arkansas that VA facilities serve as voter registration agencies and conduct voter registration themselves (to obviate the problem of a lack of third party voter registration).⁷ State designation of federal agencies as voter registration agencies is provided for in the National Voter Registration Act.⁸

We know from our work that this second policy inhibited voter registration assistance at VA facilities. In mid-August of 2008, a colleague forwarded an inquiry from a veteran who wanted to organize a group of veterans to conduct non-partisan voter registration at a VA facility. After receiving Directive 2008-025 and information about VA Form 10-0462 (which the group of veterans would have needed to sign), he indicated that he felt it would be futile to request approval to try to register veterans at VA facilities.⁹

On September 8, 2008, after the Senate Rules Committee scheduled a hearing on the issue of voter registration assistance for veterans, the VA rescinded Directive 2008-025 and adopted its third policy on voter registration, Directive 2008-053. While an improvement over the second policy, the registration problem remained as the directive required only that each VA facility must adopt “a written published policy on voter assistance” and that information on registering and voting must be posted throughout VA facilities.¹⁰ The new policy neither imposed any affirmative obligation on VA facilities and agencies to register veterans and failed to clarify whether and to what extent outside groups would actually be permitted to conduct voter registration activities. Indeed, the volunteers with responsibility for the policy were prohibited from affirmatively offering voter registration because each had to sign a form agreeing that (1) s/he would strictly limit voter registration assistance to only those veterans who specifically requested it, and (2) s/he would not encourage political participation through voting.¹¹

Data collected by the U.S. Census Bureau indicate that a significant number of veterans remain unregistered to vote. In fact, over 5.3 million veterans (23.2 percent of all veterans) were not registered to vote in 2006.¹² There are also significant gaps in registration rates between more highly educated and affluent veterans and those with lower education and lower income, indicating the need for greater voter registration outreach among such veteran populations. In 2006, only 70 percent of veterans with a high school diploma or less were registered to vote compared to 83 percent of those with a baccalaureate degree and 88 percent of those with an advanced degree.¹³ Similarly, only 73 percent of veterans in households with incomes below \$25,000 were registered to vote compared to 85 percent of veterans in households making \$100,000 or more a year.¹⁴

During the 110th Congress, Representative Robert Brady and Senators Diane Feinstein John Kerry introduced legislation in the House of Representatives (H.R.6625) and U.S. Senate (S. 3308) that would have required the Department of Veterans Affairs to approve state requests for designation of VA sites as voter registration agencies, in

⁷ See Written Testimony of Lisa J. Danetz before the Committee on Rules and Administration, United States Senate, at 8 (September 15, 2008), available at http://www.demos.org/publication.cfm?current_publicationID=B9461641%2D3FF4%2D6C82%2D5A2FC05FB2A30A6A.

⁸ 42 U.S.C. § 1973gg-5(a)(3)(B)(ii).

⁹ Written Testimony of Lisa J. Danetz, *supra*, at 7.

¹⁰ VHA Directive 2008-053 at 4.b(1), available at http://www1.va.gov/VHAPUBLICATIONS/ViewPublication.asp?pub_ID=1756.

¹¹ See Transcript of Oral Testimony of Lisa J. Danetz before the Committee on Rules and Administration, United States Senate, at 31 (September 15, 2008).

¹² Source: U.S. Census Bureau, Current Population Survey, Voting and Registration in the Election of November 2006, Table 15b, available at <http://www.census.gov/population/www/socdemo/voting/cps2006.html>.

¹³ *Id.*

¹⁴ Source: U.S. Census Bureau, Current Population Survey, Voting and Registration in the Election of November 2006, analysis by Dēmos.

accordance with the National Voter Registration Act. The bills also directed the VA to facilitate voter registration activities by nonpartisan organizations and elections officials. The House passed the legislation but the Senate adjourned amidst extensive negotiations in the Senate Rules Committee over the bill. Thus, voter registration of veterans remains an issue.

We hasten to add our strong belief that the mechanism provided for in the National Voter Registration Act for designation of divisions of the federal government as voter registration agencies should not be restricted to the Department of Veterans Affairs. Extending voter registration opportunities for many citizens who interact with other federal agencies could help expand the franchise. Preliminary research suggests that voter registration could rise among newly-naturalized Americans and lower-income applicants and recipients of Supplemental Security Income and/or Social Security Disability Insurance if divisions of the United States Citizenship and Immigration Services and the Social Security Administration were also designated as voter registration agencies.

Voter Registration Problems Revealed By Provisional Ballot Usage

Experts estimate that as many as 3 million votes were lost in the 2000 election because of registration problems alone.¹⁵ The Help America Vote Act of 2002 (HAVA) and its provisional balloting requirement were a response to these widespread problems. To ensure that no voter is turned away from the polls, provisional ballots are to be distributed to individuals who, among other things, believe they are registered to vote but whose names cannot be found on the voter rolls at the polling place. Provisional votes are subsequently counted if election officials are able to verify that the individual is a legitimate voter under state law.¹⁶ While provisional ballots can save votes, they are not without their problems.¹⁷

While provisional ballots themselves pose many problems, their use (and abuse) is actually a symptom of a much more fundamental problem: a dysfunctional voter registration system. Examination of provisional ballot data can thus shed light on the scope and character of the problems affecting our registration system. Nationwide, hundreds of thousands, sometimes even millions, of voters who believe they have properly taken the steps necessary to register to vote are showing up at the polling place only to find their names omitted from the voter rolls. In many cases, their provisional ballots are not counted.

Over 1.9 million provisional ballots were cast in the 2004 presidential election.¹⁸ Sixteen states reported that over 1 percent of all ballots cast in that election were provisional.¹⁹ Provisional ballots made up over 3 percent of ballots cast in six states and over 5 percent in another three states.²⁰ In the 2006 midterm election, twelve states reported

15 Caltech/MIT Voting Technology Project, *Voting: What Is, What Could Be* (July 2001).

16 42 U.S.C. § 15482.

17 See e.g. Scott Novakowski, *A Fallible 'Fail-Safe': An Analysis of Provisional Balloting Problems in the 2006 Election* (Dēmos, November 2007), available at <http://www.demos.org/pubs/failsafereport.pdf>; Scott Novakowski, *Provisional Ballots: Where to Watch in 2008* (Dēmos, October 2008), available at http://www.demos.org/pubs/provisionalballot_brief.pdf; and Advancement Project, *Provisional Voting: Fail Safe Voting or Trapdoor to Disenfranchisement* (September 2008), available at <http://www.advancementproject.org/pdfs/Provisional-Ballot-Report-Final-9-16-08.pdf>.

18 Kimball W. Brace and Michael P. McDonald, *2004 Election Day Survey* (U.S. Election Assistance Commission, 2005), http://www.eac.gov/election_survey_2004/toc.htm.

19 Eagleton Institute of Politics, Rutgers University and Moritz College of Law, The Ohio State University, *Report to the U.S. Election Assistance Commission on Best Practices to Improve Provisional Voting* (2006), available at http://www.eagleton.rutgers.edu/News-Research/ProvisionalVoting_VoterID.html.

20 Ibid.

that over 1 percent of ballots cast were provisional, with Arizona reporting a provisional balloting rate of 4.7 percent and Ohio a rate of 3 percent.²¹

While nationwide provisional balloting data from the 2008 election is not yet available, Ohio is one state that is again attracting attention for its high provisional balloting rate. Statewide, 3.6 percent of votes cast were provisional, up from an already-high 3 percent in 2006.²² Franklin County, home to city of Columbus, had a rate of 5 percent and Cuyahoga County, containing Cleveland, had a rate of 4.3 percent.²³

Such high numbers of provisional ballots and high provisional balloting rates are indicative of breakdowns in our registration system. In most cases, provisional voters clearly believe they have followed all the steps required to be registered to vote. In fact, HAVA requires that each provisional voter sign an affirmation attesting that they are a registered voter.²⁴ Calls received by the Election Protection hotline in 2006 confirm that many voters given provisional ballots believed they had properly registered, some even saying they had confirmed their registration status with election officials as recently as the day before the election.²⁵ Furthermore, numbers of provisional ballots cast do not include the throngs of voters who were erroneously turned away from the polls without being offered a provisional ballot or refused to cast one because they believed it would not count.²⁶

Just as troubling as high rates of provisional ballots being cast are the large numbers of provisional ballots that are rejected. In 2004, over one in three of the 1.9 million provisional ballots cast were ultimately rejected.²⁷ In 2006, almost 22 percent of the 791,483 provisional ballots cast were rejected.²⁸ Because HAVA left up to the states the decision of which provisional ballots to count, states vary dramatically in their rejection rates. In 2006, for example, rejection rates ranged from a high of over 93 percent in Kentucky to 1.6 percent in Oregon. The primary reason provided by the states for rejecting provisional ballots that year was because voters were determined to be “not registered.” The second most frequent reason was that the ballot was cast in the “wrong precinct.”²⁹ Thus, the majority of rejected provisional ballots in 2006 were discarded because of problems directly related to voter registration.³⁰ In these circumstances, not only is our registration system failing our citizens, but the safety net designed to protect them is also proving ineffective.

The widespread use of provisional ballots is indicative of fundamental, underlying problems with our voter registration system. While increasing access to the franchise, voter registration reform would also largely eliminate the problems associated with provisional ballots. By tackling these problems, registration reform would reduce

21 U.S. Election Assistance Commission, 2006 Election Administration and Voting Survey, available at <http://www.eac.gov/program-areas/research-resources-and-reports/completed-research-and-reports/election-day-survey-results>.

22 Ohio Secretary of State, 2008 Election Results, available at <http://www.sos.state.oh.us/SOS/elections/elecResultsMain/2008ElectionResults.aspx>.

23 Ibid.

24 42 U.S.C. § 15482(a)(1),(2)

25 Scott Novakowski, *A Fallible 'Fail-Safe': An Analysis of Provisional Balloting Problems in the 2006 Election* (Dēmos, November 2007), available at <http://www.demos.org/pubs/failsafereport.pdf>

26 Ibid.

27 EAC, 2004. See note [4].

28 EAC, 2006. See note [7].

29 In 2006, thirty states and the District of Columbia automatically rejected provisional ballots cast in the wrong precinct even if they were cast in the correct jurisdiction or, in some cases, even the correct polling place.

30 In 2006, 66 percent of rejected provisional ballots were discarded for the following reasons: the voter was determined to be “not registered,” the voter’s registration was “not timely received” by election officials, the voter was purged from the rolls, or because the provisional ballot was cast in the wrong precinct or jurisdiction. EAC, 2006. See note [7].

the usage of, and problems related to, provisional ballots. Indeed, states that allow Election Day or Same Day Registration report much lower numbers of provisional ballots. For example, in 2006, Wisconsin reported 271 provisional ballots cast and Wyoming reported only 22 statewide.³¹ After adopting EDR in 2007, Iowa experienced a dramatic drop in provisional ballot usage, from 14,661 provisional ballots in the 2004 election to only 4,725 in 2008.³² North Carolina also experienced a huge drop: 92,533 provisional ballots were cast in the 2006 general election, as compared to 53,972 in the high-turnout 2008 presidential election. Gary Bartlett, Executive Director of the North Carolina State Board of Elections, has attributed this drop to the state's use of Same-Day Registration.

Harassment of Voters Using Lawful Voter Registration Methods in Ohio

Other disturbing voter registration problems observed by Dēmos during Election 2008 included harassment of and unfounded accusations against lawful registrants by law enforcement authorities in Greene County and Hamilton County, Ohio.

Under Ohio law, voters are permitted to register and cast an in-person absentee ballot on the same day during the six-day window between the beginning of early voting and the end of the registration period. This "Golden Week" for same-day registration in Ohio extended from September 30 through October 6, 2008 in the recent presidential election. Despite legal challenges to this registration procedure by the Ohio Republican Party, four different federal and state courts upheld the lawfulness of this registration method in decisions issued in late September 2008.³³

Despite the clear lawfulness of Ohio's same-day registration procedure under both Ohio and federal law, law enforcement officials in Greene County, Ohio, announced that they were launching an investigation into voting by each of the 302 persons in Greene County who registered and cast an absentee ballot on the same day during the period September 30 through October 6. The Greene County sheriff announced the investigation even though he acknowledged in news reports that he lacked any first-hand reports or evidence that could support allegations of voter fraud. Instead, the only grounds cited for the investigation were unsubstantiated "concerns" expressed in telephone calls by members of the public who appeared to object to registration and voting by students in the community, unaccompanied by any specific allegation of actual fraud or other illegal conduct committed by any specific voter.

After learning of this disturbing threat of voter harassment, Dēmos immediately drafted a letter to the Greene County Sheriff and Prosecuting Attorney stating that a law-enforcement investigation based solely on the fact that a voter registered to vote using lawful methods threatened the federally protected rights of Greene County voters under Section 11(b) of the Voting Rights Act of 1965, among other protections.

³¹ EAC, 2006. See note [7].

³² Iowa Secretary of State 2008 Report, available at <http://www.sos.state.ia.us/pdfs/2008report.pdf>.

³³ Dēmos participated as counsel in defending the legality of Ohio's same-day registration period in conjunction with a variety of Ohio voters and advocacy groups. The litigation is described further in the attached letter to Greene County officials dated October 10, 2008 (also available at: <http://www.demos.org/pubs/GreeneCountyLetterFinal.pdf>)

Section 11(b) of the Voting Rights Act, 42 U.S.C. § 1973i(b), provides:

No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6, 8, 9, 10, or 12(e).

Our letter pointed out that an investigation based on nothing more than a voter's decision to use a lawful method of registration would surely chill the willingness of voters in Greene County to exercise their right to register to vote in future elections, and that it was difficult to view such an investigation as anything other than unlawful intimidation under Section 11(b) of the Voting Rights Act. We accordingly urged the Greene County officials immediately to cease their investigation and we provided a copy of our letter to the U.S. Department of Justice. Fortunately, within hours after we sent our letter, Greene County officials announced that they were dropping their investigation.

Officials in Hamilton County, Ohio also made highly publicized and unwarranted allegations of voter fraud against some 600 Hamilton County voters who took advantage of the same-day registration window during the 2008 election. In announcing the investigation, Hamilton County Prosecuting Attorney Joe Deters declared "We know of certain voter fraud."³⁴ However, after news reports noted that Mr. Deters was serving as the Southwest Ohio Regional Chairman of the McCain campaign, Mr. Deters recused himself from the investigation and turned it over to a court-appointed special prosecutor.

In January 2009, the special prosecutor released a report establishing that the claims of voter fraud were in fact groundless.³⁵ "Ultimately," the report stated, "the investigators discovered get-out-the-vote practices, sponsored by community organizations, which took full advantage of this unique absentee-voting period, but no evidence that these practices violated Ohio law."³⁶

Dêmos is concerned that these groundless accusations of voter fraud, and unwarranted investigations of lawful voter registration, may chill lawful voter registration activities. The Subcommittee may wish to inquire whether the Voting Section of the U.S. Department of Justice uncovered other instances of voter registration intimidation through similar tactics during the 2008 election and, if so, what steps are being taken to address this problem.

CONCLUSION

Dêmos appreciates this opportunity to inform the Subcommittee on Elections of the serious voter registration problems that continue to impede and deter millions of citizens from full participation in the political process. We look forward to working with the Subcommittee on its continuing efforts to address and overcome these problems in the 111th Congress.

³⁴ Kimball Perry and Howard Wilkinson, "Deter Steps Out of Voter Probe," Cincinnati Enquirer, October 20, 2008

³⁵ "Vote fraud claims were wrong," Cincinnati Enquirer, January 28, 2009, available at <http://news.cincinnati.com/apps/pbcs.dll/article?AID=AB/20090128/NEWS01/901280317/>

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March 25, 2009

U.S. House of Representatives Committee on House Administration
Elections Subcommittee
1310 Longworth House Office Building
Washington, DC 20510

Dear Committee Members:

Thank you for holding this timely and important hearing, *The 2008 Election: "A look back on what went right and wrong."* As you will certainly hear from those invited to testify, our current voter registration system is riddled with problems and susceptible to breaking down at several points throughout the process—from filling out a registration form to voting on Election Day. In the November 2008 General Election, voters across the country were denied their right to vote because of bureaucratic hassles, unclear directions and a system in need of a major overhaul.

Leading up to the November election, FairVote surveyed hundreds of local election officials in counties in states of particular focus to the presidential candidates in order to better understand the problems voters might face on Election Day. (See attached final report.) Among other key findings, we determined nearly all of the jurisdictions prepared their machine and poll booth allocation plans several weeks or months in advance of their states' voter registration deadline. Since many voters register in the weeks leading up to the deadline, local officials were unprepared for the surge in turnout, compared to previous election cycles. This problem, and others, could have been avoided if the government took the position that it anticipates voter participation—and is not surprised by it.

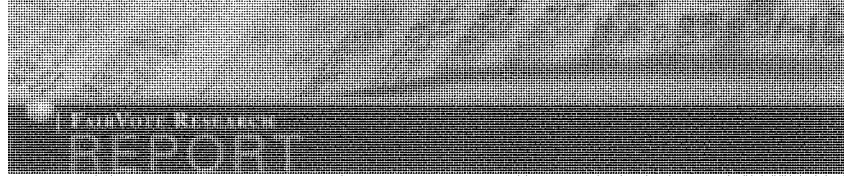
Instead of anticipating participation, our current system expects voter apathy. Unlike most democratic countries around the world, the U.S. has a self-initiated, opt-in system of voter registration where voters themselves are solely responsible for ensuring accurate and complete voter rolls. We urge this committee to explore options that will move toward a system of automatic voter registration, where citizens have the opportunity to opt-out of the process if they so choose. Policies like systematically pre-registering 16-year-olds in high schools, automatically registering any eligible voter who interfaces with a government agency and allowing citizens the opportunity to correct any voter registration error on Election Day will dramatically improve our system, reduce burdens on local officials and bring the United States into the international mainstream in this important area.

Thank you again for holding this hearing. I hope this will be the first of many opportunities the voting rights community will have to move our voter registration system into the 21st Century.

Sincerely yours,

Rob Richie
Executive Director

FairVote Board of Directors: John Anderson ◊ Edward Hailes ◊ Hendrik Hertzberg
Malia Lazu ◊ Pete Martineau ◊ Krist Novoselic ◊ William Redpath
Ken Ritchie ◊ Cynthia Terrell ◊ David Wilner



Uniformity in Election Administration: A 2008 Survey of Swing State County Clerks National Edition

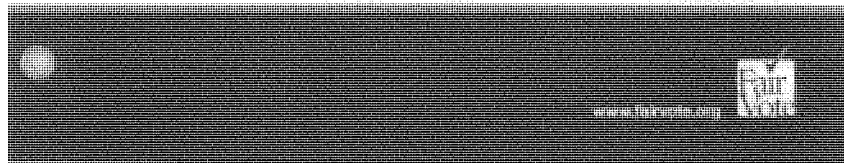
By Allison McNeely and Adam Fogel
October 27, 2008

Introduction

The Democracy SOS Project aims to increase transparency in election administration and to monitor the actions of election officials, starting with Secretaries of State. This series reports the results of surveys of county clerks in 10 "swing states" during the 2008 presidential election. FairVote staff and interns surveyed nearly every county clerk in Missouri, New Mexico, Colorado, Pennsylvania and Virginia, as well as election officials in counties with at least 500,000 residents in Ohio, Florida, Minnesota, Michigan and Wisconsin.

We asked questions designed to shed light on the practices of the county, as well as their interpretation and compliance with state law. We asked questions regarding the allocation of voting machines and poll booths in order to assess the county clerks' preparedness in ensuring that there would not be long lines and everyone would be able to vote on Election Day. We asked every county clerk if they planned to put together a written allocation plan of their machines/booths to assess if these plans have been well thought out. We inquired as to when draft and final versions of the ballot would be ready to assess their clarity and ensure the public has time to review the ballot before Election Day, which helps cut down the amount of time voters spend in the voting booth. Finally, we asked about the number of post-secondary institutions in each county and if they had on-campus polling locations to evaluate accessibility for youth voters.

For our national survey, we phoned counties in the 10 states with populations over 500,000. In total, we attempted to contact 35 counties – spanning from 11 counties in Florida to just 1 in Virginia and Wisconsin. Unfortunately, we were unable to reach 9 counties out of the 35 called. These counties include Miami-Dade, Florida; Broward, Florida; Hillsborough, Florida; Pinellas, Florida; Volusia, Florida; Jefferson, Colorado; Wayne, Michigan; Macomb, Michigan; and Kent, Michigan. For a complete list of counties, see Appendix A.



Type of Voting Equipment and Number per Precinct

The first question we asked each county clerk clarified the voting equipment used in the county as well as the number of machines per precinct. We looked up the machines used in each county and whether or not they had central or precinct-based count on the website *verifiedvoting.org*, and then compared the information to responses by the county clerks. All the county clerks we spoke with were able to successfully state which types of voting equipment they used and the number of machines per precinct. The most common types of machines used are the optical scan and the DRE for accessible voting. A few counties opted to use the automark, an accessible ballot marker instead of the DRE touch screens. The number of machines per precinct varied greatly – some counties had 1 optical and 1 DRE per precinct,¹ but each county had at least two machines of some kind per precinct.

Voting Equipment Used in Counties with Populations over 500,000

	Optical Scan	DRE TS/PB/Dial	Automark
Number of Counties*	18	19	7

*Out of 26 surveyed

The Help America Vote Act (HAVA) of 2002 does not specify what kind of voting equipment states must use. Furthermore, there are no requirements for the number of voting machines they have to put in each precinct. Requirements surrounding accessible voting state there must be some kind of accessible voting machine available to voters at each polling location, but not much more is required of the election official. The lack of specificity in HAVA may explain why we found such varied results for the type of voting machine used in the states and the numbers they allocated to each precinct. In short, insufficient federal guidelines address the issue of voting system uniformity and their allocation.

Allocation of Poll Booths in each Precinct

The next question sought to address how county clerks determine the number of poll booths needed for the upcoming presidential election. This question was difficult for many election supervisors to answer due to several states' upcoming primaries; they were not thinking that far ahead.

In general, election supervisors cited experience, past voter turnout, current voter registration, and precinct population most frequently as factors that they use to determine the number of booths needed. Some of the more promising responses included references to a specific number of registered voters per voting booth or DRE. Summit, Ohio and Oakland, Michigan will allocate 1 booth per every 100 voters. El Paso, New Mexico will allocate 1 booth per every 400 registered voters. For the counties that only used DRE systems, Montgomery, Ohio will have 1 machine per

Officials “did not say how they used [voter registration and previous turnout] to determine an effective allocation.”

¹ Hamilton, Orange, Lee, Polk, and El Paso counties

160 voters, Montgomery, Pennsylvania will have 1 machine per every 600 voters, and Fairfax, Virginia will have 1 machine per every 150 voters.

Overall, not a single election official surveyed could refer to a specific scientific formula that they use for calculating the number of booths needed. They did make reference to empirical data such as past voter turnout or current voter registration, but they did not specifically say how they use such numbers to determine an effective allocation.

Written Allocation Plan

We then asked election officials if they would be preparing a written allocation plan of their poll booths for the upcoming November election as a means of gauging their organization and planning. The plan would simply state how many poll booths each polling location in each county will receive on Election Day.

Only 16 out of 26 counties surveyed were preparing a written allocation plan of voting machines and booths.

Our survey found that the majority of election officials do have a written plan for poll booth allocation, but a fair number of counties will not. Out of 26 administrators surveyed, 16 expected to create a written booth allocation plan before Election Day.²

The most common reasons cited by county clerks for not creating a written allocation plan were that the allocation of booths is based on what has been done in the past and that the booths are stored at polling locations, so allocation does not change. Furthermore, Oakland, Michigan, plans at the city level, so we cannot be certain of municipal level preparation.

Readiness of Rough and Final Drafts of the Ballot

Next, we asked election supervisors when the rough and final draft of their ballot for the presidential election would be ready as a means of understanding their election planning timeline, as well as to find out when we would be able to see a copy of the ballot to

Dates for when the final ballot would be ready varied by several months across the counties surveyed.

evaluate its clarity. We wanted to determine which ballots were made available to the public for comment and which ballots went through multiple drafts or edits. In addition, giving voters the opportunity to see the ballot before Election Day encourages them to prepare to vote. This preparation

leads to voters spending less time in the booth, which in turn leads to shorter lines on Election Day.

² Cuyahoga, Franklin, Hamilton, Montgomery (Ohio), Palm Beach, Duval, Lee, Brevard, Montgomery (Pennsylvania), Bucks, Bernalillo, Arapahoe, St. Louis, Jackson, Fairfax, Milwaukee

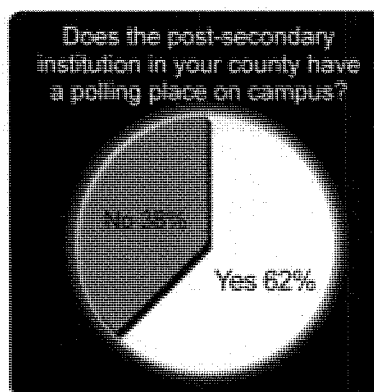
In general, we found that many officials were confused by the concept of a rough draft. It appears that many election supervisors send the information for their ballot to the printer after the certification date and then receive their ballots anywhere from a week to a month after they are submitted. They consider these to be the final version of the ballot. Those officials that did understand the difference between a rough and final draft of the ballot were vague as to when a rough draft would be ready. Responses ranged from “after the certification date”³ to “no idea – probably September.”⁴ Some clerks did not know at all.⁵ It is also possible that clerks did not understand the concept of a rough draft of the ballot because they only print their ballots once.

All election officials were aware of when the final draft of their ballot for the presidential election would be ready. Around absentee voting, 6 weeks prior and 30 days prior were the most common answers. Dates for when the ballots would be ready spanned a significant range of time, the earliest answer was August 11th⁶ and the latest answer was the day of the election.⁷

College Campuses and Polling Locations

The final question in the survey was intended to determine which counties had a post-secondary institution, and whether or not there was a polling place on campus. We were curious about the placement of polling locations on campus because in recent election cycles, on-campus polling locations have had the longest lines in the country.

Of the 26 counties surveyed, 24 have a university, college, community college or junior college in it. Of the 24 with a post-secondary institution, only 15 counties reported that they plan to have a polling location on campus.⁸ In general, counties that had post-secondary institutions had more than one type of institution. Most do not put polling locations on all of the post-secondary institutions in the county, only some of them.



³ Orange County

⁴ Philadelphia County

⁵ Franklin, Summit, Polk, Brevard, Philadelphia, and Jackson Counties

⁶ Palm Beach County

⁷ Delaware County

⁸ Cuyahoga, Franklin, Hamilton, Montgomery (Ohio), Palm Beach, Orange, Duval, Hennepin, Allegheny, Bernalillo, El Paso, St. Louis, Jackson, Fairfax, Milwaukee

Officials provided a range of rationales as to why they put polling locations on certain campuses but not others. Brevard County, Florida reported not having any polling locations on campuses because they wanted to stay away from schools due to logistics concerns. Hamilton County, Ohio had to move its polling location off of the University of Cincinnati campus due to campus construction. St. Louis County, Missouri will have one polling location on a college campus but the official was unsure about the rest of the campuses in its county. The official said that it just depends on the issues on the ballot.

Conclusions

We have concluded that in the largest counties of the swing states surveyed, there is much work to be done to create uniform standards for the conduct of elections at the local level. At a minimum, state and federal officials should implement policies encouraging pre-election transparency and post-election accountability. Allowing for public input at every stage of the election process—from ballot design to poll booth allocation plans—would lead to far greater credibility in the electoral process and could prevent serious oversights that impact voters. Post-election accountability should include a full review of election preparation, quantitative measures tracking ease of voting (i.e. average time waiting in line, average time to cast a ballot, etc.) and recommendations to improve future elections.

First, voting machines specifications, at least in terms of the way votes are counted, should be standardized across the country. The lack of uniformity could create numerous problems that can and likely will arise from a lack of standardization of voting equipment such as faulty programming and use, lack of accessibility, and concerns over legitimacy of the results. The Help America Vote Act should require, at a minimum, that all states standardize their voting equipment for every county in their state.

Second, a standard formula for the allocation of voting machines and poll booths should be implemented. All election officials should prepare written allocation plans so they are able to accurately and effectively communicate their election plans to poll workers. We believe that the lack of written allocation plans in some counties, as well as the responses given for the rationale behind poll booth allocation, demonstrate insufficient preparation for the upcoming election. Election officials should be required to draft a written allocation plan for poll booths, to be finalized by a specified date well in advance of the election.

Third, all election officials should receive a draft of their ballot before printing a final version. This draft should be available for scrutiny by NGOs and public interest groups, and also so that voters are able to see at least a draft of the ballot before Election Day. States should establish a widely known release date for copies of the draft and final ballot to ensure the ballot is clearly understood by voters.

Fourth, post-secondary institutions should have polling locations on campus and students should not be subjected to allocation decisions that discriminate against them. That means counties should determine poll locations based on the number of registered voters

in each precinct, voter turnout in previous elections and other neutral factors. We recommend every post-secondary institution with student housing have a polling place on campus.

In the days leading to the November election, officials at the local level should make every effort to ensure transparency by publicizing Election Day plans. Officials should also support measures in the future that increase accountability and preparedness in an effort to build public confidence in the election process. In addition, secretaries of state should push their state legislatures to introduce bills standardizing election procedures statewide. In the meantime, secretaries should promulgate administrative rules for county officials using whatever power is currently at their disposal.

At the federal level, the Election Assistance Commission (EAC) should release election management guidelines setting uniform standards and best practices for the all of the topics covered in this report, including machine and poll booth allocation, election preparedness, public input in ballot design and on-campus polling locations. Finally, Congress should give the EAC rule-making authority and the necessary resources to implement their recommendations.

Appendix A

State	County
Ohio	Cuyahoga
Ohio	Franklin
Ohio	Hamilton
Ohio	Summit
Ohio	Montgomery
<i>Florida</i>	<i>Miami-Dade</i>
<i>Florida</i>	<i>Broward</i>
Florida	Palm Beach
<i>Florida</i>	<i>Hillsborough</i>
Florida	Orange
<i>Florida</i>	<i>Pinellas</i>
Florida	Duval
Florida	Lee
Florida	Polk
Florida	Brevard
<i>Florida</i>	<i>Volusia</i>
Minnesota	Hennepin
Pennsylvania	Philadelphia
Pennsylvania	Allegheny
Pennsylvania	Montgomery
Pennsylvania	Bucks
Pennsylvania	Delaware
New Mexico	Bernalillo
Colorado	Denver
Colorado	El Paso
Colorado	Arapahoe
<i>Colorado</i>	<i>Jefferson</i>
Missouri	St. Louis
Missouri	Jackson
<i>Michigan</i>	<i>Wayne</i>
Michigan	Oakland
<i>Michigan</i>	<i>Macomb</i>
<i>Michigan</i>	<i>Kent</i>
Virginia	Fairfax
Wisconsin	Milwaukee

Italicized counties declined participation or did not respond to repeated requests for participation in the survey.

Acknowledgements

Without the hours spent calling hundreds of local election officials, this project would not have been possible. FairVote would like to thank our great summer 2008 research team for making this project a reality. Researchers include: Ekuia Boateng, Tyler Brannon, Charles Butler, Jonah Gold, Annie Johnson, Kathryn "Ryan" Lee, Allison McNeely, Jennifer O'Dell, Allison Oesterle, Erin Pauling Steven Risma and Daniel Weaver.

Special thanks to Tova Wang of Common Cause and Eddie Hailes of the Advancement Project for their advice and support from the inception of this project.

Thanks to former FairVote staff Ryan Griffin and interns Vincent Vecchione and Nora Mascioli for their work early on in the project. Thanks to FairVote's program director David Moon for conceiving this project in 2006.

Thanks to Democracy Fellow Tara J. Young, who worked tirelessly recruiting our coalition partners. Our national partners include: People for the American Way, New America Foundation, The Advancement Project, Common Cause, Demos, America, Association of People With Disabilities, The Praxis Project, and Progressive States Network.

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Statement of Project Vote

House Committee on Administration, Subcommittee on Elections

Hearing on the 2008 Election:

A Look Back on What Went Right and Wrong

March 26, 2009

Project Vote is a national nonpartisan, nonprofit organization that promotes voting in historically underrepresented communities. Project Vote takes a leadership role in nationwide voting rights and election administration issues, working through research, advocacy, and litigation to ensure that our constituencies are not prevented from registering or voting. Project Vote provides research, guidance, and technical assistance to voter participation and voting rights organizations, regularly advising them on the requirements of state and federal law as they apply to the conduct of elections, and monitors the operation and enforcement of these laws. In 2007-2008, Project Vote ran a large-scale, nonpartisan voter registration program in 19 states that helped over 1.3 million Americans apply to become registered voters or update their registration status.

We appreciate the interest of the House Committee on Administration's Subcommittee on Elections in what worked and what did not in the 2008 election, and we are eager to share our expertise during your deliberations. Since our involvement and experience have been focused on the voter registration process and the related issue of the maintenance of voter rolls and databases, our statement will primarily address those issues and not Election Day itself.

As the committee well knows, what we call the "system" of voter registration in this country is not one system, but rather thousands, because every election jurisdiction has broad discretion to impose its own rules. This is one of the most important factors for policymakers to consider, because states, counties, and cities already vary widely in their compliance with federal constitutional and statutory mandates. Any proposals to enact additional federal standards should be evaluated against the goal of greater clarity and uniformity in the law.

What we learned from the 2008 election must inform any dialogue about how to improve the registration process. In the sections below, we describe problems that Project Vote experienced in 2007-2008 related to access to voter registration services and materials, the placement and removal of voters from the rolls, the intimidation of new voters, and the enforcement of voting laws.

I. Access to Voter Registration

Access to voter registration has always been particularly challenging for low-income citizens and racial minorities. Congress addressed this problem by, among other remedies, requiring in Section 7 of the National Voter Registration Act of 1993 (NVRA) that public assistance agencies and offices serving the disabled provide voter registration services to their clients. Although many states initially resisted implementing the NVRA and its public agency registration requirement, state agencies managed to facilitate the registration of 2.6 million low-income Americans during the first two years of the Act's

implementation. Regrettably, because of poor compliance and inadequate enforcement, state public assistance agencies helped only 550,000 low-income Americans register to vote in the most recent reporting period, 2005-2006. Consequently, the American electorate has remained skewed towards affluent Americans as recently as 2006. In that period, only 60% of adult citizens in households making less than \$25,000 were registered to vote, as compared to over 80% in households making \$100,000 or more. Since the agency registration sites designated by Section 7 are generally the most convenient for low-income and racial minority citizens, the agencies' failure to comply with their obligations under the NVRA has a profound impact on both the absolute number of registrations and the demographic makeup of the registered population as a whole.

The NVRA, fortunately, did not rely on government alone to ensure that all Americans, regardless of age, income or race, have opportunities to register to vote. The NVRA also authorizes registration by mail, requiring the U.S. Election Assistance Commission to design a federal mail form that states must use and accept, and particularly instructing states to provide mail registration forms to organizations engaged in voter registration drives. However, the ability of civic, religious and political organizations to facilitate registration by underrepresented Americans, as envisioned by the Congress, is being increasingly hampered by state laws, rules, and procedures. In some instances, judicial decisions have been at odds with the intent and language of the NVRA, further limiting the effectiveness of mail registration.

At least 8 states—Colorado, Florida, Georgia, Maryland, New Mexico, Ohio, Rhode Island and Texas—have instituted restrictions on the use of the federal mail voter registration application by organizations. In some instances, states have reversed their position (CO, MD, and RI), and in other cases courts have struck down state requirements (FL, GA and OH). Significantly, only in Georgia did a federal judge strike down a state practice as contravening the NVRA; the other courts relied instead on the Constitution.

Congress should explicitly provide in Section 4 of the NVRA for the unfettered access and use by civic, religious, and political organizations of the federal mail form so they can continue to reach out to underrepresented Americans in furtherance of the stated purpose of the Act.

Organizations conduct voter registration drives, of course, to help eligible Americans join the voter rolls. Election officials in several states, however, frustrate organizations' ability to ensure that eligible applicants are placed on the rolls. In 2008, Project Vote ran a program to acquire information on applicants who had been rejected in order to help them cure any administrative deficiencies that led to their rejection. Several jurisdictions refused to provide such information at all, while other jurisdictions would do so only in return for a significant fee. Similarly, some jurisdictions refused to make available records of rejected applications, effectively shrouding in secrecy the process of determining an applicant's eligibility. Congress specifically rejected the notion that voter registration records are confidential or that the process of adding and removing voters from the rolls should occur in secrecy by enacting Section 8 of the NVRA, and yet transparency remains elusive.

Further, in 2008, some county election officials in Texas and Louisiana literally refused to process applications from certain registration drives, and one county required registration workers to check each application against a database to ensure they were not duplicates of previously registered voters. While one must have sympathy for public officials inundated with new applicants, they are not justified in shifting the burden of doing their jobs to members of the public, particularly when voter registration workers are often volunteers.

II. Processing Applications and Maintaining Lists

In Section 8 of the NVRA, Congress required states to register eligible Americans who applied at least 30 days before a federal election and to notify applicants of the disposition of their applications. The statute, however, does not specify a deadline for sending out disposition notices. Election officials in a number of jurisdictions therefore send out notices intermittently or at the close of registration. This practice not only denies applicants an opportunity to correct any problems or submit a new application, it also encourages useless re-registration by individuals who, fearing their applications were not processed, submit a second or even third application. We urge Congress to correct this oversight by requiring covered states to determine the eligibility of an applicant and send her a disposition notice within 10 days of receipt of an application.

In addition, there is evidence that departments of motor vehicles and public assistance agencies in some states do not transmit applications to election offices on a regular basis, sometimes accumulating them until it is too late for the would-be voter to supply additional information or fix errors. These voter registration sites usually do not provide the applicant with a receipt for his application, and thus the applicant leaves the agency with no "paper trail" showing that he attempted to register, a document that might serve as evidence when he appears at the polling place on Election Day.

In some states, a disposition notice that is returned to the board of elections is cause for cancellation of the application for registration, even when the application was otherwise successful. This unfortunate policy takes advantage of an ambiguity in Section 6(d) of the NVRA, and we urge Congress to clarify the law on this matter. As the law currently reads, a non-deliverable disposition notice "may" be followed by the list maintenance protocol described in Section 8 of the NVRA. We suggest this process be made mandatory by substituting "must." The registrant should be allowed to correct any error in the address on the spot if he appears to vote on Election Day. If he does not appear, the notification process set forth in Section 8 *must* be followed before he is dropped from the roll.

Many states carried out aggressive list maintenance programs in 2007-2008 that led to the purging of thousands of voters in violation of the NVRA. It is apparent that there is widespread confusion about the requirements of Section 8, which sets forth an elaborate process by which voter rolls are updated and is intended to minimize the risk of erroneous purging. While we need not quote the statutory language here, the law is clear that (1) systematic purges based on change of address may not be conducted within 90 days of a federal election; and (2) failure to vote, even over a long period of time, is *not*, without more, grounds for removal from the voter roll. The election of 2008 saw renewed interest among voters who had not exercised the franchise in decades, many of them elderly African-Americans. There were numerous reports of such eligible voters appearing at their polling places on election day, only to be told that their names were no longer on the rolls.

Compounding the general misunderstanding of the list maintenance rules is the advent of statewide databases. With the Help America Vote Act (HAVA) requirement that states create and maintain a statewide electronic database of registered voters, some states have attempted to match a new registrant's data with existing databases of drivers' license numbers or Social Security numbers and deny registration to an applicant whose data does not match. This use of databases is inconsistent with the purpose of the database requirement imposed by HAVA and is, moreover, notoriously unreliable because of the proliferation of data entry and other errors in such databases. A settlement and consent

decree in *Washington Association of Churches v. Reed* put a stop to Washington's use of such a match process and made clear that the NVRA rules for registration processing and list maintenance are still applicable, notwithstanding HAVA's database requirement.

In another variation on the misuse of the state databases, some states have formed regional compacts to share voter registration information, with the object of rooting out duplicate entries—i.e., voters who have moved from one state to another without canceling registration in the prior state. (The compact states include Iowa, Kansas, Missouri, and Nebraska in one agreement, joined later by South Dakota and Minnesota; and another compact spearheaded by Kansas that includes Arizona, Arkansas, Colorado, New Mexico, Oklahoma, and Texas.) Louisiana, though not participating in any ongoing compact, did inquire of a number of far-flung jurisdictions soon after Hurricane Katrina, to determine whether displaced Louisianans had registered to vote in other states.

It is important to note that the vast majority of registration duplications occur through inadvertence and not criminal intent. But whatever the explanation, the appearance of two registration records for the (apparently) same person is only the *beginning* of the process mandated by the NVRA. While there is nothing in the law prohibiting states from sharing registration data, a state cannot then unilaterally cancel the voter's registration when he appears to have moved. Rather, the law requires the state to follow the protocol of multiple mailings and a waiting period as set forth in Section 8.

III. Intimidation of New Voters

Intimidation of newly-registered voters was also a strategy in evidence in the 2008 election cycle. In October, the New Mexico Republican Party held a press conference to display voter registration cards for 10 voters they claimed cast ballots illegally in the NM primary. Nine of the 10 were Latino; all identified as Democrats; and most were 18 or 19 years old. An investigation revealed that at least eight of them were legitimate, eligible voters. Several of them were then harassed by a private investigator, who was reportedly hired by an attorney for the Republican Party. This intimidation incident is the subject of a pending lawsuit in New Mexico.

In Greene County, Ohio, the Sheriff launched an investigation of alleged voter fraud during Ohio's "golden week," when a citizen could register and vote on the same day. A county prosecutor admitted that no one had alleged that voter fraud was occurring. Nonetheless, only a public outcry and media attention succeeded in ending the investigation. In Hamilton County, Ohio, a grand jury was convened by a county prosecutor to investigate similar, unspecified allegations of voter fraud—allegations that were disavowed by both the County election board and the Secretary of State.

The Wisconsin Republican Party issued a call to law enforcement and security personnel to serve as "volunteer poll watchers" in inner city precincts in Milwaukee, chillingly evoking racially-motivated "ballot security" programs that should have been relegated to the distant past. While it is clear that these strategies are illegal under the Voting Rights Act and the NVRA, as a practical matter the damage is done as soon as the story hits the press. New voters, particularly newly minted citizens from countries where voter intimidation is a time-honored political tradition, are effectively deterred from voting freely, or voting at all.

IV. Enforcement Issues

Further exacerbating the constellation of voter registration problems has been a pattern of lax enforcement of the federal voting rights statutes by the Department of Justice in recent years. The public agency registration provisions of NVRA Section 7, in particular, have been largely ignored by the Department—and even more flagrantly flouted by the agencies themselves. The enforcement of Section 7 is an area where recent experience has proven that a little effort goes a long way. Jurisdictions that have been ordered to comply with the law (and a few that have undertaken to do so voluntarily) by offering voter registration have shown immediate and remarkable success in adding new registrants. A new and energetic commitment to Section 7 enforcement by the Department of Justice is long overdue.

Compounding the problem of spotty federal enforcement has been a troubling pattern of permissiveness in NVRA interpretation by the courts. From the time of the NVRA's enactment, states have attempted to impose their own registration requirements, in contravention of the spirit—sometimes even the letter—of the NVRA, whose purpose was to simplify registration and make it more easily accessible. Unfortunately, the courts have given the states wide berth in imposing additional eligibility requirements. Technical and redundant questions on state registration forms, for example, operate as grounds for rejecting otherwise valid applications. Obviously, the more complex the form, the more it disadvantages applicants of limited literacy or limited English proficiency.

The federal mail-in form, heralded initially as simple “postcard registration,” has now been encumbered by 18 pages of state-specific instructions. A 2008 request to the Election Assistance Commission by the state of Michigan would, if approved, direct Michigan applicants to mail their federal form to the appropriate county or township election office (of which there are 542) rather than the state office, despite the NVRA's explicit language that forms are returnable *to the appropriate state election official*. Such a procedure would unduly complicate the registration process, expand the opportunities for error, and add pages of county and township listings to the state-specific instructions. Nevertheless, at this writing, Michigan's request is still pending before the EAC.

In 2004, the federal mail voter registration form was redesigned pursuant to HAVA, but old forms were still being circulated as recently as the fall of 2008, sometimes to the detriment of the registrant. In Indiana, old forms surfaced at a nursing home, and unsuspecting elderly residents' applications were subsequently rejected because they were on obsolete forms. Project Vote filed a lawsuit and obtained an order requiring that the provisional ballots of these voters be counted, but despite that order the named plaintiff was denied a provisional ballot at her polling place and was unable to vote. It is not known how many others had the same experience.

While the foregoing does not purport to be an exhaustive list of the issues of 2008, we hope that it gives the Committee a sense of the registration problems that have persisted over a period of decades, as well as some (like state database matching) that are of more recent origin. What is most vexing is the intractability of some of these injustices, which should have been remedied long ago. It is perhaps not surprising, though, with literally thousands of election districts operating with some measure of autonomy that a problem solved in one town is bound to crop up in another. That is why federal regulation and oversight is so essential to ensuring that our system of registration and voting will soon be worthy of the public's confidence.

Ms. LOFGREN. We now turn to our first panel. It is a pleasure to introduce them.

We have first Gineen Beach, who serves as the Chair of the Election Assistance Commission. She was appointed by President Bush in October of 2008. Prior to her appointment, Ms. Beach was the Minority Election Counsel with this committee as well as an election law adviser to former Maryland Governor Robert Ehrlich. We welcome Ms. Beach back to the committee in her new role and look forward to her testimony.

We also have Ms. Gracia Hillman. Gracia is currently the Vice Chair of the Election Assistance Commission and has served on the Commission since her appointment in 2003. Ms. Hillman's prior work experience includes having served as Executive Director of the League of Women Voters of the United States, the Congressional Black Caucus Foundation, and the National Coalition on Black Voter Participation. It is an honor to have you back again, Ms. Hillman.

Mr. George Gilbert is the Director of the Guilford County Board of Elections in North Carolina. He served in this capacity for over 20 years, where he has developed a wealth of knowledge in election administration issues. He has participated in many working groups and task forces that include the Election Center's National Task Force on Election Reform, the National Academy of Science Electronic Voting Workshop, and the Election Assistance Commission's Working Group on Election Management Guidelines.

Finally, we are delighted to welcome Mr. Keith Cunningham. Mr. Cunningham is the Director of the Allen County Board of Elections in Ohio. He also has served as President of the Ohio Association of Election Officials, as well as on the EAC Board of Advisors.

Welcome to you all. As you know, your full written statements will be made part of the record. We ask that your oral testimony consume about 5 minutes. There is a little machine there that we hope is working today. When the yellow light goes on, it means you have about a minute left to conclude your statement. We ask that you try and stay within the 5 minutes so we will have an opportunity to hear from all of the witnesses.

We would like to begin with you, Ms. Beach.

STATEMENTS OF THE HON. GINEEN BEACH, CHAIRWOMAN, U.S. ELECTION ASSISTANCE COMMISSION; THE HON. GRACIE HILLMAN, VICE-CHAIRWOMAN, U.S. ELECTION ASSISTANCE COMMISSION; GEORGE GILBERT, DIRECTOR, GUILFORD COUNTY BOARD OF ELECTIONS; AND KEITH CUNNINGHAM, DIRECTOR, ALLEN COUNTY BOARD OF ELECTIONS

STATEMENT OF THE HON. GINEEN BEACH

Ms. BEACH. Thank you. Good morning, Chair Lofgren, Ranking Member McCarthy, and subcommittee members. Thank you for inviting us to be with you today.

The 2008 general election was a highly anticipated exercise. Expectations were high and scrutiny was intense. Election officials worked to anticipate every possible scenario, and their efforts certainly paid off. We had a few glitches, but contingency plans were in place.

For example, in Connecticut, polling places were equipped with backup voting machines and memory cards. Los Angeles County was hit with floods and power outages. They moved the equipment and voting continued until the power came on. Voters in Rockdale County, Georgia, kept voting during a power outage because the voting machines were equipped with backup batteries.

Election officials conducted preelection testing to make sure voting equipment operated properly. They explored ways to maximize traffic flow in polling places and they had extra ballots on hand. However, preparation and planning doesn't mean much without poll workers.

In the 2008 election, officials tried creative approaches to increase their poll worker training ranks. Thanks to the funds provided by Congress, the EAC helped by distributing grants to recruit college poll workers. The grants were crucial in recruiting the next generation of poll workers.

I want to take a moment to thank those citizens who served our country and their community in the polling place. In February 2008, I served as a poll worker in my home precinct. On that day, I arrived at the polls at 5:45 a.m. and was not released from my duties until 10 p.m. As the polling hours were extended due to inclement weather. It was certainly a long day, and I appreciate all of the hard work that goes into administering an election.

As of today, most information available about the 2008 election is anecdotal. The EAC's election day survey provides a method to quantify a successful election. The data we collect from States will give us concrete information about how, where and when Americans vote. This raw data is not a sampling, and we expect to complete the survey this fall and will be glad to present the results to the subcommittee.

We have come a long way since 2000, but there is still a lot of work to be done. The EAC must continue building a credible, rigorous certification program that States can rely upon. We have to do more work to recruit not only the next generation of poll workers, but also the election officials of the future.

Overseas and military voters deserve better. According to an EAC study, a majority of absentee ballots sent to military and overseas citizens that were not counted during the 2006 election had been returned to election officials as undeliverable. Improving the transmission of ballots would help increase voting rates among our military and overseas voters.

I commend Ranking Member McCarthy and Congresswoman Maloney who are working very hard to find solutions to the problems that our overseas voters face.

The EAC's mission is to assist in the effective administration of elections, and we stand ready to provide Congress, election officials, the public, and State and local officials with tools to meet these challenges.

Thank you, and I look forward to your questions.

Ms. LOFGREN. Ms. Hillman.

STATEMENT OF THE HON. GRACIA HILLMAN

Ms. HILLMAN. Good morning, Chair Lofgren, Ranking Member McCarthy, and members of the committee. For the record, my

name is Gracia Hillman. I serve as the 2009 Vice Chair of the Election Assistance Commission. Thank you for this opportunity to testify on the historic election of November 2008.

The 2008 election cycle energized American voters in ways that we have not seen since the 1960s. By all accounts, most things went right on election day. This is supported by a survey of 10,000 American voters. According to that survey, 83 percent said their polling place was very well run, and 75 percent said they were very confident their vote was counted as cast.

We need to remember that there is no activity in the United States like voting on a presidential election day. To put that in perspective, over 100 million people voted within an 18-hour window on November 4, 2008. Approximately 2 million people provided customer service to those voters. At least two-thirds of those workers were temporary, one-day employees who we commonly refer to as poll workers. There are well over 100,000 polling places scattered across the country in all of our States. I have yet to hear of any other same-day activity remotely similar to this exercise.

As you know, Madam Chairman, there are no do-overs with elections. NASA can scrub a launch if need be. Manufacturers can delay a rollout if the product is deemed not ready. But election administrators must be ready for election day, irrespective of any and all unanticipated circumstances.

There were random problems on election day, but we should not be unduly troubled by these revelations. Voting is mostly a human exercise and humans make mistakes. Nonetheless, all perceived and real problems need attention. Let me take a moment to address a couple of the most common complaints:

Long lines at the polls. I witnessed early voting lines in Florida that exceeded 2 or more hours. Conversely, on election day, the longest wait I observed in Florida was about 30 minutes. The problem of long wait lines might be episodic in some jurisdictions and chronic in others. Nonetheless, election officials are aware that long waits to vote are a problem for the communities and voters they serve.

Confusing voter registration and identification requirements. Voter registration and identification procedures get quite complex when varying State laws are layered on top of Federal requirements. Missed deadlines result in disenfranchisement, so it is no wonder that there are calls from the community to streamline these procedures. Perhaps the citizens most affected are college and university students and our newer voters.

Accurate counts. Earlier I noted that 75 percent of survey respondents felt very confident that their vote was counted as cast. But that means that 25 percent had doubts. Voters deserve accurate and reassuring information about the current state of voting systems. Since the passage of the Help America Vote Act, America has undergone a major transition with the technology of our voting systems. EAC continues to develop Federal voting system standards to assure accuracy. Election officials need to continue to encourage interested voters to observe and participate in the logic and accuracy testing of the voting systems that will be used in their communities.

Provisional voting. On the one hand, provisional voting is understood as fail-safe voting so that no voter is turned away from the polls. Our 2006 election day survey reported that 1 percent of voters cast provisional ballots. In real numbers, that means 850,000 provisional voters. We do not yet have the 2008 numbers, so I use 2006 as an example.

Based on that, there is growing concern that provisional voting is being used as a substitute for election day lists that should be accurate and complete. Moreover, voters do not understand why the provisional voting process is not uniform across the country.

In summary, Madam Chair, election officials are to be commended for their excellent work. At the same time, voters should be encouraged to register complaints, election officials should be vigilant about identifying problems, and together they should develop reasonable remedies that can be adopted as quickly as possible.

Thank you for this time, and I look forward to answering your questions.

[The statement of Ms. Beach and Ms. Hillman follows:]



UNITED STATES ELECTION
ASSISTANCE COMMISSION

TESTIMONY

OF

HONORABLE GINEEN BRESSO BEACH, CHAIR
AND
HONORABLE GRACIA HILLMAN, VICE CHAIR
U.S. ELECTION ASSISTANCE COMMISSION

BEFORE THE

HOUSE COMMITTEE ON HOUSE ADMINISTRATION
SUBCOMMITTEE ON ELECTIONS

THURSDAY, MARCH 26, 2009

*U.S. Election Assistance Commission
1225 New York Ave., NW - Suite 1100
Washington, DC 20005*



Testimony of the U.S. Election Assistance Commission
before the U.S. House Committee on House Administration
Subcommittee on Elections
March 26, 2009

Good morning Chairwoman Lofgren, Ranking Member McCarthy and Members of the Subcommittee. We are pleased to be here on behalf of the U.S. Election Assistance Commission (EAC) to discuss our observations from the 2008 election and our efforts to continue assisting election officials in their efforts to improve election administration.

INTRODUCTION

The EAC is a bipartisan, independent Commission consisting of four members: Gineen Bresso Beach, Chair; Gracia Hillman, Vice Chair; and Donetta Davidson. Former Commissioner Rosemary Rodriguez resigned on February 28, 2009, leaving one vacancy on the Commission. The EAC guides and assists States in the effective administration of Federal elections. In doing so, EAC focuses on fulfilling its obligations under the Help America Vote Act of 2002 (HAVA) and the National Voter Registration Act of 1993 (NVRA). Specific program areas include voting system certification, research and HAVA funds management. The EAC also works to identify potential election administration issues and to provide States with tools that they can use to conduct accurate, secure and accessible elections.

The title of today's hearing is *The 2008 Election: A look back on what went right and wrong*. As of today, most of the information collected about the 2008 election is anecdotal, but preliminary estimates indicate that during 2008 approximately 133 million Americans voted, 10 million more than the last presidential election. During the 2008 Federal election, technical glitches and administrative hiccups befell jurisdictions across the nation. These issues consisted primarily of technical problems that rendered voting equipment temporarily inoperable and fluctuations in turnout that resulted in long lines in some areas. Power outages also occurred.

We look forward to releasing our 2008 Election Day Survey this fall, which will contain a variety of key election data, including state-by-state information on the number of poll workers who served, and the number of jurisdictions that experienced poll worker shortages. These data will enable the election community to improve operations, identify voter needs and track progress. The EAC looks forward to an opportunity in the future to present these data to the Subcommittee.

In most cases, the two years of comprehensive and careful preparation by election officials were evident on Election Day. In order to continue to make improvements in election administration, we recommend a continued focus on the four key areas that were particularly successful this year: 1) contingency planning, 2) pre-election planning and testing, 3) poll worker recruitment and training, and 4) voter education.



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CONTINGENCY PLANNING

Every election presents State and local officials with unexpected challenges, and 2008 was not an exception. Election officials demonstrated that they were prepared for unanticipated developments, having crafted contingency plans months or even years before Election Day that closely reflect best practices issued by the EAC. These plans generally focused on the following four areas:

- natural disasters (earthquakes, severe snow and rain storms, fires)
- technology disasters (power outages, system failures)
- political and social events (war, medical emergencies)
- and election-related emergencies (poll worker or ballot shortages, long lines)

Officials responded by making sure they had backup poll workers, extra voting equipment, registration lists and paper ballots. Anecdotal reports in the media show that quick responses by election officials and workers allowed voting to continue while issues were resolved. Below are a few examples of such incidents that occurred on Election Day and how they were resolved:

- In Los Angeles County, heavy rain caused power outages in a handful of polling places. Election workers moved voting booths outside so voting could continue until electricity was restored.
- Voters in Rockdale County, Georgia were able to keep voting during a power outage because voting machines were backed up with batteries. Voting continued until power was restored an hour later.
- Polling places in Connecticut were equipped with backup voting machines and memory cards. The backups were used in several jurisdictions on Election Day to quickly address minor problems with voting equipment.
- New Jersey resorted to paper ballots to keep voters voting until a glitch with an electronic voting machine was resolved.

At the EAC's July 2008 [workshop on contingency planning](#), election officials from Florida, Ohio and Kentucky discussed their approach to developing and implementing contingency plans. For example, Allen County, Ohio, Board of Elections Director Keith Cunningham presented an approach to develop contingency plans specifically for voting systems. Also, EAC staff discussed the Commission's [Election Management Guidelines](#) program and related best practices. The EAC provided a streaming video of the event and distributed materials from it to election officials throughout the nation.



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ELECTION PREPARATION

Two of the biggest issues on the minds of election officials prior to November 4 were the anticipated high voter turnout and the functionality of voting systems, specifically in the areas of accuracy, security, accessibility and reliability. Officials took appropriate action to make sure they were prepared to meet anticipated record voter turnout. For some States, this meant making advance voting available to more voters through early voting and absentee voting. It also meant making difficult decisions on how to meet demand by allocating limited resources in the most effective way. In some cases it meant purchasing more equipment and making sure extra materials such as paper ballots (including provisional ballots) were on hand.

Many jurisdictions also allocated more resources to the recruitment and training of poll workers. Officials in Maryland, Missouri and Michigan, for example, hired more poll workers than in previous years or allocated more funds to hire more poll workers.

To continue to ensure the accuracy and reliability of electronic voting equipment, many officials followed EAC's management guidelines on pre-election testing. Pre-election testing, also called logic and accuracy testing, is the act of testing every ballot style and every component of the voting system prior to the election. These tests are central to making sure elections run smoothly by identifying issues before Election Day to reduce the risk of technical glitches and anomalies.

This testing is supplemental and completely separate from certification testing that is done on the Federal and State level to ensure voting machines purchased by States meet a minimum standard of security, usability, accessibility and reliability. Moreover, pre-election testing is not carried out by independent test labs, but by local officials and their staff before each election.

The States' efforts to conduct pre-election testing were evident in the series of workshops the EAC held in 2008. For instance, in an EAC public workshop on Election Day preparation and pre-election testing, the State of Michigan shared their best practices, including step-by-step test procedures for a general election and test procedures for AutoMARK voter assist terminals. Michigan's approach was shared with election officials throughout the nation through the meeting Webcast.

All of the materials issued through the EAC's Election Management Guidelines program are available at www.eac.gov. Training videos about polling place management, polling place accessibility and contingency planning are also available on the EAC Web site.

POLL WORKER RECRUITMENT AND TRAINING

Hundreds of thousands of citizen volunteers serve each Election Day as poll workers. The success of the election rests in large measure on the turnout and performance of this temporary workforce. Last year election officials employed innovative as well as more traditional methods to recruit and train poll workers. The EAC does not yet know the number of poll workers that



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served on Election Day; however, anecdotal reports suggest that jurisdictions across the board had sufficient numbers of satisfactorily trained poll workers.

We commend Congress for funding The Help America Vote College Program, which has certainly been instrumental in helping to recruit poll workers. As a result, one of the EAC's top priorities has been to increase poll worker involvement among younger citizens. The EAC has awarded a total of \$1.65 million for colleges and nonprofits to recruit students to serve as poll workers, and effective models for recruiting younger poll workers have emerged from this program that can be adopted and replicated by other communities. The EAC used the program to raise awareness leading up to the 2008 election for the need for poll workers and to encourage younger citizens to serve their community on Election Day. In addition, the EAC produced and distributed manuals about recruiting, training and retaining poll workers, including college students.

INFORMATION FOR VOTERS

Empowering voters to participate in the electoral process and making sure they had the information they needed to vote was also critical to the success of Election Day 2008. There has been an increase in the number of jurisdictions that provide information to voters online. These Web sites allowed voters to look up their polling place, view a sample ballot, learn about voting systems, and in some cases, verify their registration. Many election offices also provided information over the phone through dedicated voter hotlines or regular office phone lines.

The EAC joined election officials in their efforts to prepare and educate voters. The EAC conducted interviews targeted at voter education on major broadcast outlets such as CBS News, CNN, NPR and Fox News and local affiliates throughout the nation delivered our educational message to voters. Some of the themes the EAC and election officials throughout the nation focused on include:

- Reminder of registration deadlines
- What to do before and on Election Day
- Verifying registration
- Looking up polling place information
- Volunteering as a poll worker
- Early and absentee voting options

To further complement the public education efforts taking place in the States, the EAC posted key information for voters on the Commission's Web site, issued A Voter's Guide to Federal Elections, available in seven languages, and created The Glossary of Election Terminology and translated it into Chinese, Japanese, Korean, Tagalog, Vietnamese and Spanish.



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We also reached out to college students by holding a conference call on voter preparation with college print journalists, and EAC staff fluent in Spanish also provided information to voters through Hispanic media outlets.

Further examples of voter education activities were described at the EAC's workshop about empowering voters. We heard from voter advocates and election officials about their efforts to educate voters about the process. Kristen M. Clarke of the NAACP Legal Defense and Educational Fund highlighted the important role provisional ballots play in elections. Doug Chapin of the Pew Charitable Trusts' Electionline.org discussed the Voting Information Project, an initiative providing an online resource for voters. National Association of Secretaries of State (NASS) President and Pennsylvania Secretary of State Pedro Cortés provided examples of voter education efforts taking place in the States. NASS designated September as National Voter Registration Month, a nationwide effort among secretaries of state to educate and prepare voters to successfully register to vote.

On Election Day, the Commissioners and the executive director were in the field, observing the election process. Chair Beach traveled to New Mexico and Colorado; Vice Chair Hillman was in Florida; Commissioner Davidson was on the ground in Kentucky, Indiana and Ohio; and Executive Director Tom Wilkey observed activities in Los Angeles County, the largest voting jurisdiction in the nation. The executive director observed occasional interruptions, such as flooding in Los Angeles County, but also observed contingency plans in place to quickly address the situation. Commissioner Davidson visited some of the new vote centers in Indiana. There were a few logistical issues, but they were quickly resolved. Vice Chair Hillman visited Miami-Dade County and watched the chain of custody process from the storage facility to the polling place unfold – a process that had been well planned. Commissioner Beach visited precincts in Albuquerque, New Mexico, and she watched the central count tally process in Denver, Colorado. Executive Director Wilkey observed some long lines during peak hours and Vice Chair Hillman observed the same conditions at some precincts during early voting, but both reported that voters waited patiently. These local observations are of great value to the EAC as we work to develop best practices and election management guidelines.

CONCLUSION

While the 2008 Federal election did not go perfectly, it had clear successes: election officials on a broad scale embraced election management practices that are critical to making sure voters are able to successfully participate in our electoral system. They also incorporated lessons learned from the 2008 primary elections. For example, as a result of line lines during the primaries, officials worked to address the equal distribution of voting equipment and poll workers throughout their jurisdictions. Planning for the unexpected will always be important in elections – having extra ballots, implementing a plan for troubleshooting voting system issues and setting up precincts to allow for maximum traffic flow. Aggressive voter education efforts must also continue to address State changes in their respective laws, procedures and polling place locations.



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Looking forward, we anticipate that voter registration practices will be a key election administration topic during 2009 and beyond. HAVA requires each State to have a statewide voter registration database, which certainly impacts the registration process because it is the gateway to participation for the voter. The EAC has taken a lead role in assisting election officials, policy makers and voters to develop future guidance about the databases, including a recent public hearing about the databases and the research being conducted by the National Academies of Science (NAS). The EAC will rely upon the NAS research as we work to issue updated guidance that will address overall maintenance and administrative best practices.

The EAC appreciates the opportunity to participate in today's hearing, and we look forward to your questions.

Ms. LOFGREN. Thank you very much, and for your service on the Commission.

Mr. Gilbert.

STATEMENT OF GEORGE GILBERT

Mr. GILBERT. Thank you, Madam Chairman. I agree with what she said.

Ms. LOFGREN. Okay.

Mr. GILBERT. Good morning. I am George Gilbert, Director of Elections for Guilford County, North Carolina. For those of you who don't know, Guilford County is where General Cornwallis began his retreat 228 years and 10 days ago. Greensboro is named for General Nathaniel Green, not because we have lots of trees, although we have that also. So if you are ever visiting there, we have a wonderful national battlefield site there that very few people know about.

As for the 2008 general election, what did we do in North Carolina, that is, what did we do correctly? I have attempted to lay out in detail many of the things that we did right in my written statement. The successes I have documented with respect to same-day registration, early voting, electronic poll books and provisional voting in particular are all very worthy improvements, and I think we made a lot of progress in those areas. I have also tried to document some of the things I think were problems and will be continuing problems.

When I circulated my draft testimony to several of my trusted and respected colleagues—Keith wasn't one of them, by the way.

Mr. CUNNINGHAM. Trusted, or respected?

Mr. GILBERT. I will leave it open. One of them warned me against leaving the impression that election administrators think that everything worked fine and that nothing needs to be changed. I hope in my 5 minutes to dispel that notion.

Certainly we have already heard about millions of registered voters or millions of eligible voters who were not allowed to vote in 2008 due to faulty voter registration lists and procedures. In North Carolina, that has not been our experience.

We did have 105,000 same day registrants during early voting who would not have been able to vote otherwise. But we had an additional 27,000 provisional ballots cast on election day that were not counted. The vast majority of those were not counted because those people failed to meet the registration requirements of North Carolina.

For the most part, the lists were accurate and complete and they were in compliance with State law. Nevertheless, I think we will continue to have millions, certainly thousands of people, who lose the franchise in future years through their own failure to meet the requirements of voter registration in their State.

In my view, that raises the question to you, is voting a right of citizenship? If voting is a right of citizenship, does the government have a greater responsibility to partner with its citizens in guaranteeing that right?

No matter how many barriers to registration we remove through improving our registration process, we are going to continue to disenfranchise voters if citizen-initiated preregistration is required.

2008 I think demonstrated in many States that measures such as our same day registration and election day registration can certainly ameliorate the effect of the registration requirements. But these palliatives will actually only exacerbate the competition between voter registration and voting itself.

In my written testimony, I have discussed at length many of the drawbacks of executing voter registration in the middle of the voting process. It delays and frustrates voters, it puts extreme burdens on the administrative process, and I am sure it complicates and adds expense to your campaigns. If the objective is to enable eligible citizens to vote while excluding those who are not eligible, the States must assume a more active role in identifying the eligible voters and enabling their right to vote.

I think there are clear advantages to both government and its citizens of establishing the best possible pre-election list in some fashion. It is doubtful that the government alone can produce a complete and accurate account of eligible citizens. Establishing residence for voting purposes actually requires citizen input. It cannot be a burden placed on the government itself.

While I am here today representing my own county and my own experience, I also cochair the Election Center's Legislative Committee. Among the chief questions we are investigating at this time is whether or not automatic registration of eligible citizens would be preferable to the existing system.

My prediction is that we will find a blend of government and citizen initiatives far superior to anything we are doing or perhaps even contemplating today. Same day and election day registration can certainly contribute and provide an important safety net for the voters that we miss in this process, but I think that both same day and election day will work much better if we minimize their use, rather than relying on them. The Election Center will welcome the opportunity to work with this committee to find the blend of registration options that will make voting truly a right of citizenship.

Thank you for this opportunity to testify. I will be happy to answer any questions.

[The statement of Mr. Gilbert follows:]

Testimony of George Gilbert
Director of Elections
Guilford County, NC
Before the House Committee on Administration
Subcommittee on Elections
US House of Representatives
March 26, 2009

I am Director of Elections for Guilford County, NC (Greensboro, High Point) with roughly 355,000 registered voters. I have been in this position since February, 1988. In a former life, I was a Legislative Assistant to Senator John Culver (IA.) (1976-1980) and Senator Chris Dodd (CT) (1981-1982). In recent years I have served on the Election Center's Task Force on Election Law and currently Co-Chair the Legislative Committee of that organization. I have participated regularly in National Academy of Science and American Association for the Advancement of Science workshops on electronic voting and Federal Election Assistance Commission working groups on election management guidelines.

I was asked to address my remarks to the experience of the 2008 General Election....specifically to the question "what did we do right"....and I might add...."what can we do better?"

I would like to address my initial remarks in this regard to election administration nationwide before focusing on specific elements of North Carolina's experience. In a nutshell, election administrators were better prepared for the 2008 general election than ever before.

WE were better educated.....thanks to programs like The Election Center's Certified Election/Registration Administrator program and other state and national educational efforts.

WE were better funded.....thanks both the HAVA and to a greater awareness at local and state levels of the necessity to provide adequate resources to the administration of voter registration and elections.

WE had greater stability.....thanks to the lack of changes to HAVA in the intervening years...especially last minute changes, many of which were under consideration as late as last spring and summer.

In 2008 we did more....we did it better....but we did it in the same spirit...we did it with the same commitment that has been at the heart of our efforts for, at least, the three decades of my active involvement in the political system of this great Republic.

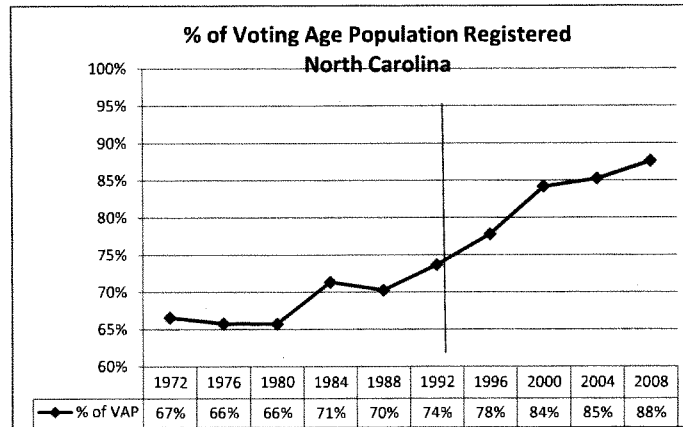
Voter Registration

Having said that, I would like to share with you some of the things that I feel contributed most, in North Carolina and in my county of Guilford, to the largest, yet most uneventful election in memory. (I use the term "uneventful" in the sense of its meaning for election officials.....that is, after the election, we were largely invisible.)

Elections rest on the foundation of voter registration. *Cetera parabus*, as my economic professors used to say, "all other things being equal," a good voter registration database will yield a good election. Again, for an election official, the term "Good" refers to the process rather than outcome of the election.

It can certainly be argued that, prior to 1964, limiting the franchise was among the chief functions of voter registration. This convention was reversed, in 1964, by the ratification of the 26th Amendment and the passage of the Voting Rights Act. The National Voter Registration Act of 1993 (NVRA) and the Help America Vote Act of 2002 (HAVA) cleared away many of the remaining procedural barriers to registration. Chart 1, shown below, depicts the rapid increase in the percent of voting age population registered, in North Carolina, following the passage of the NVRA. The increase from 74% in 1992 to 88% in 2008 represents a truly significant success story.

Chart 1



The chief remaining barrier appears to be lack of initiative or lack of foresight by otherwise qualified voters. This is not intended as a criticism of citizens.....it is intended merely as an observation of human behavior.

Even this barrier has been surmounted in numerous states with "election day registration." This innovation, however, has raised a number of, arguably legitimate, concerns regarding the integrity of the process as well as its administrative desirability. These will be addressed in greater detail later in this presentation.

North Carolina, beginning in 2007, chose to pursue an intermediate course. This was to offer "same-day-registration" during the early voting period with these late registrants being subject to stringent ID requirements. Under North Carolina's absentee voting law, these "no-excuse absentee" ballots remain identifiable and retrievable. "Verification" notices are promptly mailed following a "same-day-registration" and, if returned undeliverable, the voter's ballot is removed and not counted.

In the 2008 General election, 6,100 (2.5%) of Guilford County's 244,000 voters exercised their right to vote by way of the "same-day-registration" process. Statewide in North Carolina 105,000 "same-day-registration" ballots were cast during early voting in the 2008

election. This represented more than 2.4% of the total 4.35 million votes cast. These citizens would not have had the opportunity to vote in the 2008 election had not North Carolina adopted "same-day-registration."

"Same-day-registration" served a substantial percentage of the previously unregistered voters.....but a significant number remained on election day. Another 27,000 voters statewide cast provisional ballots that were not counted (See Chart 2 on next page)most of these were election day provisional ballots that were denied for failure to be properly registered.

Is then, election day registration the answer to this problem? For all the benefits of "same-day" or "election day" registration, the administrative burden alone would be formidable. Same-day-registration during early voting in North Carolina resulted in long delays for many of these late registrants. Each had to fill out a voter registration application. This information then had to be entered into the electronic pollbooks at the early voting sites. Each voter was required to provide identification documenting their name and address of residence before being authorized to vote. All this took considerably more time than did serving a preregistered voter. During busy times, with numerous unregistered voters appearing to vote, long waits resulted.

Completing the processing of these registrations in the central database, after the close of polls each evening, substantially increased the data processing personnel and work hours demanded during this period. "Verification" notices were mailed to each voter within 48 hours (or as soon as possible) and any such notices returned undeliverable had to be recorded and the voters identified. This, of course, was right at the time of our greatest demand for early voting support from the experienced office staff.

We were reasonably effective in processing the 6,100 same-day-registrations we experienced during the 2008 early voting period. In states where election day registration has been used for a number of years, however, most have experienced ever increasing volumes of election day registrations. As voters become more aware of the "same-day" or "election day" registration option, more appear to avail themselves of it. 6,000 voters

becomes 12,000 voters and 24,000 voters over time. Limiting or discouraging this by letting their wait times become longer and longer is not an acceptable option.

The lengthy waits some voters experienced in 2008 were, quite frankly, distressing and disturbing not only to the voters but also to both the office staff and to the pollworkers at the early voting sites. Disturbing.... and exciting in many ways..... This was our first major election with same-day registration. I personally tracked our daily progress in same-day-registrations and shared the ever increasing numbers with staff who received them with enthusiasm.... and dismay. They knew that processing large volumes of unregistered voters during the voting process would be time consuming and would compete directly for the limited resources and expertise needed to efficiently and effectively conduct the voting process. They knew the hours that would be required of them and they gave those hours....70-80 per week for more than a few of them. Exhausted workers make mistakes... they are aware of this....but they make fewer mistakes than inexperienced workers.

Registration information submitted by citizens is often incomplete, illegible or ambiguous. Resolving omissions and ambiguities requires research and individual attention. Whenever possible, in Guilford County and in most elections' offices, these cases receive that attention. With "same-day" or "election day" registrations, our ability to resolve such problems are limited by the lack of time and resources.

If our objective is to make voting a true "right of citizenship"....to enable all eligible citizens to vote while excluding those who are not eligible, the states must assume a more active role in identifying the eligible and enabling their right to vote. There are clear advantages, to both government and its citizens, of establishing the best possible preelection lists.

It is doubtful that government alone can produce a complete and accurate account of eligible citizens. Establishing "residence for voting purposes" requires citizen input.

While I am here today representing only my own county and my own experience, I also am a Co-Chair of the Election Center's Legislative Committee. When this committee met in January, voter registration issues emerged at the top of our agenda. Among the chief

questions we are investigating is whether or not automatic registration of eligible citizens would be preferable to existing registration procedures.

My prediction is that we can and will find a blend of government and citizen initiative far superior to anything we are doing, or even envisioning, today. "Same-day" early voting registration or "election day" registration can provide an important safety net for those missed in pre-registration.....but these will work far better if their need is minimized.

The Election Center and the National Association of Election Officials will welcome the opportunity to work with this committee to find that blend of registration options that will finally make voting a true "right of citizenship."

In addition to adding voters to the registration rolls....nationwide as well as in North Carolina.....the NVRA and HAVA have contributed to the quality of the registration databases. HAVA resources, particularly, have enabled the State to improve integration of the voter registration process with the DMV and among the counties. All DMV data is now transmitted electronically and without duplicate data entry. Likewise, moves between counties are monitored and, where possible, cancelations are executed automatically at the central database level. All documents are now digitized enabling more efficient storage and handling as well as rapid retrieval. I should note that many states have not yet realized the level of automation and database integration that has been achieved in North Carolina. Even with what we have accomplished, we have many improvements yet to make.

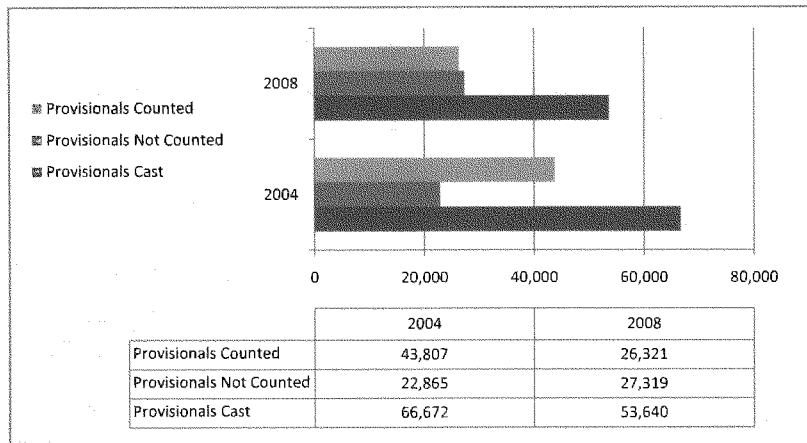
We believe these advances have been accomplished without compromising voter privacy or the security of voters' personal information. These factors clearly come even more to the fore as questions such as automatic voter registration and inter-state data sharing are addressed.

Provisional Voting

The experience with provisional voting is another good indicator of problems and progress within the election process. Such numbers, however, must be viewed with knowledge of

the local context. For instance, Chart 2 (next page) depicts the North Carolina provisional voting experience for the past two presidential elections.

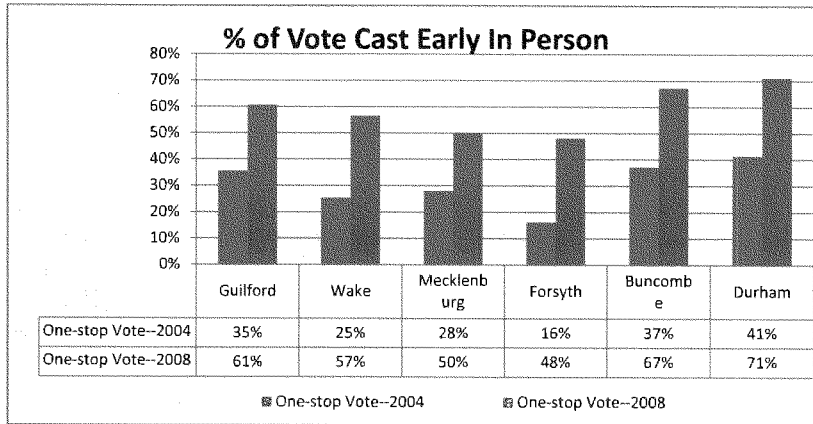
Chart 2 Provisional Voting in North Carolina 2004 & 2008



North Carolina experienced a substantial increase in voters from 2004 to 2008 (3.5 million to 4.3 million, +23%). Never-the-less, we experienced a decline in provisional voting. This decline can be attributed to several factors. Chief among these was, as mentioned above, the institution of "same-day-registration." Many voters who failed to register prior to the close of books were able to register and vote during early-voting rather than being required to cast a provisional ballot (which in most cases would not have been counted).

A significant increase statewide in early voting, from 25% in 2004 to 55% in 2008 was another factor. This increase is illustrated in Chart 3 below for selected NC counties. In 2004 early voting in the six largest NC counties ranged from 16% to 41%. In 2008 early voting ranged from 48% to 71% across these counties.

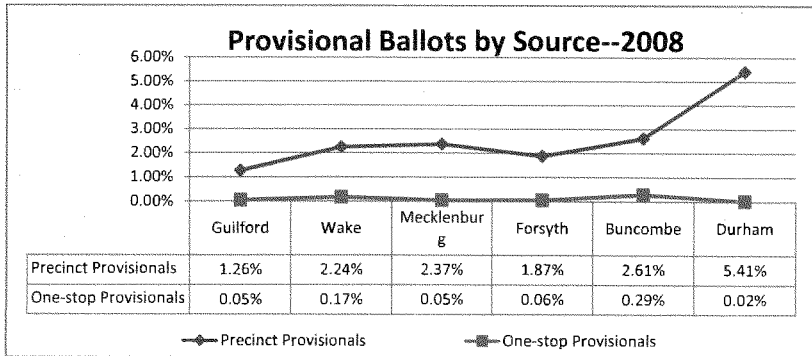
Chart 3



In addition, as illustrated in Chart 4, the rate of provisional voting in early voting was only a small fraction or what it was on election day. This difference can be largely accounted for by four factors:

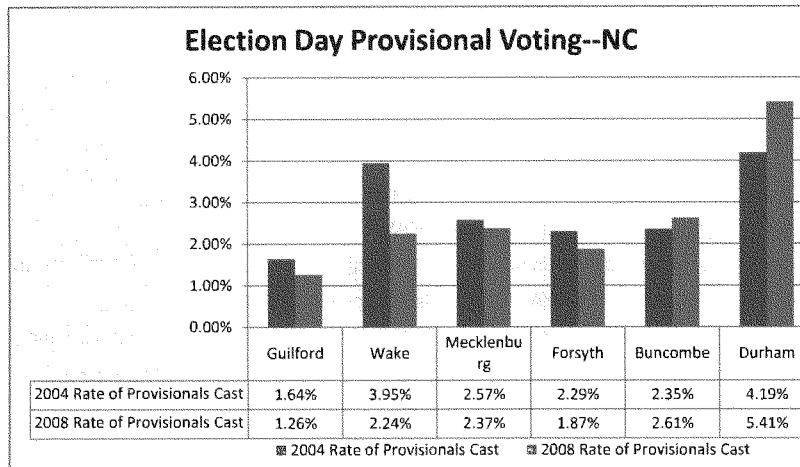
1. The availability of "same-day registration"
2. The availability of all ballot styles at early voting sites...obviating "out-of-precinct" provisional votes
3. The existence of electronic pollbooks at early voting sites and
4. Greater experience and training of early voting pollworkers

Chart 4



The beneficial effect of electronic pollbooks can also be seen at the precinct level. Guilford, Wake and Mecklenburg counties, in 2008, extended the use of electronic pollbooks in all precincts on election day. As depicted in Chart 5, these counties actually experienced a decline in the rate of precinct provisional voting in 2008 whereas Buncombe and Durham counties experienced an increase. These latter counties had only limited or no use of electronic pollbooks in the precincts on election day.

Chart 5



Guilford County's overall lower rates of precinct provisional voting can be attributed largely to the use of electronic pollbooks in the precincts beginning in 2004. Guilford's precinct officials have had four years of experience in the use of electronic pollbooks thus are likely to have applied them more effectively in 2008 than officials in other counties not as accustomed to their use.

One additional observation that illustrates the importance of "context" when comparing provisional voting data is that in 2004 in Wake County and in both 2004 and 2008 in Durham County, precinct transfer voters, those who have moved but not reported their new address, were all voted as "provisional" voters. In the other counties, these "transfer" voters were simply directed to their new precincts to update their address and allowed to vote as regular voters (in accordance with NC law.) This substantially accounts for the

relatively high rates of "provisional" voter in Wake County in 2004 and in Durham County in both 2004 and 2008. Reversal of this practice also accounts for the significant decline in "provisional" voting in Wake County in 2008.

Certainly the overall experience, in North Carolina during the 2008 election reflects significant improvement over the 2004 experience. We experienced record high voter registration and record high voter participation both with substantial declines in provisional voting and no contested elections.¹ Improved voter registration procedures and databases, the widespread availability of "early voting," "same-day-registration," use of electronic pollbooks and more experienced, better trained, election workers all contributed to this result.

I would be remiss if I did not point out that these improvements required a significant increase in resources in the elections' arena. HAVA stimulated....and, in part, funded improvements in voter registration databases. In North Carolina alone, this investment has run into the millions of dollars. HAVA funds also supplemented state and local funds for expansion of early voting and wider implementation of electronic pollbooks. Ironically, the replacement of voting equipment, by far the most expensive HAVA mandate, probably contributed less to improving the election than the other innovations discussed.

Notwithstanding the HAVA investment, the increase in local resources demanded by the 2008 election was substantial. In Guilford County, the only county for which I have hard data, the direct costs of the 2008 general election exceeded \$800,000. No previous election had ever generated direct costs in excess of \$450,000. Further, the largest share of these increases was in operational costs with the largest increases coming in voter registration processing and in conducting early voting (both by-mail and in-person).

¹ It should be acknowledged that a lack of extremely close contests is always the chief determinant of a lack of contested elections. From everything I have heard and read, the State of Minnesota did an excellent job of conducting the 2008 election. No election is going to be free of ambiguous situations.

The environment that enabled this huge expansion of funding (local, state and federal) for elections has evaporated. Elections has never carried much fat. Cuts being demanded now are extracting sinew and muscle. Without adequate resources, we can go backwards as quickly as we have advanced. That is currently where we are headed.

Ms. LOFGREN. Thank you very much. Now we turn to Mr. Cunningham.

STATEMENT OF KEITH CUNNINGHAM

Mr. CUNNINGHAM. Thank you.

Madam Chairman, Mr. Ranking Member, members of the committee, thank you for the opportunity to speak with you today. I bring you warm regards from my colleagues in the Buckeye State.

In 2008, our election system served the largest number of voters and realized the largest voter registration numbers in our history, successfully. So I want to begin by saying unequivocally and without hesitation, I do not concur with those who assert that America's election system is broken.

In 2008, America's election officials toiled under the pressure of media, advocates, political parties, lawyers, lawsuits, judicial rulings, excessive public records, legislative changes, and the prediction of total meltdown. And despite those distractions and disruptions, local election officials across America, including those of us in Ohio, arrived at election day prepared. Much of that preparation was due to many of the materials provided to us by the Election Assistance Commission, I would add.

In Ohio, we saw absentee voting skyrocket. Voters literally turned our previously mail-based absenteeism program into an in-person early voting program. This could have been a disaster but for the fact that our locally controlled boards were able to be flexible with those circumstances and successfully addressed the wide variety of local needs.

I want to say to you that there is no standard election. Every one is different, every one has different dynamics, and every one requires consistent and diligent supervision on a day-to-day and sometimes hour-to-hour basis, and that can only be accomplished through hands-on local approaches.

This is why I believe America's voters are best served as much as possible with a decentralized voting system. Without the ability of our election generals to make certain calls on the front lines as they need to, we will certainly throw our system into paralysis.

While I believe the 2008 election was a success for America's election officials, I acknowledge there are always things that we can do better, and in that spirit I would respectfully like to offer several suggestions that I believe can improve elections in America.

First, we must provide better education and training to our Nation's local election officials. This is a point that has been lost over the last few years in the discussion about poll worker training. I am referring to programs like the Election Center's Certified Election and Registration Administrator Program that George and I are both graduates of.

We must begin to understand that elections are conducted best in stable environments, and since 2000 we have seen legislative changes, at least at the State level, for nearly every 2 years under the premises of election reform. Many of those changes are actually knee-jerk reactions to anecdotal reports, and I believe it is time we give legislation a bit of a rest.

Legislative changes have been occurring at such a rapid pace that election officials, poll workers, and even voters are straining to comprehend just what is required of them.

We must accept that every human problem is simply not something we can cure with Federal legislation. I believe we must begin to advocate the right to vote carries with it a certain personal responsibility, and registration is one of those responsibilities.

Registration statistics are planning tools for election administrators, and if indeed the trend is to move away from the electronic-type machines to paper-based ballot systems, it is going to be more important than ever to understand how and where our resources need to be employed.

If voters are to be served well, then we need to know how many of them we can expect so we can print the appropriate number of ballots, have them available in the right places and quantities, provide enough voting equipment, hire enough poll workers, guarantee enough parking, along with the 101 other things that we need to do to properly prepare for voters on election day.

Finally, I believe that we must realize that the election infrastructure is currently not capable of doing what some think it can or should. Most elections offices were using punchcard systems just 3½ years ago, and we just have begun building databases after the passage of HAVA.

The fact is, as a nation, we completely ignored investment in the infrastructure of our election system until after the failures of 2000. We have improved our technology, but we are nowhere near the sophisticated and mature systems utilized by other government agencies, and it is going to take us another 10 years and perhaps millions if not billions of dollars to achieve that goal.

In closing, I want to say to you that thousands of people like George and myself are working throughout the country every day to ensure the system, despite the intense levels of criticism it receives, is performing to its highest capacity. And while we may not always agree on what the right answer is, you can be assured that we are working hard to try to make this system work for all voters in our country.

I also look forward to your questions.

[The statement of Mr. Cunningham follows:]

United States House of Representatives

Committee on House Administration

Subcommittee on Elections

Testimony of Keith Cunningham

March 26, 2009

Madame Chair, Mr. Ranking Member, and members of the committee, thank you for the opportunity to appear before you today. My name is Keith Cunningham. I currently serve as Director of the Allen County Board of Election in Ohio, and as a member of the United States Election Assistance Commission Board of Advisors. I am also past president of the Ohio Association of Election Officials.

America experienced the most challenging election in our history in 2008 and it was a resounding success. We served the largest number of voters, and realized the largest voter registration in our history and it went exceedingly well in all parts of our nation. So, I want to begin by stating unequivocally and without hesitation, that I do not concur with those who say America's Election System is broken. Of course that is not to say we can't make improvements and I certainly acknowledge it is not perfect. But for the advocates, or academics, or assailants who claim it is broken...sorry, I just cannot agree with that premise from where I sit.

I see more and more people voting every election cycle. And, data from the last 20 years demonstrates that very clearly. I see that more and more votes are being counted every election cycle. And, data from the last 20 years demonstrates that very clearly as well.

I am here to say that I believe that last year's Presidential Election was a superb success. Considering all of the predictions of failure, there are probably some that are disappointed with America's election officials for executing their responsibilities proficiently in 2008. It is quite a remarkable accomplishment when you realize that finding fault with our work has become somewhat of a cottage industry in the past few years. In 2008 America's election officials toiled under the pressure of media, advocates, political parties, lawyers, lawsuits, judicial rulings, excessive public records requests, legislative changes and predictions of total melt down. In Ohio we realized a new level of micro meddling by the Secretary of State, something we have now experienced under both political parties. With over 100 Directives issued in 2008, we set a historic record in our state that I hope no Secretary ever comes close to again.

However, despite the distractions and disruptions, local election officials across America arrived at Election Day prepared. In Ohio we saw absentee voting skyrocket. Voters literally turned our previously mail-based absentee program into an in-person, early voting program. This could have been a disaster but for the fact that our locally controlled boards were able to be flexible with the circumstances to successfully address the wide variety of local needs. This success is an example of why I believe America's voters are best served by a decentralized election system.

When I first began 11 years ago, a veteran election official said to me, "you're going to find that every election has its own life." She could not have been more correct. And without the ability of our Election Generals to make certain calls on the front lines when they need to, we will throw our system into sure paralysis. There is no standard election. Every one is different. Every one has different dynamics. Every one requires constant and diligent supervision on a day to day and sometimes hour to hour basis. That can only be accomplished through a hands-on local approach.

While I believe the 2008 election was a success for America's election officials, there are always things we can do to get better. In that spirit, I would like to respectfully offer several suggestions I believe would improve elections in America.

We must provide better education and training to our nation's local election officials. This point has been lost over the past few years in all the discussion about better poll worker training. I am a proud graduate of the Election Center's Certified Elections and Registration Administrator (CERA) program. This training remains my single largest positive influence but I am the exception rather than the rule. Programs like CERA must be available to all local election officials.

We must begin to understand that elections are best conducted in stable environments. Since 2000 we have seen legislative changes every two years under the guise of Election Reform. Many of these changes are actually knee jerk reactions to anecdotal reports. It is time to give legislation a rest. Legislative changes have been occurring at such a rapid pace, election officials, poll workers and even voters are straining to comprehend what is required of them. Please remember that Federal elections only occur every two years and presidential elections every four. The vast majority of elections are for state and local candidates and issues. These involve choices that directly affect who will control the local schools, who will make the zoning rules, and how much voters will pay in taxes and school levies. Elections on those highly local issues can be fundamentally different than elections for federal offices, and the election process needs to recognize that. We cannot operate under one set of rules in even years and another set in odd numbered years. We must begin to advocate that the right to vote carries with it a certain level of personal responsibility. If voting is a right, then registration is an accompanying responsibility. The philosophy of moving this responsibility to the state as some have suggested would have our founders turning in their graves. Registration statistics are planning tools for election administrators. If indeed the trend is to move away from electronic voting systems to paper based systems it is more important than ever to understand how and where resources are to be deployed. Requiring voters to affirmatively register gives election officials valuable information about how many people are actually likely to vote in a given place. Can you imagine attending a Professional Football game where no tickets have been issued or attempting to get a seat on an airliner with no reservation system in place? Expecting someone to register 30 days in advance of an election is not a hardship in light of the chaos, which could eventually develop without accurate registration rolls. There is not enough recognition by policy makers of the administrative value of being able to plan ahead. Knowing how many voters you will need to serve – and exactly where by precincts and voting locations – is what Congress has emphasized repeatedly.

If voters are to be served well, then we need to know about how many of them to expect so we can print the appropriate number of ballots, distribute them in sufficient quantities, provide for enough pieces of voting equipment, provide enough poll workers, provide enough parking, and the 101 other things it takes to properly prepare for voters on Election Day.

Finally, we must realize that the elections infrastructure is currently not capable of doing what some think it can or should. Most election offices were utilizing punch card technology until just 3 ½ years ago. We just began building statewide databases after the passage of HAVA in 2002. The fact is, as a nation, we completely ignored investment in the infrastructure of our election system until after 2000. We have improved our technology but we are no where near the sophisticated, mature systems utilized by other government agencies and it is going to take another 10 years and billions of dollars to get there.

In closing I would like to say to you that we must begin to consider what voices we are going to listen to. There are many out there claiming our election system is in peril and doomed to failure and they point to every little incident as proof positive. We must understand that many of those folks are profiting from their position thus they have no real incentive to ever say the system works.

Meanwhile, thousands of election officials throughout this country are working hard every day to insure the system, despite the intense levels of criticism performs to its highest capability. The reason you invite election administrators to testify is to learn what we believe will work best and how to make changes without damaging the process. The “do no harm” principle still applies – especially to elections. While we may not all agree as to the “right” answers, be assured that the men and women who serve as voter registrars or elections administrators throughout America want this process to work for ALL voters. And I have learned personally through my association with other election professionals throughout the nation, that voters are well served by these people who are dedicated to making democracy better.

Ms. LOFGREN. Thank you very much, Mr. Cunningham, and to all of our witnesses.

We now have a time when the committee members have an opportunity to ask questions for as long as 5 minutes of the witnesses. I would turn first to our ranking member, Mr. McCarthy, to inquire if he has questions.

Mr. MCCARTHY. Thank you, Madam Chairman. A couple questions. One, I want to thank you all for your testimony. I appreciate the opportunity that you would come. Part of it was what went wrong and what went right, and that is kind of what I wanted to focus on.

Mr. Cunningham, I think you raised a couple very good points, ways to improve, but also about legislation. The one thing I have found—it is okay, you are a freshman.

Mr. CUNNINGHAM. That is your ring?

Mr. MCCARTHY. We have had so many changes in election law each time, it is almost take a little breather room, because we have found a process that actually worked very well, but let's see what worked right. You need a little time on this basis.

But I saw where the New York Times' recent editorial said the States have far too much leeway in running elections. Does everybody agree or disagree with that statement?

Mr. CUNNINGHAM. I abjectly disagree with that statement.

Mr. MCCARTHY. Mr. Gilbert.

Mr. GILBERT. I think that the States do an excellent job. We are all learning as we go along and as the environment changes. But elections are local, and in large measure you can't respond to those local factions with something that is uniform nationally.

So, yes, I think the States have to take the lead. There is no harm in giving them direction and objectives, but the States have to take the lead there.

Mr. MCCARTHY. Ms. Hillman.

Ms. HILLMAN. I didn't see the article that you are referring to, but I would say that the States are certainly doing the appropriate job in conducting elections. However, I also believe that Congress has a responsibility with respect to Federal elections to make certain that its intention and concerns are addressed through the States.

Ms. BEACH. I believe that right now the way the Constitution is, the Federal law provides the States and local jurisdictions run elections. So it is really up to all of you to decide what you want to do. But the way the system works currently is the way it does.

Mr. MCCARTHY. Now, I am the one that kind of got to the theme, I don't want to put any words in anybody's mouth, but the last election with all the anticipation and the turnout and the education of people, there was great fear that things would go wrong. I think overall it went rather well. I kind of take that from everybody's statement. But I still believe, is there a place that we can improve?

Now, I believe we do have a disadvantaged group out there, and I believe it happens to be the military. I was wondering if anybody else has any comments on that, of ways we can improve, or if you disagree with me that maybe they are not? Starting with Mr. Cunningham.

Mr. CUNNINGHAM. I believe that much of that improvement rests in the hands of the military. Boards of elections are somewhat limited. We can get the ballots out of our office, if indeed we are using ballots. But once they hit the mail service, then they are pretty much out of our hands.

Mr. MCCARTHY. So if we had a tracking system, much like how we ship things now, if the military did something like that, it would be more helpful to you?

Mr. CUNNINGHAM. I believe so. I believe if there was some direct way that we could actually get the—I am not faulting the United States mail service.

Mr. MCCARTHY. It is difficult if you are overseas or someplace else.

Mr. CUNNINGHAM. Correct. If we had a more direct way to get the ballots in the hands of the military, so that they—we don't know where most of the people really are. So if we could get the ballots more directly in the hands of the military, they could get those ballots distributed to where they need to go. It is a very unusual and unique situation, no doubt.

Mr. GILBERT. The military is obviously highly mobile. Most of the ballots we get back undeliverable are primarily because those men and women in the military have moved. We mail a ballot to them automatically over a 2-year period, and they don't stay in one place for 2 years. So I think Keith is absolutely right, if we have a way of identifying where those people are.

I would also say the same thing applies to our civilian population here at home. It is a highly mobile society, and as I pointed out in my testimony, you are going to miss a lot of people if you rely on their initiative. Obviously, the military people don't always take the initiative to let us know what their new address is. Neither do domestic civilians.

We have to find some way that government can help better track where those people are.

Mr. MCCARTHY. The only thing I find different with military than domestic, domestic gets to choose where they go, military tells them where to go. So we know that they are being moved. But if they had a tracking system on the ballot where you could track the ballot, because a lot of it, it doesn't get there in time, and the mail process for the military is not always going the same 2-day service somewhere in your State.

If you could follow up on the answer, Ms. Hillman?

Ms. HILLMAN. Sure. One of the things I would say about the 2008 election cycle is that several jurisdictions were caught off guard during the primary cycles with not having sufficient number of ballots and long lines, so they had a chance to correct those issues for the general election. So the primary cycle served as sort of a trial run.

With respect to the issue of the military, I really do think there is an appropriate role for the military to have those officers who are designated to take care of election issues to be a bit more engaged in helping the military to participate.

The whole issue of how the ballot gets transferred, I must say that I am a believer that technology and Internet are the best answers to those problems. I understand security issues and concerns

about security over the Internet. But when you have got citizens scattered throughout the globe and there is no other way, particularly for States with late primaries, to meet a tight window, then I think it is worth the research that the Election Assistance Commission will be doing on being able to use the Internet to reach those voters.

Ms. BEACH. As Chair of the EAC, one of my priorities is to look into military and overseas voters and see if there are ways that we can find solutions, because we are here to assist State and local election officials. We certainly will be having a hearing this spring on that and will be bringing in State and locals, because some of them have demonstrated and set up programs to deal with this issue, and hopefully we can share their best practices with everybody.

Mr. MCCARTHY. Thank you for your answer, and thank you, Madam Chair.

Ms. LOFGREN. I turn to Mr. Gonzalez for any questions he might have.

Mr. GONZALEZ. Thank you very much, Madam Chairman. My only observation on assisting members of the military service: Until we have the Department of Defense fully engaged and participating willingly, it's just not going to happen. My sense of it is that we don't have that. I think we can do a whole lot, and I surely would like to join Mr. McCarthy in a certain effort, maybe not a particular legislative remedy that may be sought at this time, but it is worth exploring, because I think therein lies the answer.

Mr. Gilbert, I am going to be looking at your testimony. Same day voter registration, in your jurisdiction what you did, you extended it during the early voting period.

Mr. GILBERT. That is correct.

Mr. GONZALEZ. I am from Texas. Our early voting, we have about 2 weeks. Then it ends about a little bit more than a week before the election. Is that what you had?

Mr. GILBERT. Ours ends on Saturday preceding the Tuesday election. It begins roughly 2½ to 3 weeks prior to the election.

Mr. GONZALEZ. And you indicated that you had 244,000 voters exercise the right to vote by way of same day registration, a quarter of a million?

Mr. GILBERT. We had 105,000 statewide same-day registrants, which is about 2.5 percent of our total vote.

Mr. GONZALEZ. And then you indicate the verification process and such. And there is no doubt, because I think Mr. Cunningham said in his testimony, "expecting someone to register 30 days in advance of an election is not a hardship in light of the chaos which could eventually develop without accurate registration roles."

By your testimony, Mr. Gilbert, you are saying as more people are aware of same day registration, the more they will participate. And of course, that is about order of participation.

Now, everyone up here who has ever been in a campaign, and we all have, the greatest effort and the greatest expenditure of money to engage that potential voter is probably in the last 30 days of an election as we lead up to it. Some people would say the best effort is exercised, and some people would say it is the worst effort,

because all sorts of issues come to a head at that point. But truly, that is the maximized effort by the candidate.

I don't know, now some people may disagree with that, but as we go into it, I assure you, it is those 30 days that really count. So I think that is when we engage the voter or we engage the interest.

And I am a great believer in same day registration, but I think Mr. Cunningham has a concern. How do you address Mr. Cunningham's concern? And you expressed some reservations. But I think in your testimony you are not saying that you are going to abandon it. "Limiting or discouraging this by letting their wait lines become longer and longer is not an acceptable option." But how do you address Mr. Cunningham's concern?

Mr. GILBERT. I think the solution is for us to have the most effective and most complete database going into the election. I agree 100 percent with Keith on that.

I agree with Ms. Hillman that we need to have those registration lists as complete as possible prior to the election so that we can in fact minimize the actual registration process during early voting or on election day. But I think in order to do that, the States themselves are going to have to take the initiative to compile those lists and to provide more complete lists, and not leave it completely on the voter initiative. If you provide same day or election day registration and all registration is just voter initiative, those numbers will grow larger and larger and larger and we will administratively not be able to handle that and it will clog up the entire system.

So I think we need to compile those lists. The government needs to have a more active role in compiling those lists, and not simply wait for the voter to come register.

Mr. GONZALEZ. If same day registration results in greater voter participation, which at the end of the day we are all together on that, it is worth the effort. It is just a matter of logistics and the process to accommodate it.

Mr. GILBERT. That is correct. If we have all of those people, if we have all of our residents and all of our citizens in our database on election day and all we have to do is look them up and have them declare their residence at that point, that takes care of the problem. They don't necessarily have to have filled out a registration application ahead of time.

Mr. GONZALEZ. Thank you very much, sir. I yield back.

Ms. LOFGREN. The gentleman yields back.

Mr. Harper.

Mr. HARPER. Thank you. My phone is on silent, for those of you who may be concerned. I won't use the excuse we were in a Budget Committee hearing until almost midnight last night, that I forgot to change it back.

Thank you for being here. This is an important issue, and obviously it is our desire that everyone who wishes to vote has that opportunity and every vote is counted and counted properly. I think we would all agree on that.

I guess my question would be for Mr. Gilbert and Mr. Cunningham. In your respective States, when you talk about a database, I assume that database would be under the control of your Secretary of State and that it is still going to depend upon the

local election commissioners to update and control and purge and change and make sure those are accurate lists.

Would that be a fair statement?

Mr. CUNNINGHAM. Yes, sir. I believe the local election official is the closest person to the voter and is the interface with the voter. So I think that information needs to come through the local official.

But I will say this: There is a lot of criticism about the database purging, and local election officials tend to take a hit on that. I believe the problem is more a result of lack of clarity. Many of these regulations are somewhat cloudy in their scope. Again, that goes back to the issue of better education of local election officials and more clear direction from those that are passing legislation as to exactly what we should be doing in the area of purges and registrations.

Mr. HARPER. Along with that, are there any voter ID requirements in your respective States?

Mr. CUNNINGHAM. Ohio has a voter ID requirement, and, quite frankly, it is driving some provisional balloting because of the address component. I think it is one of the laws of unintended consequences that has reared its ugly head there.

I believe that if we maybe relieve the ID provision of the address component and strictly who the person is and confirm that identification, we will see a reduction in provisional ballots and a smoother election day.

Mr. GILBERT. In North Carolina, the ID requirement for by mail registration is of course in accordance with the NVRA. They just have to prove that they are a person, who they are. They don't have to have the address confirmation. But the same day registration ID, that identification requires address confirmation, too, and I think that is appropriate for same day and election day registration.

Mr. HARPER. And that address or residence verification is done by any utility receipt, not necessarily a photo ID.

Mr. GILBERT. It doesn't have to be a photo ID. It can be either a driver's license photo ID, or it can be a utility bill, a bank statement, things like that. There are a variety of things that confirm that voter's address.

Mr. HARPER. As far as any evidences that you have seen out there of voter fraud, any of you, has that been something that you felt is prevalent? We have certainly had documented examples in my own State of that taking place. Did you see that as an issue in 08?

Mr. CUNNINGHAM. Well, I would address voter fraud this way. There is a lot of people that claim well, there is no voter fraud, so we don't need to do anything about it. I would respond by saying my home has never been broken into, but I still lock the doors when I leave. So I think reasonable measures that guard against voter fraud are well advised.

Mr. HARPER. Anybody else?

Mr. GILBERT. I would just add that one of the reasons that we don't see much evidence of voter fraud is because we actually do look for it. We do monitor for that. We encounter things that we think are suspicious or out of the ordinary on a day-to-day basis in our local office and we look into those things. So voter fraud is

something that at the local level we are very sensitive to and try to keep it out of the news, try to keep it from happening. We try to take preventive measures. I think many of our State laws also are directed toward that end.

Mr. HARPER. One final question dealing with military issues and how we can make sure that doesn't happen. It seemed to be a problem with us in my home State of Mississippi, that when the ballot in 2008 was finally approved, it was getting rather close, considering you were going to be sending it off and getting it back.

Is there enough preparation time from the time your ballot is locally approved and sent off? Do we need more time to get it there as one possible solution to make sure we get these ballots back?

Mr. CUNNINGHAM. Any time you have a date certain situation, time is of the essence. I fully concur with Commissioner Hillman. We need to be investing in the Internet opportunities that we have to serve our military. I think the military needs to engage it a little more.

I will say that I think the component that requires us to automatically mail for 2 years to a military person is probably not working, because it is very unlikely that person is still where they were a year ago and we get a lot of those back.

Mr. HARPER. I thank each of you for your time.

Ms. LOFGREN. Thank you.

Mr. Davis.

Mr. DAVIS of Alabama. Thank you, Madam Chairwoman.

Let me try to pick up two sets of questions with my 5 minutes. The first one has to do with early voting. There is a lot of interest right now in the Progressive community, and to some extent, candidly, in the Democratic community in early voting there is a real embrace of it. I would sound one cautionary note about it.

To me it seems that early voting favors whoever is ahead and whoever has the most money to spend on television and get out the vote efforts. Now, that happily, from my perspective, was Barack Obama in October 2008 and early November 2008. I do not have pitch perfect confidence in every election going forward my guy or my lady is going to be the person who has the most money and is ahead, and I think that is something that has to be appreciated.

In election after election, what we see is that early voting locks in the political state of play in the race in mid-October and early October, and that is a systematic bias that in some cases helps Dems and in some cases Republicans, but I don't think we can have a genuine conversation about early voting without understanding that and taking that into account.

For example, the Tennessee Senate race in 2006. Harold Ford won a majority of the votes cast on election day. He lost by a reasonably comfortable margin in the early voting because his opponent, now Senator Corker, had the capacity to outspend him 3½ to 1 on television, and if you are in an early voting scenario, it seems to me that when you take a hit in the polls, that is a hit in votes.

Normally when you are subjected to a negative attack or a scurrilous allegation in the campaign, you have time to counter it by running your own ads, by getting another message out. Early voting, you are losing votes every time an allegation airs.

Am I the only one with that perspective? Does anyone on the panel want to react to that observation? Mr. Gilbert?

Mr. GILBERT. Most of the studies of the States who have had early voting, and certainly in our experience in North Carolina, have indicated that early voting typically does not increase turnout. The same people are going to vote who vote, whether they vote early or vote election day. You may have the moment-by-moment variables that are changing from day-to-day within a campaign affecting how the people are voting that day, but those variables are uncontrollable, whether they be 2 or 3 weeks prior to election day or election day itself.

So I think it is a kind of a crap shoot either way. You are taking a chance on what news is going to come out in headlines on Monday, the day before the election.

In fact, in our experience, the early voting really has not—it may tend to favor one candidate or the other during that period, but it has not really been shown to have an impact on the final outcome of those elections.

Mr. DAVIS of Alabama. This is what I would say, to give you an example. In my State of Alabama right now there is an effort underway by some legislators to create early voting in Alabama. And, frankly, their stated motivation is they think that it helps Democratic candidates. I just don't buy that. I think it helps whoever is ahead, and that won't always be the Democratic candidate.

Mr. Cunningham, were you trying to jump in on that?

Mr. CUNNINGHAM. Yes. My experience is that the turnout in early voting had to do with candidate motivation and on-ground tactics, not so much advertising. But I will say to you that I think this is one of the problems, if we tried to make decisions on election administration with political tactics in mind, we will never get the problems that we have solved.

Mr. DAVIS of Alabama. I 100 percent agree with that. That is why I was trying to make the observation that we shouldn't do that.

Mr. CUNNINGHAM. I believe the biggest question in front of us all is, is this still a 13-hour, one-day event. In 1952, 60 million people voted for President. Last year, 130 million people voted for President. By and large, we are still doing it the same way. Early voting clearly takes the pressure and the panic off of election day.

Mr. DAVIS of Alabama. Let me try to slip in one final point in my final 30 seconds. This is I suspect beyond the scope of this panel; maybe it is more of a Judiciary Committee question.

As you know, Mr. Gilbert, you are from a Voting Rights Act covered State. As you know, the Supreme Court will be reviewing, I suspect in a few months, the question of whether Section 5 still has vitality. There are some that argue that Section 5 is cumbersome as far as the election process goes, cumbersome as far as the pre-election process goes. I disagree with that.

I want to know if you could briefly speak as someone who is in a VRA covered State on whether you agree with the critiques of Section 5 or not?

Mr. GILBERT. I happen to be a Section 5 county. Forty-five counties in North Carolina are covered by Section 5 pre-clearance requirements. I have never found it to be cumbersome. I have never

found it to interfere with our election process. And my personal experience is that it still serves a very worthwhile purpose.

Mr. DAVIS of Alabama. I would just end, if I can, Madam Chairwoman, by echoing that, and hoping that we pass that observation on to the Judiciary Committee and include it as we think about possibly responding to what the Supreme Court may do on Section 5.

Mr. Cunningham, I kind of like something you said. You mentioned the fact that, well, the fact that your house has never been broken into doesn't mean you never lock the doors. The fact that there is demonstrably less racial discrimination in every area of American life doesn't mean we get rid of Title 7. The fact that there is less discrimination against women doesn't mean we get rid of Title 9. So it does not follow that simply because there is less race conscious voting than ever, we eliminate some of the safeguards that helped us get to the point where there is less race conscious voting than ever.

I yield back.

Ms. LOFGREN. Thank you, Mr. Davis. Many of us serve also on the Judiciary Committee, so we will be able to bring those comments back.

These have been good questions. I want to touch on a couple of items.

Mr. Gilbert, your electronic poll books, do they update a voter's status in realtime?

Mr. GILBERT. We do not. During the early voting period, that update is probably about every 30 minutes. We don't do a real-time update. We do it in a batch mode. That way we don't get shut down if we lose communication. That is the reason for it. We are updating the voter's central records on a periodic basis throughout the day.

Ms. LOFGREN. But every 30 minutes is pretty close.

Mr. GILBERT. It is close to realtime.

Ms. LOFGREN. Very good. I am interested in the issue of overseas voting, including our military. It seems to me there are a number of issues, but one of the issues, as has been mentioned by Mr. Harper, sometimes the ballot is finalized, and by the time you mail it and then you mail it back, it is too late.

Although there are security issues that have been expressed, and I am not sure yet been resolved, on Internet voting, it seems to me that if you are overseas, whether you are in the State Department or the military or whatever, and you know you are registered and where you are registered, if you were able to put in the Zip Code and download a copy of the ballot and fill it out and mail it in, at least you would solve that mail-out problem entirely. The safeguard would be you are signing it, and unless you are actually registered, the ballots aren't going to be counted by the election officials where you think you are registered.

Wouldn't that work? Wouldn't that help a lot?

Mr. GILBERT. We certainly used that. As a matter of fact, we use that technique when we are faxing ballots or something similar to that. The problem you end up with there is that you end up having to count those ballots by hand, and in jurisdictions where you have

a substantial number of overseas voters, that would become very problematic.

I personally don't see any greater security risks associated with Internet voting than I see with voting by mail in general. I think we can address those security issues, and I would certainly be in favor of moving more in that direction.

Ms. LOFGREN. Couldn't you, maybe the technology isn't here, but in California now and I think many States, and I think ultimately all the States are going to end up with scanned ballots because there is a paper record. You can do a scanned ballot that you downloaded and printed as well as that you have delivered, can you not?

Mr. GILBERT. Well, the technology is not there for counting those automatically yet. Perhaps it could be done. With optical character recognition and things like that, we may well be able to. I know our vendor is working on tabulation systems that will read a ballot digitally and as a picture. That is possible. I don't know that much about the technology.

Ms. HILLMAN. Madam Chair, if I may add that I think for the short term, for 2010 and 2012, it would seem to me that cooperation between the military and our embassies to facilitate voting would be one of the most efficient approaches. Technology will definitely be there. And I think we in the United States have to become comfortable with the use of technology in voting.

The concerns about the lack of security exist in every single thing that we do in this country. And there were procedures in place, chain of custody and other things that protect the security.

So I think you are absolutely right. It won't take but some research and development for us to have a touch-screen machine that serves all voters, including the disabled and the States that require putting ballots in many languages. It is efficient, it is cost-efficient and can produce a durable paper ballot that can withstand many hands, can be counted through a scanner, can be stored and archived for a period of time, and that the Internet can come into play. But I think given what I have heard in the recent years, we are probably a good 10 years away, I think, before this country is going to embrace the full use of technology for voting, the way we embraced the full use of technology for all our banking and bill-paying needs.

Ms. LOFGREN. I will just close by saying that certainly I don't think these are alternatives. We ought to be getting our military to be more aggressive in interfacing so that our men and women in uniform are able to vote.

But they are not the only people overseas. I mean, we have Mormon missionaries, we have State Department, we have millions of Americans overseas who want to vote. You know, I come from Silicon Valley, so when you are talking technology and you use the word "10 years," my constituents go crazy, they are thinking 10 months.

So we will see how this develops. I appreciate your testimony. We look forward to your continued good service to our country. And we will keep the record open. If there are additional questions, Members will have 5 days to submit them, and we would ask if that occurs, that you respond to those questions.

[The information follows:]

ROBERT A. BRADY, PENNSYLVANIA
CHAIRMAN

Congress of the United States

House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION

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DANIEL E. LUNGREN, CALIFORNIA
RANKING MINORITY MEMBER

April 6, 2009

Ms. Gineen Beach
Chairwoman
U.S. Election Assistance Commission
1225 New York Ave., N.W., Suite 1100
Washington, D.C. 20005

Ms. Gracia Hillman
Vice-Chairwoman
U.S. Election Assistance Commission
1225 New York Ave., N.W., Suite 1100
Washington, D.C. 20005

Dear Commissioners Beach and Hillman:

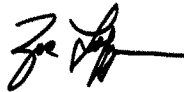
Thank you for testifying during the March 26, 2009 Committee on House Administration, Subcommittee on Elections, hearing on the "2008 Elections: What Went Right & What Went Wrong." The Subcommittee requests your response to additional questions that will be made part of the hearing record. Please provide your responses to the Committee by April 27, 2009.

1. Does the EAC expect to execute plans to ensure that the problems brought to light during the last few election cycles are not repeated in the future? If so, what steps has the EAC taken to address these issues? The Committee on House Administration held a hearing shortly after the primaries last year highlighting a few of the problems voters had with exercising their right to vote. How did the EAC use the information from that hearing to prevent problems from occurring in the general election?
2. What is the EAC doing to collect evidence and evaluate the successes and problems with the 2008 general election? What happens to such data? Does the EAC collect data from everyday citizens? How can citizens log complaints and problems that they encounter? In addition to issuing surveys to election officials, will the EAC be hearing testimony from advocacy organizations?
3. How can we expand on the success of the Help America Vote College Program and the College Pollworker Program? What is the EAC doing to get more young people involved in these programs? Will the EAC work with state and local election officials to help them initiate their own programs?

4. What is the EAC doing to prepare for future election contingencies or emergencies?
5. During your testimony you stated that voter education was particularly successful this year. What future plans do you have to assist bilingual voters? When do you plan to complete the translation of the national voter registration form?
6. Is the EAC fulfilling all its roles as the clearinghouse for elections? If so, how?
7. From your experiences with election officials, what can you tell us about challenges they face in transferring and matching information between databases both intrastate and interstate?

Thank you and I look forward to your responses.

Sincerely,

A handwritten signature in black ink, appearing to read "Zoe Lofgren", with a long horizontal flourish extending to the right.

Zoe Lofgren
Chair, Subcommittee on Elections



U. S. ELECTION ASSISTANCE COMMISSION
1225 New York Avenue, NW, Suite 1100
Washington, DC. 20005

April 27, 2009

The Honorable Zoe Lofgren
Chair, House Committee on House Administration
Subcommittee on Elections
1309 Longworth House Office Building
Washington, DC 20515

Dear Chair Lofgren:

Thank you for extending an invitation to the U.S. Election Assistance Commission (EAC) to testify at the March 26 hearing on the "2008 Elections: What Went Right & What Went Wrong."

We also appreciate the opportunity to answer follow-up questions posed by the Committee. Our responses are attached, and please contact us if you have questions or need additional information.

We look forward to continuing to provide the Committee information and data as we work together to improve election administration.

Sincerely,

Handwritten signature of Gineen Bresso Beach in black ink.

Gineen Bresso Beach
Chair

Handwritten signature of Gracia Hillman in black ink.

Gracia Hillman
Vice Chair



COMMITTEE ON HOUSE
ADMINISTRATION
SUBCOMMITTEE ON ELECTIONS

HEARING

ON

2008 Elections: What Went Right &
What Went Wrong

Questions for the Record

for

U.S. Election Assistance Commission
Chair Gineen Bresso Beach
Vice Chair Gracia Hillman

April 27, 2009

**Questions for the Record
Submitted by Chair Zoe Lofgren**

1. Does the EAC expect to execute plans to ensure that the problems brought to light during the last few election cycles are not repeated in the future?

While the EAC does not have the regulatory authority to execute plans in the states to prevent problems in elections, we do provide tools and best practices to election officials to improve election administration practices, including pre-election testing and contingency planning materials, which promote a proactive approach to election management. Providing tools and best practices to prevent problems is reflected in the EAC's Strategic Plan under the third goal -- "Study, Guide and Assist" and through the EAC's Election Management Guidelines program. The program was created to address the many issues and challenges that occur in the process of administering an election.

If so, what steps has the EAC taken to address these issues?

For the past two election cycles, the EAC produced and distributed best practices about issues that emerged during the primary seasons. For example, in 2008 the EAC held the Preparing for Election Day 2008 series of public workshops. Topics included contingency planning, ballot design, statewide voter registration databases and empowering voters, and participants included advocates, election officials, academics and other experts.

In anticipation of high voter turnout in 2008, the EAC issued management guidelines about polling place and vote center management. During the 2008 and 2006 primary seasons, flooding and other weather events disrupted voting and served as a reminder to election officials throughout the nation to prepare for unexpected events. To assist election officials in planning for the unexpected, the EAC produced contingency planning materials, including management guidelines and a training video.

The EAC issued management guidelines about serving voters in long term care facilities to address issues regarding improved access for older voters and those in long-term care facilities. The EAC also provided election officials and the public with information and updates that impacted these voters, including distributing information about the Veterans Health Administration's VHA Directive 2008-025, which defined the policy for assisting patients who seek information on voter registration and voting. The EAC also produced a training video about making polling places accessible.

The introduction of more paper-based systems in 2008 prompted the EAC to issue management materials on conducting recounts and processing central count ballots. Other election management material topics issued included serving uniformed and overseas voters, processing provisional ballots, developing an audit trail and canvassing and certifying an election.

We anticipate that the Election Management Guidelines will become even more important in the future, particularly at the local level, as many of these jurisdictions now have limited budgets and may not have the resources to produce or update training materials and best practices.

The Committee on House Administration held a hearing shortly after the primaries last year highlighting a few of the problems voters had with exercising their right to vote. How did the EAC use the information from that hearing to prevent problems from occurring in the general election?

The EAC's primary role is to gather information about elections and use that knowledge base to provide assistance and information to election officials and voters. The EAC relies on information from multiple sources, including the Commission's public meetings, hearings and roundtable discussions, election administration conferences, advocacy groups and firsthand observations made by Commissioners and EAC staff who routinely observe primary and general elections in regions throughout the nation.

Voter education is always a priority, and the EAC launched an aggressive public education initiative in 2008 to build upon states' efforts to prepare voters. The EAC reached out to media markets

based on the states' registration deadlines under the theme "Prepare and Confirm before Election Day." Through these media interviews, the Commissioners reached as many as 9,768,588 listeners, viewers and readers.

During interviews, Commissioners urged voters to know their registration deadline; to follow registration instructions carefully; update registration after moving; and to confirm his or her registration status. To further assist voters, the Commission created a map-based database on the EAC's home page that contained basic voting information for each state, such as registration deadlines, toll-free numbers, absentee and early voting options, polling hours and links to local election Web sites.

Web site statistics show that EAC's public education efforts paid off. Between August and November 2008, there were 1,349,082 page views on the EAC Web site. Top page destinations included Register to Vote and the Voter Information Center. Another popular section of the Web site was the database containing state-specific information about voting, which received 30,529 page views with an average time of 2:54 minutes spent viewing this section.

In 2008, the EAC used its national platform to urge cooperation between election officials and voter registration groups, advising them to avoid bottlenecks by coordinating registration form drop-offs and working together to make sure voters filled out the forms correctly. The need for cooperation was also highlighted in 2008 during the EAC's Voter Empowerment workshop.

The need for poll workers is consistently a concern for election officials. The EAC issued a call to recruit at least 2 million poll workers for the general election and delivered the message to media outlets throughout the nation, urging Americans to serve their country and their community at the polling place. Anecdotal reports suggest an increase in poll workers, and we look forward to receiving and distributing the data about poll workers from our 2008 Election Day Survey.

2. What is the EAC doing to collect evidence and evaluate the successes and problems with the 2008 general election?

HAVA defines the roles of the EAC and the states regarding the administration of elections. Regarding input from citizens, HAVA requires each state to adopt an administrative complaint procedure, providing a formal mechanism in which citizens may file a complaint with the state regarding compliance with Title III of HAVA. States had to adopt these procedures as a condition to receive HAVA funds. Each state is also required to file its administrative complaint procedures in the Federal Register.

The EAC is required to assist states in their efforts to make election administration improvements, and that includes conducting research. The primary tool the EAC uses to collect information about elections, including the 2008 general election, is the Election Day Survey. Every two years EAC issues this survey based on election administration-related data collected from the country's 50 states, the District of Columbia, Guam, Puerto Rico, American Samoa and the U.S. Virgin Islands. The 2008 Election Administration and Voting Survey captures information related to the National Voter Registration Act (NVRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and other election administration issues such as the casting and counting of provisional ballots, absentee ballots and poll worker recruitment. The UOCAVA data from the 2008 Election Day Survey will provide further insight into progress made and areas that need improvement. Concurrently, a joint effort between EAC and the National Institute of Standards and Technology (NIST) has been exploring how technology can improve the process for securely transmitting and receiving ballots from UOCAVA voters in order to provide election officials with specific ways to make improvements.

For the 2008 general election EAC is also collecting from each of the states and territories, in the form of a statutory overview, information about state laws, definitions and procedures related to the conduct of elections. This information is seen as critical to better understanding the differences and similarities among states regarding the administration of their elections.

In addition to the data being collected for the Election Day Survey, the EAC is also administering an election data collection grant

program, authorized by Congress in the Omnibus Appropriations Act for Fiscal Year (FY) 2008 (P.L. 111-8). The grant program provided \$2 million each to five states to collect precinct-level data about election administration related to the November 2008 general election. The program was designed to develop a series of best practices in election data collection; improve data collection processes; enhance the capacity of states to collect accurate and complete election data; and to document and describe data collection practices, policies and procedures. The winning grant recipients, required to submit their 2008 election data by March 2009, were Pennsylvania, Minnesota, Ohio, Illinois and Wisconsin.

What happens to such data?

This year EAC will provide reports to Congress and to the public on both the 2008 Election Day Survey and the election data collection grant program. The findings will enable decision makers to make well informed decisions about election administration policies and procedures. These data will ultimately help improve operations, identify voter needs, and track progress as well as provide valuable information to the public.

Does the EAC collect data from everyday citizens?

The EAC does not collect data or information from everyday citizens. There are two main challenges facing the EAC regarding such an ambitious undertaking. The first challenge is verifying the information provided, especially about voting system performance. Determining the reason for voting system anomalies requires a thorough review of the voting system and all of the components surrounding its management. The second challenge is having the authority and resources required to conduct reviews about elections at the local and state levels. Conducting voting system reviews in multiple jurisdictions throughout the nation would not be feasible for a Commission the size of the EAC.

Regarding providing information to the public about voting systems in the EAC's Voting System Testing and Certification Program, the EAC's process is transparent and information is available to the public through the Voting Systems Center on the EAC's Web site.

Visitors are able to access basic information, such as lists of accredited laboratories and registered manufacturers, as well as more detailed documents generated throughout the process, including registered manufacturers, test plans, test reports and certified voting systems. Also available is a detailed step-by-step description of how voting systems are certified by the Federal government.

The EAC's disclosure rules only apply to those manufacturers who have voluntarily submitted systems for testing to the EAC. The Voting Systems Reports Clearinghouse was established to gather information about voting systems that were certified by state or local jurisdictions. This information is used by the EAC's voting system laboratories in the testing of systems, and is available to election officials across the country in order to evaluate and improve their systems. The EAC encourages all jurisdictions to submit their reports to our clearinghouse, which is also available to the public.

One of the most substantial factors in determining what information the EAC provides to the public is its commitment to providing accurate and current information about election administration consistent with the Office of Management and Budget's standards. The Data Quality Act of 2001 (Sec. 515, P.L. 106-554) requires Federal agencies to ensure "the quality, objectivity, utility, and integrity of information (including statistical information) disseminated." Congress enacted the DQA primarily in response to increased use of the Internet, which gives agencies the ability to communicate information easily and quickly to a large audience. Under the DQA, the EAC must ensure that the information it disseminates (even from third parties) meets certain quality standards.

How can citizens log complaints and problems that they encounter?

If a citizen reports an issue to the EAC, we refer the caller to the appropriate enforcement or administrative agency. For instance, if we receive a call about an issue in a specific jurisdiction, we provide the contact information for the respective state or local election office. Calls regarding enforcement of the Voting Rights Act or the Help America Vote Act are referred to the Department of Justice.

In addition to issuing surveys to election officials, will the EAC be hearing testimony from advocacy organizations?

Advocacy organizations always have and always will have a seat at the table. The EAC will continue to ask a wide variety of stakeholders to participate in public meetings, roundtable discussions and other forums. For instance, during our March 2009 meeting about statewide voter registration databases, stakeholders, including advocates, shared observations from 2008 and provided recommendations for future improvements. We will continue to draw on the expertise and experience of advocacy organizations as well as election and other government officials, technology experts and academics.

3. How can we expand on the success of the Help America Vote College Program and the College Pollworker Program?

The Help America Vote College Program has been one of the EAC's most successful programs. Since its inception, the EAC has awarded a total of \$1.65 million in grants to 46 colleges and nonprofits to recruit students to serve as poll workers.

Thanks to the program, initial research shows that 2,516 students served as poll workers in 2008. A beneficial element found in several instances was the civic engagement feature many of the grantees chose to incorporate into their programs. The majority of programs that had this component saw an increased interest level among students, and a willingness to participate again in the future.

What is the EAC doing to get more young people involved in these programs?

The appropriations provided by Congress will ensure the continued success of the program by attracting an even larger pool of applicants. To further assist state and local election officials regarding the execution of successful programs, the EAC has issued a guidebook on college poll worker recruitment for election officials and civic organizations. We are also reviewing statistics and

feedback from grantees and participants to determine how to improve the program in the future.

Will the EAC work with state and local election officials to help them initiate their own programs?

We will continue to work closely with our grant recipients, and as more programs are established with the grants, EAC will collect best practices based upon these initiatives to further assist states regarding the implementation of a successful program.

4. What is the EAC doing to prepare for future election contingencies or emergencies?

The EAC has consistently made contingency planning a priority in its guidance and discussions with states and localities. Highlighting the importance of advance planning was a major focus in 2008.

In June 2008, the EAC issued a detailed management guide on contingency planning. To stimulate discussion on and build awareness of the management materials, the EAC in July 2008 held a public workshop on contingency planning. Election officials from Florida, Ohio and Kentucky discussed their approach to developing and implementing contingency plans, and EAC staff discussed the management guidelines and best practices. The EAC webcast the event and distributed materials from it to election officials throughout the nation.

In September 2008, the EAC emphasized contingency planning by issuing a press release restating its importance as well as producing a training video about contingency planning. The press release also included tips for voters about doing their part to prepare for Election Day, such as verifying registration status, becoming familiar with voting technology, knowing polling place location and learning polling place hours. This was important in helping the media educate voters about the importance of their role in making Election Day a success.

Following hurricanes Katrina and Rita, EAC hosted a meeting for election officials from impacted states along with congressional

representatives, representatives of other federal government agencies, and election officials that had previously experienced disasters surrounding their election systems. During the meeting participants shared information about their experiences and how they rebuilt their election infrastructures after devastating weather events. The information gathered at this meeting and through working group sessions with election officials provided the basis for the management materials produced by the EAC on contingency and disaster planning.

The EAC will continue to focus considerable time and resources to prepare election officials for emergencies, both natural and man-made. The circumstances surrounding elections will always be unpredictable, and being prepared for the unexpected will always be a priority. We will also continue to stress the importance of preparedness to voters, which includes knowing registration deadlines as well as voting hours and locations.

5. During your testimony you stated that voter education was particularly successful this year. What future plans do you have to assist bilingual voters?

The EAC's Language Accessibility Program was developed in accordance with HAVA's instruction to study and promote methods of ensuring the accessibility of voting, registration, polling places and voting equipment to all voters. Materials produced by the Language Accessibility Program are the result of collaboration among election officials, advocacy groups and research and public policy organizations. Languages included in the program are those covered by Section 203 of the Voting Rights Act. The EAC issued A Voter's Guide to Federal Elections in English, and then translated the guide into six other languages – Spanish, Chinese, Japanese, Korean, Vietnamese and Tagalog. The guide provides basic information about voting in Federal elections, as well as contact information for election offices in each state. The EAC produced the Glossary of Election Terms in six languages – Spanish, Chinese, Japanese, Korean, Vietnamese and Tagalog, and translated major sections of the EAC Web site into these languages. A working group meeting was convened to discuss the language assistance needs of those who speak Native American and Alaska Native languages. The EAC will

be involved in further discussions to assess what materials and initiatives would be useful in providing assistance to voters of these language populations.

When do you plan to complete the translation of the national voter registration form?

During meetings with the Asian community, disagreement arose among members regarding proper translation of certain terms. Debate continues regarding whether the National Voter Registration Form should only have the translated language on the form (monolingual version) or have the English and translated language side by side on the form (bilingual version). Both options present obstacles for effective design and usability. The bilingual form requires very small type to accommodate both languages and leads to a confusing layout for both voters and election officials to understand. It became apparent that these issues would not be resolved in a timely fashion. Therefore, we thought it prudent to move forward immediately with the glossaries and the voter guides in the five Asian languages covered by the Voting Rights Act. This allowed us to have a basis for accurate translations of election terms in these languages.

Regarding the translation of the national form into these five Asian languages, we must make sure that election officials have the resources to process the forms. The Asian languages have different character sets than English or Spanish. A form submitted by a registrant who writes in Chinese characters cannot be processed in many election jurisdictions because there would not be anyone who could translate the writing. If a registrant has the need to use a form that is written in another language, the chances are very high that the person will fill out the form in that language.

Our first priority is to work out the issues that were raised during the working groups meetings, including the potential obstacles regarding design, usability and acceptance of the form. The EAC believes it is prudent to resolve these issues before moving forward to create and maintain the national form in Chinese, Japanese, Korean, Vietnamese and Tagalog.

6. Is the EAC fulfilling all its roles as the clearinghouse for elections?

HAVA instructs the EAC to serve as a national clearinghouse of information about election administration. Currently, the EAC provides a wide variety of information on its Web site about election administration best practices, EAC's voting system program, research results and updates and information about the use of HAVA funds.

If so, how?

The EAC's Web site features user categories, such as the Voter Information and the Election Official centers, to help users locate information quickly. The EAC also adopted a Voting System Reports Clearinghouse policy, in which government officials at every level of government may submit information about voting system performance. The EAC is working on a clearinghouse policy that will provide additional resources and make it clear to the public the information that the Commission will collect and include in its clearinghouse.

Under the first goal in the EAC's Strategic Plan is the objective to establish and execute the EAC clearinghouse policy, which the EAC intends to adopt within 5 months. The clearinghouse policy will establish the framework and clearly describe the contents, which will be presented to the public. The EAC will redesign and organize its Web site to establish a separate and unique location that will house and manage all clearinghouse information. The EAC's policy will require: 1) that information be posted on the web-based clearinghouse within 24 hours of receipt; 2) regular information audits are conducted in each EAC division to make sure the clearinghouse is accurate and current; and 3) stakeholders receive at least one email update per month. The EAC will also launch a public information initiative about the contents and uses of the EAC clearinghouse.

The EAC will also incorporate all of the existing information currently provided on its Web site into the new clearinghouse. Information about voting systems, grants, best practices in election

management and research results will also populate the clearinghouse.

After the redesign of the EAC Web site, the clearinghouse will be clearly identified and structured based upon the principals of usability and sound design. We look forward to receiving feedback from the Committee after the launch of the new Web site and clearinghouse, which we anticipate will occur before the end of the year.

7. From your experiences with election officials, what can you tell us about challenges they face in transferring and matching information between databases both intrastate and interstate?

The EAC has contracted with the National Academies of Science (NAS) to study the implementation of the databases focusing on matching protocols, inter- and intra-state interoperability, and security and privacy issues. In May 2008, NAS issued an interim research report that included long- and short-term recommendations for improvements. The EAC held a public hearing in March 2009 to receive an update from NAS and to hear from election officials about database performance during the 2008 election. Dr. Herb Lin of NAS discussed some of the issues that surfaced during the series of roundtable discussions they have conducted regarding the use of the databases. He testified that the election officials reported problems trying to share information among states and within state agencies. Clerk and Recorder Karen Long of Adams County, Colorado, testified that her county's interaction with the Social Security Administration is virtually a batch process with no direct connection between databases. Oregon's HAVA Coordinator Dave Franks said the state's coordination activities with Washington State were successful. Florida's Division of Elections Director Donald Palmer said their statewide database "is facilitating more efficient list maintenance procedures and meeting the individual voter registration needs of the community allowing each county to communicate with each other using the statewide database as the conduit." Dr. Lin also said election officials were concerned about ongoing costs related to database maintenance and that registering UOCAVA voters still presents challenges. We anticipate receiving the final NAS research report and its recommendations on the wide

range of issues related to the ongoing implementation of statewide voter registration databases this fall. A Web cast of the March public meeting and participant testimony is available at www.eac.gov.

ROBERT A. BRADY, PENNSYLVANIA
CHAIRMAN

Congress of the United States

House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION

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DANIEL E. LUNGREN, CALIFORNIA
RANKING MEMBER

April 6, 2009

Mr. George Gilbert
Director
Guilford County Board of Elections
PO Box 3427
Greensboro, NC 27402

Dear Mr. Gilbert:

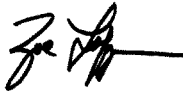
Thank you for testifying during the March 26, 2009 Committee on House Administration, Subcommittee on Elections, hearing on the "2008 Elections: What Went Right & What Went Wrong." The Subcommittee requests your response to additional questions that will be made part of the hearing record. Please provide your responses to the Committee by April 27, 2009.

1. During your testimony you mentioned the instrumental role poll workers play in carrying out elections each year. What kind of poll worker recruitment, training, and retention programs have you implemented? Are you familiar with legislation I introduced in the 110th Congress for additional poll workers? If so, what are your thoughts regarding that legislation?
2. Experts predicted that nearly 1/3 of the general election voters cast their ballots before Election Day, a rise from 20% in 2004 and 15% in 2000. In your county, early voting tripled. Many election officials argue that early voting took a lot of pressure off the system by easing the crush of voters on Election Day. Would you agree? Did we avoid a meltdown in the system by allowing early voting? Should additional states take NC's lead and implement early voting?
3. Thank you for your service as an election professional as well as your investment in numerous professional associations that focus on elections, including involvement with the EAC Board of Advisors. As a local administrator, what do you think are some of the more useful programs and services offered by the EAC today? Besides additional funding, what else could the EAC be doing to assist you in your work? Have you expressed these suggestions to the EAC?
4. As discussed during the hearing, many obstacles remain in the way of fully enfranchising military and overseas voters. One of the larger concerns has been the lack of time to transmit absentee ballots. The Chief of Operations for the Military Postal Service Agency at the Department of Defense recommended that states should allow a minimum of 60 days for an absentee ballot to be sent to military voters in combat zones. What is

your state doing to ensure our military and overseas voters have every opportunity to cast their ballots and have them counted? Would that time be cut if states allowed for the transition of blank ballots to the voters electronically?

Thank you and I look forward to your responses.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zoe Lofgren', with a horizontal line extending to the right.

Zoe Lofgren
Chair, Subcommittee on Elections



GUILFORD COUNTY
BOARD OF ELECTIONS

April 27, 2009

To: The Honorable Zoe Lofgren
Chair, Subcommittee on Elections

From: George Gilbert, Director of Elections
Guilford County, NC

Thank you for the opportunity to provide further input to the Subcommittee on issues related to the March 26, 2009, hearing on "The 2008 Election: What Went Right and What Went Wrong."

Attached are my responses to the additional questions you posed. I hope these responses will be useful and instructive to the Subcommittee. In the interest of providing a broad representation of views from the election administration community, I took the liberty to circulate your questions to a number of fellow members of the Nation Association of Election Officials Legislative Committee. Several provided their own responses to your questions and I have included these as well in the hope that the Subcommittee will include them in both its record and in its review of the issues at hand.

Again, thank you for the opportunity to testify and to work with the Committee and its staff on these matters.

Responses of George Gilbert, Director of Elections, Guilford County, NC

1. During your testimony you mentioned the instrumental role poll workers play in carrying out elections each year. What kind of poll worker recruitment, training, and retention programs have you implemented? Are you familiar with legislation I introduced in the 110th Congress for additional poll workers? If so, what are your thoughts regarding that legislation?

In 2000, Guilford County began a "Certified Precinct Official" program in partnership with Guilford Technical Community College. The course consists of 18 hours of classroom instruction followed by a 2-3 hour written exam. To date, the Board of Elections has furnished a member of its staff as the instructor for this course. This instructor is separately employed by GTCC and tuition for the course is paid to GTCC. We have, of course, advertised the course to our existing precinct officials and encouraged them to take it, however, other citizens have taken it out of personal interest and subsequently volunteered to work as precinct officials. Certified Precinct Officials receive merit pay of \$35 per election in addition to their regular compensation.

Since its inception, more than 700 citizens, most precinct officials, have completed this certification course. This has had a significant impact on pollworker retention. Once a citizen has invested this much time and energy in qualifying as a certified pollworker, then tend to remain on the job longer. The certification program's impact on performance is somewhat harder to measure, however, through observation and anecdote we are convinced that it has produced a depth of understanding of the election process and of commitment to that process that is invaluable on election day. One national philanthropic organization has approached us about conducting a formal assessment of the program and we are seeking academic partners to work with us on such a study.

In addition, the Guilford County Board of Elections employs a full time trainer. This individual conducts numerous specialized training sessions throughout the year to strengthen the technical and procedural knowledge of all precinct officials and to bring them up to date on any changes in technology, law or procedure. Typically these classes are attended on a voluntary basis (with a \$10 or \$15 compensation) and typically they are full to overflowing.

Our conviction is that precinct officials do not want to make mistakes, they do not want to look stupid and they do want to feel confident and self-assured when serving at the polls or working in early voting sites. There voluntary participation in the many opportunities for training that we offer testifies to the veracity of that conviction.

Regarding Representative Lofgren's bill, HR 6339, current trends in North Carolina and a number of other states where early voting is absorbing a growing share of the voter turnout, obtaining an adequate supply of pollworkers for election day is not as much of a challenge as is obtaining an adequate number of early voting pollworkers who are available through the 2-3 week early voting period. It is unclear how HR 6339's provisions would substantially address this emerging challenge, however, states without significant early voting opportunities may well be able to benefit from the types of proposals contained in the bill.

2. Experts predicted that nearly 1/3 of the general election voters cast their ballots before Election Day, a rise from 20% in 2004 and 15% in 2000. In your county, early voting tripled. Many election officials argue that early voting took a lot of pressure off the system by easing the crush of voters on Election Day. Would you agree? Did we avoid a meltdown in the system by allowing early voting? Should additional states take NC's lead and implement early voting?

Early voting in Guilford County, where 2/3s of the vote was cast before November 4, 2008, certainly took pressure off of election day. In fact, there was little for the precinct officials to do after about 8:30 – 9:00 a.m. Having said this, I would emphasize that the staff and officials engaged in the early voting process worked under extreme pressures that could, just as easily as on election day, have lead to a “meltdown,” as you call it.

On the other hand, many states did not have early voting and they too executed the 2008 general election in an orderly fashion.

“Meltdowns,” if such occur, are more likely the result of insufficient resources, lack of preparation or someone's error in judgment. These can occur in any election setting.

I would also submit that “meltdowns” do not occur unless an election is very close.... no matter what mistakes are made.

Early voting has been a very successful addition to North Carolina's election options. As noted in my testimony, it has enabled us to substantially reduce “provisional” voting and greatly facilitated our ability to execute “same day registration.” I would also note, however, that early voting is much more easily conducted where direct electronic voting equipment is employed, as it is in Guilford County. With our 99 ballot styles for the 2008 general election, attempting to conduct early voting with a paper based voting system would have been extremely difficult and much more susceptible to “meltdown.” In effect, the desirability of early voting is largely determined by local factors. Imposing early voting in the wrong environment and without the support of the state and local officials could well be counterproductive.

3. Thank you for your service as an election professional as well as your investment in numerous professional associations that focus on elections, including involvement with the EAC Board of Advisors. As a local administrator, what do you think are some of the more useful programs and services offered by the EAC today? Besides additional funding, what else could the EAC be doing to assist you in your work? Have you expressed these suggestions to the EAC?

Perhaps the most pressing need the elections community has from the EAC relates to its execution of the voting system certification program through the Voluntary Voting System Guidelines. Our national association is currently preparing a comprehensive review and policy statement on this issue. A copy of the current draft is attached as a supplement. While this document may be subject to further revision, its current content represents the considered judgment of several members of the Election Center's Legislative Committee who are most closely associated with the voting system certification process. Its inclusion here is a timely means of bring to the attention of the Congress a significant issue of federal concern among elections officials.

4. As discussed during the hearing, many obstacles remain in the way of fully enfranchising military and overseas voters. One of the larger concerns has been the lack of time to transmit absentee ballots.

The Chief of Operations for the Military Postal Service Agency at the Department of Defense recommended that states should allow a minimum of 60 days for an absentee ballot to be sent to military voters in combat zones. What is your state doing to ensure our military and overseas voters have every opportunity to cast their ballots and have them counted? Would that time be cut if states allowed for the transition of blank ballots to the voters electronically?

North Carolina law provides that ballots should be available for mailing to military and overseas (among other) voters 50 days prior to each primary and general election. We, of course, do not know which, if any, such voters are serving in "combat zones." The larger problem is the fact that the ballot is mailed to an address that is no longer current for the voter because he or she has been transferred. It has always puzzled me why the military, at least, cannot deliver mail to its personnel no matter where they are sent. If the military sends them to their assignment, they know where they are.

As for the adequacy of the lead time, that question should also be addressed to those responsible for delivery of the mail to these persons. Among elections' officials, Pat Hollarn, recently retired Supervisor of Elections from Okaloosa County, Fl. and Jill Lavine, Registrar of Voters, Sacramento County, Ca. are among the most knowledgeable on these issues.

North Carolina did recently extend the time between its primary (early May) and its runoff to facilitate the availability of runoff ballots to military and overseas voters. Previously there was only 4 weeks between these events. This has been increased to seven weeks. In addition, North Carolina does provide for faxing of ballots both to and from overseas voters. The original must also be mailed to us, but this get the ballot to the voter quickly and provides an additional ten days return time since the ballot has until the canvass to arrive. On the down side, faxing ballots is highly labor intensive and requires either remaking the ballot for automatic tabulation or tabulation by hand.

Our predominant experience has been that military and overseas voters who request a ballot by the 50th day prior to the election and provide us with a valid current address have little problem receiving that ballot and returning it in a timely matter. The problems were primarily with those who waited until two to three weeks prior to the election to attempt to obtain a ballot. Expanding the time frame to 60 days would not likely have any impact on the problems we actually experience, i.e., obsolete addresses and voter procrastination.

Direct internet voting appears to be the most promising means of enhancing the opportunity for military and overseas voter to fully participate in elections. Without attempting to provide an exhaustive outline of such an option, I would note that active participation by governmental institutions at the voter's end (eg., military or embassy personnel) appears to be highly desirable and perhaps necessary in order to provide adequate access as well as adequate security.

VOTING SYSTEMS CERTIFICATION
A DRAFT STATEMENT OF CONCERNS AND OPTIONS
PREPARED FOR THE LEGISLATIVE COMMITTEE OF THE
NATIONAL ASSOCIATION OF ELECTION OFFICIALS¹

HISTORY OF VOTING SYSTEM CERTIFICATION

Following the 2000 Presidential Election debacle, Congress passed the Help America Vote Act of 2002 (HAVA) to address what was perceived as a nationwide problem of antiquated voting systems, weak election administration and technology standards, and a dearth of federal support and oversight. HAVA distributed funds to the states to support voting system modernization and established the independent and bipartisan Election Assistance Commission (EAC). The EAC is charged with several important responsibilities²:

- Developing guidance to meet HAVA requirements.
- Adopting voluntary voting system guidelines.
- Serving as a national clearinghouse of information about election administration.
- Accrediting testing laboratories and certifying voting systems.
- Auditing the use of HAVA funds.

The responsibility of the EAC is spelled out in HAVA Section 231, which states the commission "... shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories." Moreover, the EAC is empowered with accrediting the testing laboratories, while the basis for the testing standards is the Voluntary Voting Systems Guidelines (VVSG), which are also developed by the EAC. Combined with its authority to audit the usage of HAVA funds, which have been the key economic driver in the manufacture and purchase of new voting systems over the past seven years, it is easy to appreciate the singular and considerable influence the commission has over the development and adoption of voting systems around the country, in spite of the voluntary nature of the certification program.

The idea of testing and certifying voting systems against national standards, however, did not originate with HAVA and the establishment of the EAC. From 1991 to 2006, the National Association of State Election Directors (NASED) conducted testing and certification of voting systems through a program staffed by NASED volunteers and augmented with technical assistance from Kennesaw State University in Georgia. The voting system testing standards used by NASED were developed in the 1980's by the Federal Election Commission (FEC) and formally adopted in 1990. They were updated twelve years later in 2002. The NASED certification program shared many commonalities with the current EAC program:

¹ Principle authors of this document included Danette Odenbach, North Dakota Secretary of State's Office, Dean Logan, Registrar of Voters, Los Angeles County, Ca. and Kenneth Bennett, Voting Systems Manager, Los Angeles County, Ca.

² Source: <http://www.eac.gov/about>, 4/16/2009.

- The NASED election systems testing criteria were voluntary, and it was entirely up to the states to decide whether NASED testing and certification was required for state certification.
- The voting system manufacturers themselves paid for the testing process to become certified against NASED standards.
- A NASED certification represented a marketable system feature for voting system vendors, especially for those doing business in states formally requiring the use of a NASED-certified system.

The transition period following the HAVA formation of the EAC was characterized by slow progress and uncertainty. When the EAC was formed, election officials hoped that the EAC testing and certification program using new VVSG standards would be implemented quickly. However, it was not until the July of 2006 – four years later – following the adoption of new VVSG standards in late 2005, that the NASED program was terminated and the EAC formally took over the testing and certification process. Even then, the EAC did not officially launch its testing and certification program until January 2007³. During that crucial period, when states and local jurisdictions were flush with HAVA funds for voting system modernization and under deadlines to spend them, election officials were either purchasing new voting systems under the old NASED testing and certification regime or were postponing purchases until new systems tested and certified under the EAC VVSG standards would be available.

The EAC Testing and Certification Program currently uses four accredited test laboratories to conduct the review and testing of each system submitted. These labs must be evaluated, approved, and continually monitored by the National Institute of Standards and Testing (NIST), before receiving accreditation from the EAC. Since the labs must demonstrate their competency in voting system testing to the satisfaction of the EAC before they are granted accreditation, and since the standards to which they must test are expanding under the EAC, it is fair to say that the complexity and cost associated with operating a voting system testing laboratory have been rising under EAC oversight. Empirical evidence bears this notion out.

According to 1.6.2.2 of the EAC's Testing and Certification Program Manual, the labs must test each submitted system to an identified versions of the VVSG. As of April 2009, twelve systems have been submitted for testing, eight against the 2002 standards (which was permitted because they submitted prior to the December 2007 deadline), and four against the 2005 standards. Of those twelve, ten were initially submitted for testing in 2007; two have terminated their testing application; and one has been approved. Since its inception in January 2007, the EAC Testing and Certification Program has only certified one system. On February 6, 2009, after 18 months of testing and review, MicroVote achieved the first EAC certification.⁴

To date, the average duration of the testing and certification process under the EAC program is approaching two years. The Election Technology Council (ETC), a trade group for voting system manufacturers, has documented a clear correlation between program complexity,

³ Source: <http://www.eac.gov/program-areas/voting-systems/voluntary-voting-system-guidelines-fact-sheet/>, 4/17/2009.

⁴ Source: http://www.eac.gov/program-areas/voting-systems/docs/2009-03-09-voting-system-inventory.pdf/attachment_download/file, 4/17/2009.

duration, and cost. Based on their May 2008 report, the duration and cost of certifying a system have more than doubled since the transition to the EAC, while staff resource requirements have grown by 250%.⁵ Given that the EAC is on the verge of adopting yet another set of “2005” Voluntary Voting System Guidelines, which “contain new and expanded material in the areas of reliability and quality, usability and accessibility, security, and testing,”⁶ election officials must wonder about the increasing complexity of voting systems certification and how it will affect their ability to realize their voting systems modernization goals.

COMPARISON OF NASED AND EAC PROGRAMS

Although in principle the intent of the EAC program is similar to the NASED program, in that it seeks to provide voluntary, standards-based testing and certification to assure the quality of the voting systems used by election jurisdictions, the two programs are in fact markedly different.

Differences In Authority

As an association of election professionals, the NASED program did not have the same political clout as the EAC program does. Even though it was testing and certifying to federal standards developed by the FEC, the NASED program could never assert, as the EAC program does, a legislative mandate that “represented the first time the Federal government provided for the voluntary testing, certification, and decertification of voting systems nationwide.”⁷ Whereas the NASED certification was a desirable blue ribbon of best practice, the federal EAC certification is imbued with the full weight and authority of the federal government. In spite of the certification program’s voluntary nature, the authority vested in the EAC by the federal government, especially over HAVA funding, makes the “guidelines” a *de facto* mandatory standard. To date, most state and local jurisdictions required some level of compliance with EAC testing standards, while approximately 10 states require the use of an EAC-certified system.

Expanded Sphere of Interest

The stated mission of NASED is “to share among its members information about their duties, responsibilities, methods of operation, suggestions and proposals for improvement of election laws and their administration.”⁸ As a professional association representing election officials and a self-described “exchange of best practices and ideas,” their role in voting system certification was one of a facilitator, not a regulator. NASED provided a service to test and certify manufactured voting systems against a federally-established standard as a courtesy to the professionals they represented. While true to national testing standards, at heart the program was fundamentally aligned with the interests of election officials, the users of the voting systems. What this means is that the program had a natural inclination to be effective at quickly

⁵ Beirne, David, “Broken: The Regulatory Process For the Voting Industry”, Election Technology Council, May 2008, p.12.

⁶ Source: <http://www.eac.gov/program-areas/voting-systems/voluntary-voting-system-guidelines-fact-sheet/>, 4/17/2009.

⁷ U.S. Election Assistance Commission, *Testing and Certification Program Manual*, Section 1.1.

⁸ National Association Of State Election Directors, *Articles of Association*, Article II.

processing voting systems through testing and certification to ensure an adequate, timely supply of voting systems for election officials.

The creation of the EAC transferred the federal voting system certification program to a completely different sphere of interests. Under NASED, the program was essentially administered by election officials for election officials. Under the EAC, the program is administered by the federal government. It has a Program Director appointed by the EAC Executive Director, who is in turn answerable to a four-member Commission, as well as three major Federal Advisory Committees: the Board of Advisors with 37 members, the Standards Board with 110 members, and the Technical Guidelines Development Committee with 15 members. Although the 110-member Standards Board evenly represents state and local election officials, the Board of Advisors comprises a wide range of interest groups, including:

- National Governor's Association
- National Conference of State Legislatures
- National Association of Secretaries of State
- National Association of State Election Directors
- National Association of Counties
- National Association of County Recorders, Election Officials and Clerks
- United States Conference of Mayors
- Election Center (National Association of Election Officials)
- International Association of County Recorders, Election Officials, and Treasurers
- United States Commission on Civil Rights
- Architectural and Transportation Barrier Compliance Board
- Office of Public Integrity (U.S. Department of Justice)
- Federal Voting Assistance Program (U.S. Department of Defense)
- U.S. Congress Science and Technology Specialists
- U.S. Committee on House Administration (representing voter interests)
- U.S. Committee on Senate Rules (representing voter interests)

The Technical Guidelines Development Committee (TGDC) plays an especially prominent role in the testing and certification program. Chaired by the Director of the National Institute of Standards and Technology (NIST), with other members from the American National Standards Institute (ANSI), the Institute of Electrical and Electronics Engineers (IEEE), and the community at large of voting system and voting equipment technical and scientific expertise⁹, the TGDC is explicitly charged with developing the Voluntary Voting System Guidelines, but also has a strong influence on voting system test laboratory accreditation, since NIST approval and recommendation is essentially a requirement for EAC accreditation.

The expansion of interest groups having a bearing on the testing and certification program was dramatic. Whereas under NASED, the program involved NASED volunteers, Kennesaw State University technical support, and FEC-developed testing standards, under the EAC the program now involves dozens of organizations with differing interests and backgrounds.

⁹ Source: <http://www.eac.gov/about/committees>, April 20, 2009.

Stability of Standards

Although voting system standards, like all technology standards, can become less relevant over time as technology changes, and updating standards becomes necessary, there is a balance that must be struck between the longevity of standards and the frequency of their updates. Following the adoption of the first federal Voting System Standards by the FEC in 1990, the standards remained unchanged for twelve years. Up until 2006, when NASED ceased its testing and certification program, the Voting System Standards had changed only once, in 2002. During this period, election officials implementing a NASED certified voting system could be confident the certified status would have meaning for their jurisdiction and its constituencies. The blue ribbon of certification had staying power that continually endorsed the quality and accuracy of elections administered by the officials using a certified system.

Under the EAC, the evolution of voting system standards has accelerated significantly. Upon its formation, the EAC adopted the 2002 Voting System Standards. Soon thereafter, it adopted a substantially modified standard in the new 2005 Voluntary Voting System Guidelines. In 2007, the EAC began reviewing a new iteration that greatly expands the breadth of the Voluntary Voting System Guidelines. This pace represents a near doubling of the update frequency of the standards.

It is tempting to speculate as to why the standards were stable for so long under NASED, but are less stable under the EAC. One possible explanation is the separation of standards creation by the FEC, from standards application by NASED. Once the FEC had established the voting system standards, there was no feedback loop where testing results would drive standards development and standards development would drive testing results. With the two roles now concentrated in a single organization, the EAC, there is the potential for the two directives to drive one another.

This is especially true considering the influence on the EAC's testing and certification program commanded by NIST, the federal government's official standards-setting organization. NIST not only chairs the TGDC that develops the Voluntary Voting System Guidelines, it also vets and recommends for accreditation the testing laboratories used by the EAC to test new systems against the voting system standards. The risk here is that the EAC, driven by NIST technical experts, may be going beyond its role of testing and certifying voting systems to established standards, and assuming the role of driving voting system innovation – a role more properly filled by the makers and users of voting systems, rather than by government. This concern is underscored by the EAC's recent statement that the draft 2007 VVSG are "intended to address the next generation of voting systems,"¹⁰ even though the latest products of most voting system manufacturers have yet to be tested and certified against the 2005 VVSG.

Program Complexity and Bureaucracy

It is evident from what has been presented so far that the EAC testing and certification program is more complex and bureaucratic than the NASED program was. The EAC program involves

¹⁰ Source: <http://www.eac.gov/program-areas/voting-systems/voluntary-voting-system-guidelines-fact-sheet/>, 4/17/2009..

the participation of a much larger number of interest groups who, no doubt, have conflicting objectives and competing agendas. The EAC is a much more politicized body than NASED, with its commissioners subject to presidential nomination and Senate approval, and its advisory board members hailing from different political backgrounds, which complicates the political dynamics of the organization and increases its bureaucracy. The Voluntary Voting System Guidelines have also been expanded with new material, making it harder to design and test to standards. The result is that it is taking longer and costing more money to successfully take a system through the testing and certification process.

The bureaucracy of the EAC is typified by its definition of response timeframes:

In recognition of the responsibilities and challenges facing Manufacturers as they work to meet the requirements imposed by this program, State certification programs, customers, State law and production schedules, the EAC will provide timeframes for its response to significant program elements. This shall be done by providing current metrics on EAC's Web site regarding actual average EAC response time for (1) approving Test Plans, (2) issuing Initial Decisions, and (3) issuing Certificates of Conformance.¹¹

In other words, the response timeframes are what they are. If it takes one month to approve a test plan, then the response timeframe is one month. If it takes a year to approve a test plan, then the response timeframe is one year. These will be averaged and published as "the current metric." In short, the EAC will not hold itself to an independent standard of performance, so it is essentially unpredictable when the EAC will complete the testing and certification process for any given system.

IMPACT ON STATE AND LOCAL JURISDICTIONS

Voting systems manufacturers have been vocal in their criticisms of the new EAC program, and rightly so. The indefinite and escalating timeframes and costs involved in obtaining EAC certification of a voting system product have a direct operational and financial impact on their businesses and threaten the real possibility of a market failure.¹² However, what needs to be addressed as well are the unintended externalities of the new EAC program on state and local election jurisdictions and the deleterious impact they have on managing voting systems infrastructure and the successful conduct of elections.

Since the passage of HAVA, which mandated the EAC and strengthened the federal role in voting systems certification, most states, in one form or another, have codified or administratively required that any election equipment purchased and used by the state or its counties must meet some or all of the requirements of the VVSG, must be tested by an EAC-accredited laboratory, and/or achieve federal certification from the EAC. Because the VVSG are the basis for the testing process and since they have been undergoing continual revisions, the average two-year timeframe for election system testing and certification by the EAC has left

¹¹ U.S. Election Assistance Commission, *Testing and Certification Program Manual*, Section 1.12.

¹² Beirne, David, "Broken: The Regulatory Process For the Voting Industry", Election Technology Council, May 2008, p.11.

many states and counties in a very difficult and seemingly intractable situation. When issues or new challenges with existing voting system hardware or software are discovered, necessary changes to address them are often impossible to implement due to unpredictable response timeframes and the likelihood the solution will not be available to the jurisdictions prior next election cycle.

Implementing a new system in this environment is equally difficult. The existing selection of certified voting system products consists primarily of mature systems using older technology that at best are certified to the 2002 standards (recalling that only one system has been certified by the EAC and that was to the 2005 standards). Any responsible election official planning the implementation of a new voting system using scarce tax-payer dollars will want to invest in a system that is based on the latest technology and certified to the latest standards, and promising a reasonably long lifespan. The problem is there are no new voting systems built on the latest technology that are certified to the latest standards. The flow of new systems through the EAC testing and certification program has slowed to a virtual crawl, and the burden and uncertainty resulting from changing standards and escalating costs is proving to be a powerful disincentive to begin the process. The impasse is threatening voting system innovation and supply and will eventually become a crisis for state and local jurisdictions if the situation is not remedied.

The externalities are particularly onerous for election jurisdictions with unique voting system requirements that are not typically provided in COTS voting system products. One example of such a jurisdiction is the County of Los Angeles, whose sheer size and scale – in terms of its number of registered voters, number of ballots cast, number of polling places, geographic distribution of precincts, etc. – impose logistical, operational, computational, and functional requirements that exceed the capabilities of COTS products designed for the statistically average or smaller jurisdictions that represent the vast majority of the manufacturers' customers. This means that if Los Angeles County were to purchase a new voting system from a vendor, the system would likely require substantial customizations by the manufacturer in order to meet the needs of the County, forcing the manufacturer to usher the customized system through the EAC testing and certification program as a unique product (California is one of the states that requires an EAC certification as a condition for state certification). Even if the manufacturer were willing to undergo the arduous certification process for a single client, it would want to pass the certification costs to the client, since it cannot spread the cost of certifying the system across a larger client base.

Regardless of whether a jurisdiction wants to purchase a new system from a manufacturer or builds its own system, the planning process for implementing a new voting system is jeopardized by the inability to reasonably anticipate the duration and cost of certification under the current EAC program. Election officials cannot make rational business decisions when variables affecting successful system delivery are undefined. Requirements definition is paralyzed by the fear that if a crucial requirement is overlooked, the burden of recertifying the system make fixes and enhancements practically impossible. They cannot build voters' and other stakeholders' confidence and support for a new voting system when constantly changing standards threaten obsolescence even before the system is implemented. Combine this situation with the fact that some states also require their own testing processes prior to granting state certification and the situation becomes even more dire. Many state certification programs do their own testing even

after EAC certification, while others test environmental factors not contemplated by the VVSG (i.e. Florida's test for sand tolerance). These additional testing requirements just exacerbate the circumstances local jurisdictions already face under the EAC program.

In stark contrast to the idealism driving the seemingly incessant expansion and changes to voting systems testing and certification requirements around the country, the realism of having to balance budgets in these challenging economic times and make sound strategic planning decisions around demanding election schedules will ultimately invalidate the prevailing wisdom that voting systems are disposable investments that can be replaced every couple of years. That realism pressures us now to call for a rationalization of the EAC's voting system testing and certification program. The longer the situation remains intractable, the more likely it is that state and local jurisdictions will be compelled to find legal ways to minimize or avoid adherence to EAC standards.

North Dakota provides a great example of these forces. In that state, where elections are typically held every two years, a situation arose in which the state needed technical enhancements to its voting system to address an election-stopping challenge that was not previously experienced (the current version of the voting system firmware could not recognize new ballot programming requirements). Due to the EAC's testing and certification timeframe, it was going to be impossible to obtain a certified enhanced system in time for the 2008 election cycle. Rather than scrap the existing voting system used successfully statewide and manually hand-counting all ballots, the state opted to change its election administrative code to allow it to use an updated version of the firmware that was tested and approved by an EAC-accredited lab, but not certified by the EAC.

As time goes on, more and more states and counties will find themselves between the proverbial 'rock and hard place' – between operating a system that accurately meets the needs of the elections to be run, and operating a system that meets the testing process of the EAC. At any given time, numerous jurisdictions are planning the implementation of a new voting system, and almost all jurisdictions have, at one time or another, incremental needs to enhance or modify their voting systems. This is a simple, unavoidable fact of the election administration business. It is also a fact that most election officials want to use a system that meets the highest standards of the land as promulgated by the EAC. However, if the EAC cannot implement and manage a program that guarantees results; if the EAC program cannot support a healthy marketplace of voting system options and solutions that can be delivered in a timely manner; if the EAC program does not support the long-range planning and tactical administrative needs of elections officials based on the needs of their voters; state and local jurisdictions will be compelled to try to change, to the extent that they are able, either their observance of federal programs, guidelines, and standards, or how those programs, guidelines, and standards are administered.

SOLUTIONS AND ALTERNATIVES

If the federal government wants to play a productive role in supporting and guiding voting systems development and use, as most election officials would clearly like it to do, some steps must be taken to improve the way the EAC voting system testing and certification program is administered. Following are several proposals.

U.S. General Accounting Office Performance Review

The first step in addressing these concerns about the EAC Testing and Certification Program is to work with relevant members of Congress to initiate a General Accounting Office performance review of the program. The review should address the efficiency, effectiveness, and accountability of the program – taking into consideration the aforementioned externalities impacting both the private sector voting systems industry and local jurisdictions – and its success in achieving its mandated goals and objectives. It should evaluate its structure, processes, and management to identify any changes that might be implemented to improve the program. It should be noted that since its inception, the EAC program has had the same management directing the testing and certification program. Given the results so far, this area clearly merits a performance evaluation.

Rationalize The Program

The fundamental problem with the EAC testing and certification program that has already been identified is its lack of accountability, predictability and efficiency. One might even argue the structure of the program gives a financial incentive to the EAC and the accredited testing labs to drag out the testing and certification process as long as possible. Unfortunately, manufacturers simply cannot carry out product planning, development and marketing, and election officials cannot effectively manage voting system changes or replacements, without predictable time and cost metrics. The program needs some sort of statutory control over the cost and/or duration of testing and certifying a voting system product. For example, the different elements of the testing program might be fixed to a response timeframe established independently by Congress. Setting the cost and duration factors to a fixed amount will allow election officials to make better planning decisions, it will enable manufacturers to make rational business decisions, and will create an incentive for the program to become more effective and efficient.

Another way to effect this rationalization is to ask Congress to fund, in part or in whole, the testing costs associated with the certification process. By moving the fiscal responsibility for the testing process to the EAC, the expedience at which test plan and test case reviews are completed (currently taking about 12 months) should improve. This would mean submitted systems would reach actual testing more quickly and determinations for certification would be issued more quickly.

While Congressional funding may strike some as a subsidy to the private sector, it should be kept in mind that no matter who pays the up-front costs (the federal government or the private sector manufacturers), eventually it is the individual taxpayer footing the bill. For if the federal government does not cover the cost, the manufacturers will inevitably pass on the cost to the tax-supported local jurisdictions. The question then becomes what kind of tax is best to fund the program, the federal income tax or the local property tax? It could be argued that in some ways the federal income tax is most equitably distributed. One way to mitigate the subsidy argument is to require manufacturers to put forward a performance bond that would be surrendered should the manufacturer's submitted system not reach certification. This would give the manufacturers an incentive to submit only thoroughly developed and well crafted systems.

Stabilize Standards

Another way to rationalize the EAC program is place some sort of limit on the frequency of changes to the Voluntary Voting System Guidelines. This could be done by statute, limiting the VVSG update cycle to once every five, seven, or ten years. Another way would be to standardize the standards, if you will, by having them focus on technology-independent *principles* of reliability, integrity, accuracy, accessibility, and security, as opposed to addressing them within the context of specific technologies. This will make the guidelines more timeless (or at least increase the longevity of their relevance) and prevent the EAC from making the mistake, as it is in the draft 2007 VVSG, of trying to anticipate trends and technology of the “next generation of voting systems” that have not even been developed.

Respect the Users

It is a well-established principle in the field of information technology that the development and implementation of new information technology systems are most successful when they are user-driven, not technology-driven. Requirements and solutions designed and developed for the users by high-minded technical experts is the equivalent of a “solution looking for a problem.” It does not work. There is strong evidence in the NIST-led role of the TGDC (standards creation) and in accreditation of testing laboratories (standards application) that the EAC program is led disproportionately by technical experts, and this needs to be addressed.

One way to limit the role of the technical experts is to restructure the program to establish more of an independence or separation between the people and processes that create voting system standards, and those that apply the standards in the form of testing. Another way is to increase the voice and power of local election officials and their constituents, the voters. As the ultimate beneficiaries of the EAC program, their desires and requirements must be taken into consideration if the EAC program is to effectively serve the citizens of the United States. Another group needing representation in the EAC are the voting system manufacturers themselves. As the *users* of EAC Testing and Certification Program whose products impact the success or failure of the *end users*, the election officials and voters, they have a reasonable interest in ensuring the program achieves its goals while sustaining a healthy business model and marketplace.

The Last Alternative

If the election officials and the manufacturers are not given sufficient roles to voice and remedy their needs and concerns, and if the EAC program stays the current course and fails to implement some or all of the proposals above, it risks becoming a very good but failed intention. Faced with the hopeless proposition of the status quo, local election officials will be forced to use whatever political and legal resources they have to limit their obligation to the federal program. The nationwide establishment and application of voting system standards would eventually revert to a decentralized model, and that result would be, ironically, the exact opposite of what HAVA sought to achieve.

Responses from Danette Odenbach, State of North Dakota

1. During your testimony you mentioned the instrumental role poll workers play in carrying out elections each year. What kind of poll worker recruitment, training, and retention programs have you implemented? Are you familiar with legislation I introduced in the 110th Congress for additional poll workers? If so, what are your thoughts regarding that legislation?

In North Dakota, our largest county has begun recruiting businesses (through Chamber of Commerce mixers and other gatherings) to provide non-politically appointed poll workers. In the 2008 election, a local bank provided a number of its employees to serve as poll clerks during the two week early voting period. The poll clerks are responsible for checking in the voter using electronic poll books. The bank employees worked perfectly in that role as they came armed with considerable customer service, technological, and inter-personal skills. Many voters commented on the positive voting experience they had, mostly due to their interactions with the clerks and the solid planning done by the county. While I believe Representative Lofgren's bill from the 110th Congress was well intentioned, I don't know that it would serve the purpose she looks to address. It has been my experience, here in ND specifically, that recruiting non-political poll workers is not the problem – getting the political parties to appoint their representation is the problem. When the county can appoint as necessary (our law allows emergency appointments of political representation by the county within a period of time prior to election when district political party chairs fail to make those appointments), filling those positions does not become a problem unless the appointee will not agree to represent a political party as necessary to balance political representation on the Election Board. Rep. Lofgren's bill specifically identifies the grants to be used to recruit non-political workers and to develop training and education materials. While perhaps useful in other jurisdictions, in North Dakota the benefits provided would not likely outweigh the staff time and resources necessary to complete the reporting requirements.

2. Experts predicted that nearly 1/3 of the general election voters cast their ballots before Election Day, a rise from 20% in 2004 and 15% in 2000. In your county, early voting tripled. Many election officials argue that early voting took a lot of pressure off the system by easing the crush of voters on Election Day. Would you agree? Did we avoid a meltdown in the system by allowing early voting? Should additional states take NC's lead and implement early voting?

North Dakota also allows early voting (meaning a poll site where voters cast their ballots on machines with an election board present, just like on Election Day). The six most populous (and urban) counties of its 53 counties provided early voting as an option to their voters for the November 2008 election. In North Dakota's experience, the percentage of voters casting their ballots during early voting ranged from just under 9% to just over 38% of the total number of voters. Statewide turnout was actually .04% less in 2008 than in 2004. So, when accounting for the population shifts between our counties (rural counties losing and urban counties gaining population), it becomes apparent there was no 'avoidance of a meltdown' in North Dakota, but rather a shift in voting practices by the electorate; voters took advantage of conveniences as counties offered more diverse

voting options. (In addition to early voting, North Dakota offers no-excuse absentee voting for 40 days prior to election.)

3. Thank you for your service as an election professional as well as your investment in numerous professional associations that focus on elections, including involvement with the EAC Board of Advisors. As a local administrator, what do you think are some of the more useful programs and services offered by the EAC today? Besides additional funding, what else could the EAC be doing to assist you in your work? Have you expressed these suggestions to the EAC?

In North Dakota's experience, there are very few useful programs or services offered by the EAC. Most of the state's counties have had very little, if any interaction with the EAC since their inception. At the state level, most interaction with the EAC is focused around the reporting requirements for the HAVA funds received to date.

If the EAC were able to do things which would be helpful to rural, small population states like North Dakota, it would be to create information in formats which are able to be tailored specifically by and for each state. Clearly and necessarily, no two states in the Union conduct elections exactly the same way. By that same measure, providing information, guidance or direction to states and counties without making it amenable to the laws and administrative procedures of those states and counties serves no jurisdiction well.

The number one issue most states and counties have not been able to resolve with the EAC is that of election equipment certification. When the EAC took over the facilitation of testing and certification of election equipment from the National Association of State Election Directors (NASED) in the summer of 2006, the costs and timelines associated with the testing and certification process increased exponentially. While it is understood the EAC needed to organize and develop its certification program, the result of its slow progress has taken a major toll on state and local elections, and on the election equipment manufacturers who supply the very equipment, software and media necessary to successfully run an election. The timeline for certifying an election system (software, firmware and hardware) has gone from 9-12 months under NASED to over 26 months under the EAC. This delay has caused many states to change laws or administrative codes from requiring EAC certification to other forms of testing (examples include state instituted testing, approved testing by an EAC accredited independent testing authority (ITA), or even state acceptance based on successful performance or testing results in other states). The delays have and continue to present logistical impasses for jurisdictions when serving the needs of their voters. An example from North Dakota was a need for software and firmware which could process a four page ballot (two sheets front and back) in an open primary. North Dakota changed its administrative code to allow state certification of the necessary changes based on successful testing by an EAC approved ITA. Without the critical changes in the firmware and software, North Dakota's voters would not have been able to cast their ballots on precinct level scanners, foregoing the benefits of second-chance voting which are paramount in an open primary format. For some manufacturers the cost of the testing and certification process under the EAC has cost many times that of the process under NASED (and certification has not yet been achieved), and for others has become a deterrent or even insurmountable barrier to introducing new technology. The costs incurred by the manufacturers for certification must be recouped to remain viable. Ultimately, those costs are passed on to their clients

– states, counties and other political subdivisions whose funding comes directly from the pockets of the voters themselves.

This issue has been brought to the EAC many times and by many different groups of election officials, individuals and manufacturers. Proposals for changes to the process have also been offered. One proposal includes the EAC, through authorization of Congress, taking on part of the financial responsibility of the certification process. According to Section 231 of the Help America Vote Act (HAVA), the federal Election Assistance Commission "... shall provide for the testing, certification, decertification, and recertification of voting system hardware and software by accredited laboratories." This could be read as an authorization for that very purpose. The manufacturing community has suggested they continue to maintain a portion of the cost as well, offering the concept of a performance bond or something similar which would be surrendered if the tested system does not meet the requirements. It is the belief of many election officials this arrangement would help to speed the process as the EAC would be responsible for the fiscal impacts as well as ultimate outcomes of the testing process, and would likely open the market to new vendors with new technologies.

4. As discussed during the hearing, many obstacles remain in the way of fully enfranchising military and overseas voters. One of the larger concerns has been the lack of time to transmit absentee ballots. The Chief of Operations for the Military Postal Service Agency at the Department of Defense recommended that states should allow a minimum of 60 days for an absentee ballot to be sent to military voters in combat zones. What is your state doing to ensure our military and overseas voters have every opportunity to cast their ballots and have them counted? Would that time be cut if states allowed for the transition of blank ballots to the voters electronically?

In North Dakota both blank and voted UOCAVA ballots are transmittable via mail, fax and email. By law our ballots must be available to voters no later than 40 days prior to election. Because of the proximity to the primary election, statutory candidate filing deadlines, ballot creation, ballot proofing, ballot testing and ballot printing requirements, moving the date out further than 40 days could create significant overlaps and unforeseen problems with ballots. Because of the technological flexibility afforded to UOCAVA voters, North Dakota's counties have not had problems transmitting and receiving ballots in a timely manner (mailed ballots are accepted after election until canvass as long as the postmark is before Election Day). The one concern North Dakota's election officials have with the current system is the loss of privacy for email and fax voters; they are notified of that loss in advance, but most feel casting their ballot is more important than privacy. North Dakota is looking into additional technology which would allow emailed ballots to print in a manner where the ballot would not need to be recreated to be read by tabulation equipment.

Responses of Tammy Patrick, Maricopa County, Az.

1. Regarding recruitment and training of poll workers:

Arizona recently passed a statute allowing 16 and 17 year olds to work the polls without impacting the student's or the school's attendance standing. This was a tremendous success. Our goal was to hire 500 and we exceeded that with 568 working on Election Day—a little more than 7% of our total work force. Although our veteran workers were skeptical at first of having teens in the polls, they were soon thrilled with their technical savvy (and ability to lift). We have found the teens to be more reliable than college students with the oversight of parents to be sure that they get to class and show up on election morning.

Prior to each election cycle we send out a URL for an employee survey to all county employees as well as to our City and Town Clerks to forward to municipal employees in an effort to solicit workers. This online survey captures their information and is returned directly to our recruitment division. Employees do not have to take a vacation day, they receive their regular salary for any normally scheduled hours on Election Day, and they get the nominal poll worker pay. We get workers who are accustomed to working with, and for, the public. The online aspect of it is economical with no postage, paper, printing, costs.

I believe that the Lofgren bill was HR 6339 which touted just these sort of programs particularly for federal workers.

2. Early Voting:

For the first time ever our early voting turnout was higher than those who went to the polls (55% vs. 45%). This was due to a number of factors. We now have a permanent early voting list (PEVL) which voters can sign up for so that they do not have to request a ballot for each election. The PEVL list of voters had a 92% turnout vs. our overall turnout of 79.9%. A permanent list allows for the ease in process for the voter as well as better administration—more ballots go out the first day of early voting (we sent 637,288 the first day for the '08 Gen) resulting in a steady stream of returns rather than a glut of ballots right before Election Day. Additionally, our early voters are marked in the polling place signature roster so that if they do appear at the polls they are given a provisional ballot. By knowing who our PEVL voters are for every election they are pre-marked when the rosters are printed eliminating the need for poll workers to mark so many voters and thus eliminating some clerical errors.

Ease of early voting certainly relieved some of the turnout on Election Day but we saw longer lines during the last few days of early voting than at any of our polling places. Knowing the propensity for procrastination, coupled with media attention on predicted long lines for Tuesday, we tripled our staffing and resources for the last week and still had lines that were 3-4 hours long in some places. Of the 25,000 who voted at our early voting centers 18,000 did so in the last 3 of the 25 days that the sites were open.

3. EAC:

Certification delays are certainly an issue that has been discussed in great detail and I think that it is evident the problems this causes local administrators.

The Election Management Guidelines may not be a wealth of information to those of us who have the ability to regularly attend Election Center conferences, training, or other national meetings where we can share best practices. However, to those jurisdictions without that exposure &/or who do not have an active statewide association this information could prove extremely beneficial. (Particularly in light of budgetary constraints where travel is all but eliminated for many of us.)

We have had a great response from our bilingual boardworkers to the Spanish Glossary which we distribute along with our County Glossary of local vernacular.

4. UOCAVA:

I must echo concerns regarding timelines here. We have a September Primary which is 63 days before the General. We have found that possessing the ability to electronically convey information and balloting materials to, and back from, UOCAVA voters has alleviated many of the issues which have traditionally hindered their participation. The Arizona Secretary of State has implemented a gateway program via their website for any UOCAVA requests to be channeled directly to the applicable county for processing so voters can access the necessary information at either the state or local level. This allows for voters to request, receive, and return materials almost instantly thus eliminating onerous deadlines and conflicting treatment of ballots—a local veteran has to return their ballot by 7 pm Election Day either by mail or at the polls, active duty can do so electronically or by fax during that same timeframe.

Additionally, voters are able to check the status of their early ballot online. For local voters they can check their ballot's status and go to the polls if we have not received it back by the deadline. For our UOCAVA voters if they check and if they have still not gotten the traditional ballot sent by mail, we can email them a PDF. If they have sent it back to us but we have not yet received it, they have the ability to get another via the same electronic route in case we do not get their traditional ballot by the statutory deadline.

All early ballots have signature verification for security purposes regardless of their method of return: mail, fax, email, on site, special election board.

We do not utilize USPS for our overseas voters but instead have had great success with DHL.

Of our UOCAVA ballots we saw a return of 64% which were valid and counted with only 3% returned as undeliverable. However, there were 32% which were not accounted for as they were not returned in any manner. Very few, roughly 1%, of our UOCAVA voters use the FWAB.

Responses of Kathy Dent, Sarasota County, Florida.

1. Our primary successes with recruitment come from our website and by other poll workers. We also have developed a student poll worker program which is quite effective. Interestingly enough, in 2008, we had more volunteers than positions available, due to the economy.

Training is required before every election. Florida law prescribes the minimum number of hours for each position. But here, our clerks receive 5-10 hours and inspectors at least three hours. We use the train-the-trainer approach, give pre-tests and post-tests. Anyone not passing the test is offered additional instruction. Hands-on is also very important for teaching the equipment. This year we moved to on-line training. We had 52 of the 57 clerks sign up for a municipal election. They still get hands on training but can do at least half of their training by computer.

We retain poll workers by providing feedback after each election, holding poll worker appreciation events, and providing non-cash incentives.

2. By the time we opened the polls on election day, 60% had already voted either early or absentee. We had 34% vote early and 26% vote absentee. With an almost 81% voter turn-out, early voting definitely eased the pressure on election day. Early voting is also the least expensive method of voting.
3. The EAC could assist us by speeding up the voting system certification process.
4. Since 2001, Florida law has allowed us to e-mail a ballot to a UOCAVA voter. The voter can print the ballot, vote and sign and either fax or mail back to us. This has definitely sped up the return time.

Responses of Denise Lamb, Santa Fe County, New Mexico.

- 1) In terms of poll worker recruitment, perhaps the best tool has been continuous media. We often get stories in the newspaper, radio, local television, asking for volunteers. We've been able to gather quite a large pool of regular workers doing that. We have a financial incentive for attending training. They get \$20.00 more if they attend. We had about a 95% attendance at our trainings. We also require training before every election. I'm not familiar with the congressional legislation.
- 2) There is no question that early voting took much of the pressure off the polling places on Election Day. We had reports that it was "boring" at the polls because it was so slow. 51.3% of our voters voted at the 6 early sites around the county in the three weeks prior to the election. We also had 22.2% cast absentee ballots by mail, so 73.5 % of voters had already voted before Election Day. Only 26.5 % actually voted at the polls.
- 3) We have found the EAC management guides to be very helpful and well put together. The staff is also helpful when you need to call with questions. The EAC Poll Worker recruiting report was very helpful.
- 4) New Mexico has permitted the electronic transmission of election materials and ballots to overseas and military voters for many years. We had great success using this method to get voters their ballots on time. The problem with requiring 60 days for ballot transmittal is the fact that there is often ballot access litigation that delays the printing of the ballots. That is why e-mail and fax is such a valuable tool. We had terrible delays on domestic ballots due to the postal service not giving election mail the special handling that congress recommended when it passed the National Voter Registration Act. We received ballots from the Vatican City and South Africa faster than mail from a town less than two miles away.

Responses of Margaret Jurgensen, Montgomery County, Md.

1. *What kind of poll worker recruitment, training, and retention programs have you implemented? Are you familiar with legislation I introduced in the 110th Congress for additional poll workers?*

Montgomery County MD uses, as many other jurisdictions, a multi-prong approach to poll work recruitment. The voter notification document has a tear-away that a voter expresses interest in serving as a poll worker that they can mail or call the Board. Upon receipt of the document, we mail a questionnaire to the potential voter to learn a little about them and classify their self-described skills and abilities. We attend community events and have other poll workers recruit poll workers for their community. The Presidential General Election is rarely a problem to recruit poll workers, the next election the off-year Primary to elect Governor and State house politicians is a challenge to recruit poll workers. The election is in early September, no one wants to attend training in July and August which is mandatory in Maryland. Working with the public, with the layer of rules, regs and the long election day is not a walk in the park and a challenge to even the most people pleasing personality type.

Training classes are 4 to 6 hours long, dependent upon the position the individual is selected to serve. Training is key to recruitment and retention. If we can train poll workers on how to follow the legal process and complete the procedures for certification manage lines, reduce bad behavior of poll watchers/candidates and serve as advocate for voter in a non-partisan manner, we can keep the poll workers. We use a peer to peer review after each election to retain the best workers. I lost many poll workers because a political decision was made to extend polling place hours in the Primary of 2008. The State Board of Elections made a poor decision without input of the local boards and personally I was amazed the election workers stayed open.

2. *In your county, early voting tripled. Many election officials argue that early voting took a lot of pressure off the system by easing the crush of voters on Election Day. Would you agree?*

Maryland did not have Early Voting but we did have no excuse absentee voting. Montgomery County had approximately 12% of the population vote by mail or in person before Election Day. No it did not take the pressure off because the 65% of the voting population chose to show up before 10:00a.m. so there were long lines.

Persons voting at Noon or later breezed thru the polling place. The State and Local Boards of Election strongly encouraged voters to appear after 10:00 a.m. but the message was lost in the zeal to vote.

3. *As a local administrator, what do you think are some of the more useful programs and services offered by the EAC today?*

I have not really gained much from the programs offered by the EAC but I think the materials they provide are important and useful for the numerous jurisdictions that cannot afford to send the staff to national and state conferences that address improved election practices. The EAC needs to take their message to the mid-sized /small counties/jurisdictions to improve the uniformity of voting opportunities. Many of their tool kit suggestions cost very little and are very doable for jurisdictions with limited resources. The EAC needs to get the certification of the voting system moving which

has been previously discussed, the delays are a detriment to the EAC and their credibility. If it can't be completed there, then make NIST the lead agency. But whatever is done, make the money available on a timely basis instead of the current mess that was created.

4. *The Chief of Operations for the Military Postal Service Agency at the Department of Defense recommended that states should allow a minimum of 60 days for an absentee ballot to be sent to military voters in combat zones. What is your state doing to ensure our military and overseas voters have every opportunity to cast their ballots and have them counted? Would that time be cut if states allowed for the transition of blank ballots to the voters electronically?*

It could start with both major political parties holding their conventions early enough so that the ballots could be prepared early to send overseas. It is not unusual to read state laws that the ballot is certified 75 days prior to an election and "x" days for candidates or political parties to remove a name from the ballot. How about some ownership of the role of the political parties to push the ballot certification to an untenable deadline? Allow ballots to be mailed via Internet and returned via secured internet. Otherwise there is the federal write-in ballot and the limitations of that ballot.

ROBERT A. BRADY, PENNSYLVANIA
CHAIRMAN

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DANIEL E. LINGREIN, CALIFORNIA
RANKING MINORITY MEMBER

April 6, 2009

Mr. Keith Cunningham
Director of Elections
Allen County Board of Elections
204 N. Main Street
Lima, Ohio 45801


Dear Mr. Cunningham:

Thank you for testifying during the March 26, 2009 Committee on House Administration, Subcommittee on Elections, hearing on the "2008 Elections: What Went Right & What Went Wrong." The Subcommittee requests your response to additional questions that will be made part of the hearing record. Please provide your responses to the Committee by April 27, 2009.

1. During your testimony you highlighted the importance of providing continuing education and training for our local election officials. Please tell the Committee more about the Certified Elections and Registration Administrator training program you graduated from.
2. During the hearing you argued that elections should be more decentralized. What are some federal recommendations you may have to ensure equality and fairness in the system but still preserve the administration of elections at the local level?
3. Thank you for your service as an election professional as well as your investment in numerous professional associations that focus on elections, including involvement with the EAC Board of Advisors. As a local administrator, what do you think are some of the most useful programs and services offered by the EAC today? Besides additional funding, what else could the EAC be doing to assist you in your work? Have you expressed these suggestions to the EAC?
4. As discussed during the hearing, many obstacles remain in the way of fully enfranchising military and overseas voters. One of the larger concerns has been the lack of time to transmit absentee ballots. The Chief of Operations for the Military Postal Service Agency at the Department of Defense recommended that states should allow a minimum of 60 days for an absentee ballot to be sent to military voters in combat zones. What is your state doing to ensure our military and overseas voters have every opportunity to cast their ballots and have them counted? Would that time be cut if states allowed for the transition of blank ballots to the voters electronically?

Thank you and I look forward to your responses.

Sincerely,

A handwritten signature in black ink, appearing to read "Zoe Lofgren", with a horizontal line extending to the right.

Zoe Lofgren
Chair, Subcommittee on Elections

ALLEN COUNTY BOARD OF ELECTIONS

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April 13, 2009

The Honorable Zoe Lofgren
Chair, Subcommittee on Elections
Committee on House Administration
U.S. House of Representatives
1309 Longworth Building
Washington, DC 20515-6157

HOUSE COMMITTEE
ADMINISTRATION
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Dear Chair Lofgren,

Thank you for the opportunity to testify before your committee on March 26th. Pursuant to your additional questions as stated in your letter of April 6th I offer the following answers:

1.

Q. During your testimony you highlighted the importance of providing continuing education and training for our local election officials. Please tell the Committee more about the Certified Elections and Registration Administrator training program you graduated from.

A. The Certified Elections and Registrations Administrator (CERA) program is a joint effort of the Election Center and Auburn University's public administration faculty. The Program offers college level instruction for professional growth and development of government officials involved in election administration and voter registration. Graduation requires the satisfactory completion of 12 core classes and graduates must be recertified every three years by completing one of several renewal classes. Basic graduation also requires one to attend a specific number of Election related events such as Election Center Workshops, National Conferences and State or otherwise Election Association sponsored workshops or conferences. Additional information is available at www.electioncenter.org.

2.

Q. During the hearing you argued that elections should be more decentralized. What are some federal recommendations you may have to ensure equality and fairness in the system but still preserve the administration of elections at the local level?

A. Your question seems to imply that without federal oversight local and state election officials would be unable to achieve equality and fairness in the elections system and as such I must respectfully disagree. The Federal Government can only provide "after-the-fact" solutions to these problems in the form of punishment and penalties. I believe it is only the local election official who can guarantee equality and fairness through hands-on, hour by hour election management. Adequately trained election personnel and poll workers are the front line guarding against these issues and insuring local managers have the resources for training is central to preventing occurrences. Let me state unequivocally, elections cannot be managed from Washington or a State Capital. Essentially, the further one is from the voter the more ineffective their ability becomes to manage the process.

3.

Q. Thank you for your service as an election professional as well as your investment in numerous professional associations that focus on elections, including involvement with the EAC Board of Advisors. As a local administrator, what do you think are some of the most useful programs and services offered by the EAC today? Besides additional funding, what else could the EAC be doing to assist you in your work? Have you expressed these suggestions to the EAC?

A. The EAC has produced a series of very useful "Management Guides." These guides cover a variety of topics from Polling Place Management and Disaster Planning to Absentee and Overseas Voting to Voting Systems Certification, Acceptance Testing and Audit Trail Development. Most significant however is the Successful Practices for Poll Worker Recruitment, Training and Retention publication. This is an exceptional document which provides a wealth of ideas, techniques and tips for one of the most difficult tasks local election officials deal with; poll worker management

4.

Q. As discussed during the hearing, many obstacles remain in the way of fully enfranchising military and overseas voters. One of the larger concerns has been the lack of time to transmit absentee ballots. The Chief of Operations for the Military Postal Service Agency at the Department of Defense recommended that states should allow a minimum of 60 days for an absentee ballot to be sent to military voters in combat zones. What is your state doing to ensure our military and overseas voters have every opportunity to cast their ballots and have them counted? Would that time be cut if states allowed for the transition of blank ballots to the voters electronically?

A. The success of the UOCAVA rests with two federal agencies, The United States Post Office and United States Department of Defense. There is very little local or state election officials can do to assure this program works better. Allowing a minimum of 60 days for transmitting ballots as your question suggests is an ill-advised and unworkable solution. Filing deadlines for candidates in most instances is 75 days prior to an election and in Ohio the names are certified to the ballot no later than 68 days prior. These deadlines would leave between 8 and 15 days to finalize, layout, print and mail ballots. I do not believe that timeframe represents an achievable goal. I do not oppose electronic transfer of blank ballots provided the DOD has suitable security precautions in place to protect the voter.

Again, thank you for the opportunity to appear before your committee. I hope the information above provides you with sufficient answers to your questions.

Best personal regards,



Keith A. Cunningham C.E.R.A.
Director, Allen County Board of Elections

Ms. LOFGREN. We will call forward the next panel, please. Thank you very much.

As the next panel is coming forward, I will introduce them. First we have Ms. Melanie Campbell, who is the Executive Director and CEO of the National Coalition on Black Civic Participation. She is a nationally recognized expert on black civic participation, election reform, voting rights and coalition building. Throughout her 20 years of experience, she has led a number of election reform and voting participation programs that include the VOTE Election Reform Task Force, Unity Civic Engagement and Voter Empowerment Campaign, and the Black Youth Vote Program.

Next we have Ms. Patty Ferguson Bohnee. Ms. Bohnee is a Native vote election protection coordinator with the National Congress of American Indians. She has extensive experience in election law and has assisted in voting rights litigation on behalf of tribes. She is also an associate clinical professor and director of the Indian legal clinic at the Sandra Day O'Connor College of Law at Arizona State University.

Next, Mr. Arturo Vargas. Mr. Vargas is the Executive Director of the National Association of Latino Elected and Appointed Officials, known colloquially as NALEO. As Executive Director, Mr. Vargas has worked to engage the Latino community in civic participation, as well as to ensure that the election system enhances opportunities for all Americans. Prior to joining NALEO, he was vice president for community education and public policy at MALDEF, the Mexican American Defense and Educational Fund, as well as education policy analyst at the National Council of La Raza in Washington, D.C.

We have next Mr. Eric Eversole, who is a member of the Republican National Lawyers Association. He is a former litigation attorney for the United States Department of Justice Civil Rights Division, where he brought numerous cases to protect military and overseas voting under the Uniformed and Overseas Citizen Absentee Voting Act.

And finally, we have Mr. Doug Chapin, who is the founding director of electionline.org, which is a nationally recognized voice in election administration policy, since 2001. Prior to his work with the Pew Center on the States, he was in private legal practice in Washington, D.C., as well as an elections counsel with the U.S. Senate Committee on Rules and Administration.

So we welcome all of you. As with the prior panel, your full written statement will be made part of the record. We would ask that your testimony consume about 5 minutes. When you have a minute left, the little orange light will go on that machine in the middle of the table, and when it turns red, it means your 5 minutes are up, and we would ask you to conclude the statement.

We will begin with you, Ms. Campbell.

STATEMENTS OF MELANIE CAMPBELL, EXECUTIVE DIRECTOR, NATIONAL COALITION OF BLACK CIVIC PARTICIPATION; PATTY FERGUSON BOHNEE, NATIVE VOTE ELECTION PROTECTION COORDINATOR, NATIONAL CONGRESS OF AMERICAN INDIANS; ARTURO VARGAS, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF LATINO ELECTED AND APPOINTED OFFICIALS; ERIC EVERSOLE, FORMER ATTORNEY, CIVIL RIGHTS DIVISION, U.S. DEPARTMENT OF JUSTICE; AND DOUG CHAPIN, DIRECTOR, ELECTION INITIATIVES, PEW CENTER ON THE STATES

STATEMENT OF MELANIE CAMPBELL

Ms. CAMPBELL. Thank you, Madam Chair and members of the Subcommittee on Elections. My name is Melanie Campbell. I am the CEO and Executive Director of the National Coalition on Black Civic Participation and convener of the Black Women's Roundtable.

The national coalition trains and engages African American leaders, youth organizers and activists on the best practices to increase civic engagement and voter participation and, in more recent years, voter protection and assistance.

The 2008 election cycle was indeed the most historic election of our lifetime. Not only did we see record voter turnout in the African American community, we witnessed record turnout among young people and other marginalized communities. And, yes, we also witnessed the first African American to be elected President of the United States of America.

As historic and record-breaking as the 2008 election cycle was, it is vital that we also remember there were thousands of Americans who went to the polls on election day to cast their historic vote and were turned away mainly because of election administration errors, or they were victims of voter deception or voter intimidation.

What went wrong? In 2008, our State-based Unity '08 coalitions in 11 States witnessed a continued need for election reform that mostly reiterated the need to improve our election administration system, specifically a need to consider universal or same-day registration as a viable solution to alleviate one of the most consistent problems voters face on election day, and that is being denied the right to vote because someone did not process their voter registration card properly, or their registration was mistakenly or illegally removed from the voting rolls in their community.

In my experience of leading grassroots, nonpartisan voter participation campaigns for over 20 years, voter registration problems at the polls have been a persistent challenge, and voter fraud accusations have been too often misdiagnosed by some elected officials on a national and State level for decades.

In 2008, for example, our State coordinator Cynthia Downs Taylor in the Hampton Roads area had to work with students who had been intimidated with threats that they would lose their financial aid if they were registered to vote, not getting the specific information that really impacted some students, but most students that is not the case.

The current voter registration process during major elections like we experienced in 2008 creates surges in registration as deadlines

approach, and this volume contributes to backlogs and processing delays for our election administrators. On behalf of many of us, not all of us, in the civic engagement NGO community, it would be wonderful for us if we had to get out of the voter registration business, because universal registration or same-day registration would take that need away, and we would focus more on civic education and other areas that are needed.

We also helped to sponsor the 1-866-MYVOTE1 hotline. From January to December, we received over 300,000 calls on that hotline, and the top two problems were poll locator problems. The number one problem was registration.

What went right. We believe early voting is what went right. Listening to the last panel, many of the things I concur, some I don't, but many I concur that it made it easier, it took the pressure off. It put the pressure on for some of us who were in a nonpartisan position. We had to work even harder over the period, but we believe it had a very, very positive effect.

The national coalition joins the Brennan Center for Justice, the Lawyers Committee for Civil Rights Under Law, the Advancement Project, NAACP Legal Defense Fund, and countless others in calling for reform of the voter-registration process. As I mentioned, we believe early voting is something that we should look at. We concur with the Advancement Project specifically that Congress should consider enacting legislation to require States in which voter lines were longer than 45 minutes in 2004 or 2008 to submit a remedial plan to eliminate or minimize wait lines.

I am getting close to my moment.

In closing, we must all remember that democracy is about people, voice and opportunity. Elections are about shaping the future. Election reform is a continuum that requires constant review as reform policies are implemented. In the words of global rights advocate Dr. Keith Jennings, every practice that discourages people from voting is a blow to democracy.

Thank you for this opportunity, and I look forward to any questions you may have. Thank you.

Ms. LOFGREN. Thank you very much.

[The statement of Ms. Campbell follows:]



Melanie L. Campbell
Testimony before the Congress of the United States
House of Representatives
Committee on House Administration
Subcommittee on Elections
"The 2008 Election: What Went Right and Wrong"

Thursday, March 26, 2009
Room 1310 Longworth HOB

To the Attention of: The Honorable Zoe Lofgren
Chairwoman, Subcommittee on Elections

Thank you madam Chair, and members of the Subcommittee on Elections, my name is Melanie L. Campbell. I am the CEO & executive director of the National Coalition on Black Civic Participation and Convener of the Black Women's Roundtable.

On behalf of the National Coalition on Black Civic Participation, our Board of Directors, 12 State Affiliates, and 80 member organizations, I would like to express our appreciation for this opportunity to reflect upon the 2008 Presidential Elections and to provide our assessment of what went right, and perhaps more importantly, opportunities for improvement.

Over three decades, the National Coalition has brought together national, state and local organizations to address the disenfranchisement of Black voters and other marginalized communities. Through our signature programs—Unity Civic Engagement Campaign, Black Youth Vote, Black Women's Roundtable, Operation Big Vote Training Academy and Voices of the Electorate—the National Coalition trains and engages African American, leaders, youth organizers and activists on the best practices to increase in civic engagement, voter participation and in recent years voter protection.

The 2008 Election cycle was indeed the most historic election in our lifetime. Not only did we see record voter turnout in the African American community, we witnessed record turnout among young people and other marginalized communities. And yes, we also witnessed the first African American to be elected President of the United States of America.

I commend the Committee on House Administration's Subcommittee on Elections for making sure that our government continues to work to improve our electoral systems in federal and state elections.

As historic and record breaking as the 2008 Election cycle was, it is vital that we also remember there were thousands of Americans who went to the polls on Election Day to cast their historic vote and were turned away mainly because of election administration errors or they were victims of voter deception or voter intimidation.

We must remember that Election Reform is not an end unto itself---it is a process that requires unending review, upgrading, challenge and improvement. *We the people* have the power to hold our elected officials and administrators accountable, for if our democracy is to be stronger for future generations, then it is the responsibility of current generations to continue to press for full participation.

The National Coalition on Black Civic Participation (NCBCP) is a 501C 3, non-profit, non-partisan organization dedicated to increasing Black civic engagement and voter participation. For thirty-three (33) years we have worked at the national, state and local levels to address the disenfranchisement of African Americans and other marginalized communities.

In light of the continuous voter disenfranchisement debacles of the past several national elections, *NCBCP* and our *Unity '08 Campaign* partners activated grassroots integrated voter engagement and voter assistance coalitions in eleven (11) states to protect the voting rights of all Americans and further increase black civic engagement in 2008.

For Election Day, NCBCP *Unity '08* recruited both volunteer poll workers to assist voters inside polling locations and poll monitors who helped voters outside of the polls. Poll monitors provided citizens with their Voter's Bill of Rights and conducted a scientific exit poll on voters' experiences as they left the polling place. NCBCP conducted exit polls on voters' experiences in 2006 and 2004, and the results have guided the identification of voter disenfranchisement issues and informed the organization of effective voter engagement methods. The results of the 2008 exit polls will be provided to the Subcommittee on Elections in the coming weeks.

***NCBCP Unity '08* media partners promoted the national Voter Assistance Hotline (1-866-MYVOTE1) to provide voters with their poll location**, which NCBCP research shows is one of the most pervasive problems voters have on Election Day. NCBCP also continued to support and promote the Election Protection legal assistance hotline (1-866-OUR-VOTE) as it did in the 2001 Election in Virginia, 2002 Mid-Term Election, 2004 Presidential Election and the 2006 Mid-Term Election.

Enhanced Electronic Election Day Monitoring: NCBCP established a national command center with the capability to capture data and reports from the field throughout Election Day. *Unity '08* hosted national calls every two hours with reports from the field and up-to-the-minute analysis from national black leaders and political experts. NCBCP partnered with Black Planet to blog throughout the day voters' experiences at the polls.

In 2008, our state-based Unity '08 coalitions witnessed a continued need for election reform that mostly reiterated the need to improve our election administration system. Specifically, a need to seriously consider universal registration as a viable solution to alleviate one of most consistent problems voters continue to face on Election Day---and that is being denied the right to vote because someone did not process their voter registration card properly or there voter registration was mistakenly or illegally removed from the voter rolls in their community.

Further, while the National Voter Registration Act of 1993 (Motor Voter) has contributed to expanding voter registration and substantial resources have been allocated to the mobilization of intensive partisan and non-partisan grassroots registration efforts especially in the last five national elections from 2000 – 2008, there still remain significant barriers that disenfranchise too many eligible Americans from registering and exercising their right to vote.

Despite the fact that voter registration operations are widely securitized, we still continue to see in every election cycle issues surrounding integrity and so-called voter registration fraud. In my experience, which includes leading grassroots non-partisan voter participation and protection campaigns in numerous states for the last 20 years, voter registration problems at the polls have been a persistent problem and voter fraud accusations have been persistently misdiagnosed by some elected officials on a national and state level for decades. In my experiences so-called "voter fraud" can almost always be traced to some financial incentive for a worker or volunteer (which is not voter fraud but most often is a personnel issue for those running a voter registration campaign) and outright voter fraud at the polls is actually extremely rare.

Yet, in 2008, elected officials responsible for setting election policy created photo ID laws that disenfranchised voters including:

- **Retired Nuns.** Ten retired nuns walk into a polling place in South Bend, Indiana for the 2008 presidential primary and were turned away because they had no photo ID.
- **Youth Voters.** Rock the Vote reported that 19 percent of 18-29 year olds do not have a government-issued photo ID with their current address, indicating that as many as one in five young voters could be disenfranchised by a law such as the one in place in Indiana.

- **U. S. Military Soldiers.** Election Protection reported they received a call on Election Day from a military soldier in Indiana. The caller reported “that poll workers refused to accept his current U. S. Military ID, claiming that it was insufficient identification. Fortunately, the caller was able to speak with a precinct judge who corrected the poll workers.”
- **Senior Citizens.** The AARP in Georgia estimated that about 153, 000 Georgians older than 60 who voted in 2004 do not have government-issued photo ID. Further, AARP estimates that 36 percent of Georgians over 75 do not have a driver’s license.

Further, several studies and scientific surveys reveal that photo IDs adversely impact young voters, minority voters, elderly and low income voters.

But yet in still, on April 28, 2008, the U. S. Supreme Court ruled that Indiana’s draconian photo identification requirement for voters was not unconstitutional.

Today, in spite of Motor Voter and massive voter registration drives, there are still millions of eligible unregistered voters. Policies intended to increase security and enhance voter confidence in election results, such as state voter ID laws, can also have the effect of discouraging eligible citizens from becoming active participants in our representative democracy.

The Help America Vote Act of 2002 (HAVA) along with strong enforcement of the Voting Rights Act of 1965 are the most effective tools we have for eliminating voter disenfranchisement on a federal, state and local level. *Election Reform* is a continuum that requires constant review as reform policies are implemented. We oppose public policies and election administration systems that suppress voter participation, voter confidence and deny the American people their right to vote without fear or intimidation. In the words of global voting rights advocate, Dr. Keith Jennings, **“Every practice that discourages people from voting is a blow to democracy.”**

On behalf of many in the civic engagement NGO community I want to state emphatically that we would like nothing more than to be out of the voter registration business and recommend that universal registration or at a minimum, same-day-registration would eliminate voter disenfranchisement and possibly voter fraud concerns nationwide.

In 2008, the National Coalition on Black Civic Participation, along with the NAACP National Voter Fund, and the International Brotherhood of Teamsters sponsored the 1-866.MY VOTE1 voter assistance hotline through the Info Voter Technologies hotline platform. The national hotline included a voter registration feature, automated poll locator, transfer to local help lines, recorded complaints, stored data, and included a web interface.

The 2008 Info Voter Technologies, the **866.MYVOTE1: Preliminary National Report 2008 Election Day** has been submitted with my written report. The hotline was promoted nationally by NCBCP media partners including: American Urban Radio Network, Tom Joyner Morning Show and black newspapers across the country.

Between January and December 2008, 318,142 calls were received to the hotline. Ten (10) top-tier problem areas were created under which traffic calls were classified. The break out was as follows:

Poll Locator Problems	44%
Registration	50%
Poll Access	11%
Absentee	10%
Mechanical	9%
Election Integrity	6%
Paper Ballots	3%
Coercion/Intimidation	3%
Election Staff	2%
Provisional Ballots	1%

Info Voter Technologies was able to identify problems across the country, record callers in their own voices, serve as a real-time information resource and referral service, and complete a comprehensive report analyzing problem types and frequencies. Most strikingly, fully half or 50% of all hotline calls and problems were coded as voter registration problems. Poll Location 44% was the second highest category.

VOTER REGISTRATION

The NCBCP Unity 2008 Campaign focused resources in 7 tier-one states- Alabama, Florida, Georgia, North Carolina, Ohio, Pennsylvania, Virginia, and 4 tier-two states- Louisiana, Michigan, Mississippi, and Texas. Beginning with the 2008 Primary season there was a substantial increase in voter registration. Reports from the field indicated significant delays in processing of voter registration cards.

In response the National Coalition emphasized registration verification and early voting in our voter education messaging, encouraging new registrants and all voters to check their voter registration status with their local boards of elections to make certain that their names were on the voter rolls through our **Unity '08 Register, Verify, Vote and Vote First** celebrity radio PSA campaign. We believe this helped to eliminate Election Day problems and long lines in the states the NCBCP and our Unity partners worked including: National Urban League, A.

Philip Randolph, Coalition of Black Trade Unionists, Black Youth Vote and others.

The current voter registration process during major elections like we experienced in 2008, creates surges in registration as deadlines approach and this volume contributes to backlogs and processing delays. When individuals do not receive voter registration cards within a reasonable timeframe they often re-register further clogging the system. In some instances new voters never appear on the rolls and are thus denied the opportunity to cast a ballot. Our aggressive registration verification and voter preparation public awareness campaign made voters aware of the need to verify their registration and polling place prior to Election Day to avoid problems or delays in their ability to vote.

For example, Cynthia Downs Taylor, state coordinator of the National Coalition on Black Civic Participation's Virginia Unity '08 Campaign, was particularly concerned about the issues surrounding registering out-of-state college students. Some localities were registering them while others were not. Cynthia expressed here concern "that there is something wrong with the system" and recommended that "we need to do something to promote uniformity in voter registration laws." In the Hampton Roads areas, students were being intimidated with threats they would lose their financial aid if they registered to vote. They were being told they would be declaring themselves as independent students if they registered to vote.

In fact, the Montgomery County (VA) Registrar's office issued the following ruling regarding out-of-state students (*The original story and user comments can be viewed online at <http://insidehighered.com/news/2008/09/03/voting>.*):

"Virginia's Montgomery County, home to Virginia Tech, issued a press release regarding proper protocol for college students registering to vote. In interviews with Inside Higher Ed Tuesday, it was described by turns as "unsubstantiated," "chilling," and (more generously) as not "incredibly encouraging or friendly."

It reads, in part: "The Code of Virginia states that a student must declare a legal residence in order to register. A legal residence can be either a student's permanent address from home or their current college residence. By making Montgomery County your permanent residence, you have declared your independence from your parents and can no longer be claimed as a dependent on their income tax filings — check with your tax professional. If you have a scholarship attached to your former residence, you could lose this funding. And, if you change your registration to Montgomery County, Virginia Code requires you to change your driver's license and car registration to your present address within 30 days. The county registrar of elections said Tuesday that the memo was intended to counteract the absence of cautionary information given to students signed up through the ubiquitous get-out-the-vote registration drives. Generally speaking, however, those interviewed for this article said the warnings

are, at worst, farfetched and misleading, or, at best, overstated and not typically supported in reality.”

In Alabama, the Unity '08/Black Youth Vote! Coalition was focused on registering ex-felons and students to vote. However, they ran into a problem because many ex-felons thought they could not vote because of confusion and difficulty with identifying which ex-felons were allowed to register to vote and which ones were not. The Alabama law stated those ex-felons who were not convicted of crimes of “moral turpitude” were allowed to vote. However, elected officials and administrators failed to identify which crimes were excluded from this definition. The Secretary of State’s office purged over 9,000 ex-felons from the registration rolls.

VOTER REGISTRATION RECOMMENDATIONS

The NCBCP urges the modernization of the voter registration process utilizing available technology to ensure that all citizens are automatically registered to vote when they turn 18 years old. As long as the individual’s right to vote has not been taken away for any reason, such as incarceration, they would remain in a national voter registration database. **Universal** registration would eliminate the need for voter registration drives and resources previously dedicated to registration could be deployed for civic education. A national universal registration system should allow for adjustments or corrections, such as change of address and change of name, which could also be automated from postal address changes. It should be possible to implement changes up to and including Election Day. The system should remove individuals incarcerated for a felony where required. The registration would be **permanent**, remaining in place as long as the citizen’s right to vote has not been revoked.

Congress should mandate that states upgrade to a universal system and provide the resources needed to underwrite the transition. The NCBCP joins with the Brennan Center for Justice, the Lawyers Committee for Civil Rights Under Law, Advancement Project, NAACP Legal Defense Fund and countless others in calling for reform of the voter registration process. It is time to move beyond disintegrated systems open to human error and limitations to a comprehensive universal voter registration system.

We live in the greatest democracy in the world. Surely, we can provide the same type of instant background check afforded to someone presenting themselves to purchase a firearm to a citizen attempting to participate in the democratic process by presenting themselves to vote. A national voter database can provide the same instant clearance to a valid voter on Election Day.

ADDITIONAL RECOMMENDATIONS

Polling Places--Showing up at the wrong polling place is one of the most frequent problems encountered on Election Day. Forty-four (44) % of callers to the 866-MY VOTE1 hotline requested their poll location. Identifying the proper poll location can be difficult because many localities list polling places by precinct number rather than zip code and precinct numbers are not commonly known.

This is especially problematic for lower income voters who more often rely upon public transportation. A universal database could remove the limitation of one polling place and could help to reduce the demand at polling locations with heavy turnout.

Youth--According to the Pew Research Center, among voters aged 18-29, 18 percent were Black and 55 percent were female. Many young voters reported incorrect and misleading information about mailing absentee ballots. Confusion regarding financial aid, taxes, parent's taxes based upon where a student registers and votes. Since financial aid rules vary by state, it is important to educate youth about their specific situations. This is particularly important for college youth living on campus. In 2008, the NCBCP Black Youth Vote Texas helped student leaders at Prairie View University push for a polling place on campus. The closest polling place to Prairie View was seven miles away. Over 3,000 students organized and marched those 7 miles to the polls to vote in the Texas primaries. Further, students took their voting rights case to the U.S. Department of Justice and ultimately a new polling location was established in time for the students to vote on campus in the November 2008 Election.

Provisional Ballots (Access and Counting)—Many poll workers were poorly trained and confused about the use of provisional ballots. In some instances voters were in the wrong polling place and given a provisional ballot which would not be counted due to the mistake. In other cases voters were refused provisional ballots potentially disenfranchising eligible voters. In addition, a uniform policy is needed for the resolution of the problems that required the voter to use a provisional ballot, so their vote is counted. Voters at the wrong polling place, without picture identification, with proper identification and voter registration card but whose name does not appear on the role are a few of the reasons many voters are given provisional ballots. However, to vote on a provisional ballot and then not have that ballot counted is, in effect, denying a voter their right to have their right to vote and to have their vote counted.

Early Vote & Election Day Holiday— *NCBCP supports The Advancement Project recommendation that "Congress should enact legislation to require states in which voter lines were longer than 45 minutes in the 2004 or 2008 general election to submit a remedial plan to eliminate or minimize wait times. Additionally, to reduce lines on Election Day, legislation should be enacted that requires states to offer their voters early voting by regular ballot."*¹¹

The early vote was by far the best improvement during the 2008 election cycle. Almost 1/3 of all votes cast were “early votes”. Some states did an outstanding job in providing their citizens access to multiple early vote sites. For instance, in Florida Governor Christ added additional sites and additional voting machines when the response to early vote in his state became overwhelming. In Nevada, voters were given access to voting machines in shopping malls. This kind of innovative, out of the box thinking provided an extended period for voting early reduced the lines at the polls on Election Day.

We witnessed a marked reduction in long lines on Election Day in 2008 in Ohio, Georgia and North Carolina and we believe that was due to either early voting or easier access to absentee ballots. We also know that many voters, especially seniors, prefer to vote in person on Election Day and believe that every voter should have this option as well. The pros and cons of establishing Election Day as a national holiday and/or changing to a Saturday should be explored. It is more difficult for lower income and hourly workers to get time off to vote and traffic is a growing concern in urban areas.

Felon Rights Restoration—The National Coalition on Black Civic Participation supports the restoration of voting rights for ex-felons who have completed their sentences. This is another area where national uniformity is needed. In Virginia, Kemba Smith, a young mother who received a presidential pardon in 2000 and completed all her parole requirements several years ago, still must wait eight years before she can apply to have her voting rights reinstated. Since being pardoned, Kemba has gone on to complete college and now counsels youth about the importance of making good choices. In spite of the fact that she has lost the right to vote, Kemba worked with our Black Youth Vote Virginia efforts and worked among her peers to encourage young people to vote and participate in the 2008 Election by registering and voting and volunteering and participating in the civic process. The National Coalition believes that restoring the rights of individuals like Kemba will go a long way toward improving our democracy.

Identification problems— A small percentage of the problem phone calls were due to issues with voter identification requirements. Voters were asking questions such as what type of identification was required; what was the procedure for changing their address on the registration rolls when the address on their identification did not match the voter registration address, what happens with expired licenses, and other questions about proper identification.

Purging of Voter Rolls – Voters encountered numerous problems in the 2008 election cycle related to names being erroneously purged on registration roles. The earlier recommendation to end this practice is critical to the democratic process. A voter’s name should not be purged from any list unless they become ineligible to vote, i.e., being convicted of a crime that would make them ineligible.

NCBCP also supports the following recommendations by The Advancement Project's recommendation for legislative reform to establish federal standards for poll workers. "Congress should set national standards for poll worker training and support that would make training mandatory for all poll workers; require that training include hands-on training and role playing; require that poll workers receive compensation for their attendance of training; and require assessment of poll workers at the completion of their training."ⁱⁱ

As I mentioned earlier in my testimony, ex-felons were purged from Alabama rolls. *An October 3, 2008 article in the Atlanta Journal Constitution stated the following:*

"A study released by the Brennan Center for Justice at New York University School of Law this week criticized voter roll purges in several states, including Georgia. In Columbus, an official purged 700 people from the voter lists, according to the study, because they were ineligible to vote due to criminal convictions. The list included people who had never even received a parking ticket, the Brennan Center said. In Mississippi, a local election worker mistakenly purged 10,000 voters from her home computer just a week before the presidential primary, according to the center's report. And in Wisconsin, some voters discovered they had been purged after they tried to cast ballots in September's primary election. The secret and inconsistent manner in which purges are conducted make it difficult, if not impossible, to know exactly how many voters are stricken from voting lists erroneously. And when purges are made public, they often reveal serious problems," according to the report."

ADDITIONAL RECOMMENDATIONS

The National Coalition on Black Civic Participation fundamentally believes that protecting the right to vote serves the interests of all citizens by furthering rational discourse about democracy.

NCBCP acknowledges that there remain serious systemic problems related to election administration. These problems reduce voter confidence in both the state's ability to fairly protect the ballot and in the ability of the voting system to properly count ballots.

Further, the NCBCP believes that the continued popularity of traditional paper ballots reminds us that voters are still skeptical of the validity of electronic systems. Only reliable verification methods can ameliorate such skepticism.

The NCBCP notes that the myriad of complaints it received-----on the 866-MYVOTE1 Hotline and the field reports it received in its Unity '08 Election Day War Room-----signals a need for continued diligence in monitoring and changing the system. It is apparent that nearly a decade after the 2000 Florida election debacle and billions of dollars spent to upgrade the basic machinery of the country's democracy, election reform is still a work in progress.

In closing, we must all remember that democracy is about people, voice, and opportunity. Elections are about shaping the future. As we continue to analyze and dissect the 2008 Election Cycle, it is important to challenge our federal, state and local governments to commit to strengthening voting rights enforcement and election administration including: 1) the U. S. Justice Department now returning to its responsibility to monitor and enforce the Voting Rights Act protection provisions and ending illegal purges mandated by the National Voter Registration Act; 2) fully fund the Election Assistance Commission to be successful in achieving its mission to *Help America Vote*; 3) stop unjust state purges and photo ID requirements of voters; and 4) adopt universal registration for federal elections.

Our nation continues to face the challenge of correcting the problems in our electoral system in order to restore citizens' confidence that their votes count and will be counted. Educating voters and protecting their rights at the polls must be ongoing.

Thank you for this opportunity to share my recommendations to the Subcommittee on Elections today. I will be glad to answer any questions that you may have.

¹ Heard, Bradley, March 17, 2009, The Advancement Project, Letter to U. S. Senate Committee on Rules & Administration, [Voting Registration: Assessing Current Problems](#).

ⁱⁱ Ibid., Heard, Bradley.

Ms. LOFGREN. We turn now to Ms. Ferguson Bohnee.

STATEMENT OF PATTY FERGUSON BOHNEE

Ms. BOHNEE. Thank you very much, Chairwoman Lofgren, members of the subcommittee. On behalf of the National Congress of American Indians, thank you for inviting us here to present testimony on the 2008 elections in Indian country.

NCAI is the oldest and largest national organization representing tribal governments. NCAI also runs the National Native Vote Program, which is designed to develop election infrastructure within our tribal communities and to encourage and empower Native Americans to vote.

In 2008, with the assistance of tribes, we organized Native vote campaigns in 20 States. One portion of our Native vote campaign is the Election Protection Project, and I serve as the Election Protection coordinator for Arizona.

I would like it to briefly address the history of voting within Indian country, and then I will discuss some lessons learned from this election, particularly with regard to the new voter ID requirements.

Native Americans were denied the right to vote longer than any other group in the United States, 54 years after African American men and 4 years after women. Unfortunately after the Federal right was granted in 1924, many States continued to formally deny Native Americans the right to vote well into the 1960s.

Historically, States used several arguments to justify the continued disenfranchisement of Native voters. Many of these prohibitions were embedded in the State constitution. For example, in one State, Indians were not considered civilized, and their continued participation in their tribal communities precluded participation in other elections. The requirement that Native Americans be civilized before being granted the right to vote has had perhaps the most long-lasting negative effects in Indian country. It has perpetuated the pervasive culture that tribal elections are for Native, and State and Federal elections are for non-Natives.

There are historical issues surrounding voter registration. Specifically past governmental efforts at registering or identifying a list of Native Americans have been for the purpose of taking land, relocating the communities, or forcefully removing our children to boarding schools. These experiences are ingrained in the collective memory in many Native communities and are apparent in the ongoing resistance to register with any government entity. This includes registering to vote. It also includes registering for a State government ID card. Thus we find the trend to require State-issued photo ID cards for voting purposes very concerning.

In addition to the historical hesitancy behind registering with the State government, there are a number of other practical reasons why tribal members lack State-issued identification. The REAL ID Act and lack of birth certificates are two examples. Tribal ID documents are not treated as acceptable forms of ID for obtaining a REAL ID-compliant driver's license. The practical effect of this is a decrease in the access to State driver's licenses for Native Americans as tribal documents are our most common form of ID.

If tribal documents are not accepted by States, the next document usually required is a birth certificate, and this also is not an option for much of Indian country. Many Natives are born outside of a modern hospital system because they are born at home. Many never receive a birth certificate. In fact, the Indian Health Service did not even begin issuing birth certificates until 1968. It is estimated that as many as 30 percent of the population of our reservations do not have birth certificates.

Even if Native Americans did have perfect access to State IDs, they should not be forced to obtain them. Tribal governments issue their own identifying documents. The Federal trust and treaty relationship is directly between the tribes and the Federal Government, not the State government. Tribal members should not be forced to go to a State government to obtain proof of who they are in order to participate in the Federal election process. Tribal government ID documents should be accepted just as any other government document.

Unfortunately there are dozens of documented problems with acceptance of tribal IDs for voting purposes. Over the last three election cycles, the States have become more aware of the need to accept tribal IDs, but this is only after years of State-by-State advocacy by the tribal folks. Of the 20 Native vote States surveyed regarding their acceptance of ID for voting, only a handful include tribal ID encoder regulations. In many instances it was a discretionary decision made by the secretary of state.

From my experience as a Native Vote leader in Arizona, this ad hoc approach to tribal ID is problematic. In 2004, Arizona passed a law to require IDs for any elector voting in person on election day. Arizona's secretary of state adopted procedures limiting the types of ID which fail to take into consideration the inability of many reservation voters to obtain such ID, and knew that several tribes did not issue qualifying ID. As predicted by counties and tribes, the ID requirement resulted in a lower turnout on reservation and numerous uncounted ballots for failure to meet the ID requirement.

Even with all the success over the years, there remain a number of legal and cultural obstacles that hinder full participation by America's Native community. Additional examples are included in my written testimony.

The Native Vote campaign and elected tribal leaders seek to empower participation in elections, but without alternatives to new ID requirements, it remains challenging for Native Americans to fully participate in the election process.

If IDs are going to be required for any voting purposes, we ask for two things: Amend the REAL ID Act to accept tribal documents as proof of ID and citizenship for purposes of obtaining a State driver's license, and amend HAVA to clarify that where any form of ID is required, tribal documents will also be accepted.

Thank you so much for your time and commitment to hearing from the Native community.

Ms. LOFGREN. Thank you very much.

[The statement of Ms. Bohnee follows:]

NATIONAL CONGRESS OF AMERICAN INDIANS

TESTIMONY TO HOUSE ADMINISTRATION COMMITTEE
SUBCOMMITTEE ON ELECTIONS

Hearing on the 2008 Elections
March 26, 2009



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On behalf of the tribal nations of the National Congress of American Indians (NCAI), we are pleased to present testimony on the 2008 Elections to the House Administration Committee. The National Congress of American Indians (NCAI) is the oldest and largest national organization representing tribal governments. NCAI also runs the national Native Vote program in conjunction with Tribes and tribal committees.

THE NATIVE VOTE CAMPAIGN

The Native Vote Campaign is a national non-partisan effort to mobilize the American Indian and Alaska Native vote in collaboration with Tribal governments, regional inter-Tribals, the national Indian organizations, and urban Indian centers. In 2004, 2006, and 2008, Native Vote spearheaded this groundbreaking campaign to register and turn out a record number of American Indian and Alaska Native voters. Native Vote is about training ourselves and creating an election infrastructure within our own communities to make sure our voices are heard.

Every Tribe and every Native community is encouraged to participate in Native Vote. However, each election cycle we identify states in which specific emphasis will be placed. In 2008, nearly 20 states were chosen:

Alaska	Minnesota	Oregon
Arizona	Montana	South Dakota
California	Nevada	Texas
Colorado	New Mexico	Washington
Florida	North Dakota	Wisconsin
Idaho	Oklahoma	Wyoming
Michigan		

Within each state, NCAI has a Native Vote coordinator to focus on voter registration and get-out-the vote efforts, and a Native Vote Election Protection Coordinator to focus on ensuring that Natives have a smooth voting experience on Election Day. Each Tribe within each Native Vote state replicates this infrastructure.

TRENDS IN INDIAN VOTING

Indians were first granted the right to vote in 1924. Since first being granted citizenship 80 years ago, Native Americans have become increasingly active in the electoral process. Several major recent elections have been heavily influenced by Native American issues and Native voting patterns.

In 2000, the Indian vote was credited with defeating Senator Slade Gorton in Washington State. In 2002, the Indian vote helped retain a Senate seat for Senator Johnson in South Dakota, who won by just over 500 votes. The Native Vote has also been credited with Senator Tester's win in Montana, as well as a number of past Congressional races such as former Congresswoman Heather Wilson in New Mexico. Native American voters tend to be loyal to candidates who champion their issues.

However, it has been a long and difficult road to this increased political participation. Native Americans were denied the right to vote longer than any other community in the United States, and they continue to struggle against ongoing disenfranchisement and voter suppression actions.

HISTORICAL OBSTACLES TO INDIAN VOTING

Eighty years ago, with the passage of the *Indian Citizenship Act of 1924*,¹ Native Americans were first granted U.S. citizenship and the corollary right to vote—54 years after African-American men were formally enfranchised with the 15th amendment (1870), and four years after women received the right with the 19th Amendment (1920).²

However, voting procedures are delegated to the states, and well past 1924 some states misused this power to continue to deny Native Americans the right to vote. For example, as late as 1962, New Mexico still overtly prohibited Native Americans from voting. Even with the passage of the Voting Rights Act in 1965, states used English literacy tests to prevent Native Americans from registering to vote.³

Legal obstacles

Historically, there were four major arguments used by states to justify their continued disenfranchisement of Native voters:

- 1) Indians were under federal guardianship, or were federal “wards,” and therefore not independent and competent for voting;⁴
- 2) Indians living on reservation lands were residents of their reservation and not of the state (even though the Supreme Court declared all reservation Indians residents of their states in 1881);⁵
- 3) Indians did not pay state taxes and, therefore, should not be able to affect revenue decisions;⁶ and

¹ *Snyder Act*, June 2, 1924.

² Up until then, Indian citizenship was granted only when an Indian was deemed “competent and capable of managing his or her own affairs.” (*Burke Act*, 1906)

³ In *Oregon v. Mitchell*, 400 U.S. 112 (1970), the Supreme Court upheld the Voting Rights Act ban on literacy tests and noted that Arizona had “a serious problem of deficient voter registration among Indians.”

⁴ In *Arizona*, the state Supreme Court disqualified Indians from voting because they were under “federal guardianship,” a status construed by the court to be synonymous with “persons under disability.” A decision enforced until the court reversed itself in 1948. *Harrison v. Laveen*, 67 Ariz. 337, 196 P.2d 456 (Ariz. 1948).

⁵ **Utah** disenfranchised Indian voters by claiming that Indians residing on reservations did not qualify as residents of the state, despite the 1881 Supreme Court decision to the contrary. This statute stood until 1957 when, under threat of reversal by Supreme Court, the state legislature abolished it.

⁶ **Idaho, Maine, Mississippi, New Mexico, and Washington** prohibited “Indians not taxed” from voting as late as 1968, even though they granted the franchise to whites who were not taxed. IDAHO CONST. art. VI, S 3 (1890, amended 1950); N.M. CONST. art. XII, S 1; WASH. CONST. art. VI, S 1; MISS. CONST. art. 12 S 241 (1890, amended 1968).

- 4) Indians were not “civilized,” and their continued participation in their Tribal communities precluded participation in other elections.

Cultural Obstacles

It was this last legal prohibition, the requirement that Native Americans be “civilized” before being granted the right to vote, that compounded the already complex and difficult issue of citizenship and civil participation for Natives. Many Indians had no interest in U.S. citizenship and even rejected it. Some believed that accepting citizenship with the very government that had oppressed one’s community seemed tantamount to treason, or, at best, foolishness.

Problems with “Registering” with the Government. Past governmental efforts at registering or identifying community members had been for the purpose of taking land, relocating a community, or forcefully removing children to boarding schools. These experiences, ingrained in the collective memory of Native communities, are apparent in the ongoing resistance to “register” for a government ID, to “register” to vote, or, to “register” for any purpose with any state of federal governmental entity.

Requirement of Being “Civilized” To Vote. These concerns were only exacerbated by the requirement of many states, including Idaho⁷, Minnesota⁸, North Dakota⁹, and South Dakota¹⁰, that Indians had to relinquish their tribal allegiances and become “civilized,” according to the majority community’s standards, before they were able to vote.¹¹ The negative association between betrayal of their own community and voting has had long-lasting effects on current attitudes toward voting in the Native community.

CURRENT OBSTACLES TO INDIAN VOTING

Even with all of the success resulting from recent legislative protections and litigation, a number of legal and cultural obstacles continue to hinder full enfranchisement of America’s Native community. For example:

Vote Dilution. Electoral systems continue to be designed in manners that result in diluting the strength of the Native voice. At-large and multi-member voting districts, and discriminatory reapportionment plans can all have a negative effect on the ability of Native communities to have their electoral voice heard. For example, Buffalo County South Dakota went out of its way to draw its water district lines in a way that grouped nearly 90% of the Native population into one of the three voting districts.¹²

⁷ IDAHO CONST. art. VI S 3 (1890, repealed 1950).

⁸ The Minnesota Supreme Court defined its constitutional provision of “civilized” Indians as those who had taken up their “abode outside the reservations and there pursuing the customs and habits of civilization.” MINN. CONST. art. VII, S 1, cl. 4 (1857, repealed 1960); *In re Liquor Election in Beltrami County*, 138 Minn. 42, 163 N.W. 988 (1917).

⁹ North Dakota’s constitution contained a provision that extended the vote only to “civilized persons of Indian descent who shall have severed their tribal relations.” N.D. Const. Art. V, S 121 (1889, repealed 1922).

¹⁰ South Dakota prohibited Indians from voting or holding office “while maintaining tribal relations.” S.D. Codified Laws Ann. S 92 (1929, repealed 1951). Indians from Todd and Shannon Counties were still prevented from holding office until 1980 as a result of litigation brought on their behalf. *United States v. South Dakota*, 636 F.2d 241, 243 (8th Cir. 1980).

¹¹ Suzanne E. Evans (University of California at Berkeley), Encyclopedia of North American Indians, Voting (Houghton Mifflin), (viewed September 28, 2004
http://college.hmco.com/bistory/readerscomp/naind/btml/na_041800_voting.htm)

¹² *Kirkie v. Buffalo County*, CIV No. 03-3011 (D.S.D. Feb. 12, 2004).

Voter Suppression Tactics. Unfortunately, as the Native voting population turns out in larger numbers, attention to their voting influence has also attracted efforts to discourage them on Election Day. One of the most common tactics employed in recent elections has been the challenging of Natives' voting status on Indian reservations by non-native partisan poll watchers on Election Day.

Linguistic Barriers. Section 203 of the *Voting Rights Act* provides for language protections for many Native communities. However, many states continue to not be in compliance. The State of Alaska, for example, has never been in compliance, despite the fact that their Native communities have one of the largest percentages of individuals who only speak their Native language. The native communities in Alaska have been in on-going litigation with the State.

Distant Poll Locations. Much of Indian Country is in very rural and remote locations. Limited state resources often place polling precincts over 60 miles from voters. With no public transportation on most reservations, limited resources for gas money, and often inhospitable weather in November, distant polls often mean disenfranchisement for Native Americans.¹³

Transitory Restrictions. The current electoral system is antiquated and designed for western populations that live in one location for long periods of time. Many of our reservations are large and encompass many different counties. A Native family will live within its Nation's boundaries but may go back and forth between families and homes depending upon the time of year. One of the largest forms of disenfranchisement in Indian Country is the requirement of voting in a particular precinct. The access to ballots should be modernized, or at a minimum "up ballot" voting should be required.

Restrictive ID Requirements. There have been a number of recent state efforts at restrictive ID requirements for voters. Many Indians do not have federal or state government IDs—some due to the historical concerns previously discussed, some due to cultural issues, and others because they have not previously had a need for one. For those who do have some form of official ID, that ID is often a tribal ID card, which many states still continue to reject as acceptable voting identification. It is these new restrictive ID requirements on which we will be expanding upon for the remainder of this testimony.

THE EFFECT OF ID REQUIREMENTS ON INDIAN VOTING

Tribes Are Sovereign Governments and Produce Their Own Identification

Tribal governments pre-date the existence of the U.S. government. There are over 560 independent tribal nations with their own laws, governmental structures, and citizenship policies. As independent sovereign nations, tribal governments issue their own documents and forms of identification, such as tribal identification cards, tribal or Bureau of Indian Affairs (BIA) Certificates of Degree of Indian Blood, tribal birth certificates, or letters of enrollment from the tribal enrollment office.

The federal government has a unique treaty and trust relationship with and unique obligation to members of federally-recognized tribal governments. That relationship is directly between the Tribes and the federal government, not state governments. As such, tribal members should not be forced to go to a different government, a State government, to obtain proof of who they are. Tribal government documents should be accepted as any government documents.

¹³ Polling places on the reservations have been moved or closed to reduce Native turnout. See *Goodluck v. Apache County*, 417 F. Supp. 13, 14 (D. Ariz. 1975), *aff'd*, 429 U.S. 876 (1976).

Lack of Access to State ID Cards

No Tribal Documents Accepted for State Drivers Licenses - REAL ID Law. Tribes have been in ongoing disagreement with DHS for not including tribal documents in the list of acceptable documents for obtaining a REAL ID compliant state drivers license. The irony of this oversight is that DHS does accept tribal documents for the much higher security requirement of crossing the international border. The practical effect of this has been a decrease in access to state drivers licenses for Native Americans. If tribal documents are not accepted by states, the next document usually required is a birth certificate. That is also not an option for much of Indian Country.

Lack of Birth Certificates in Indian Country. High Rate of Home Deliveries. Many Native Americans are born outside of a modern hospital system. Because they are both born at home, and because there is not a strong association with the State government, many never receive a birth certificate. However, in many instances there will be documentation and birth records available through tribal genealogy records and tribal identification. At a recent meeting of tribal leaders, many tribes estimated that as high as 30% of their population did not have birth certificates. States have even rejected delayed Affidavits of Birth issued by the tribe for purposes of obtaining a state ID.

Indian Boy/Girl on Birth Certificate. In addition, of those Native children who were born in Indian hospitals, there were long periods of time for many states in which "Indian Boy" or "Indian Girl" was simply entered on a birth certificate, therefore rendering the birth certificate largely useless for the purposes at hand. Many others receive "delayed" birth certificates later in life, often registered with incorrect information.

One such example includes an elder in Washington State. Her name was incorrectly listed on her delayed birth record. She sought to have it rectified in order to obtain a passport, only to be told that "she did not exist." It required lengthy court proceedings to try and rectify this. She has since passed away. She always had sufficient tribal documentation to prove her identity.

Problems with Acceptance – Tribal IDs on Election Day

Native Vote States. Over the last three election cycles of Native Vote, the states have become more aware of the need to accept tribal IDs. However, this is only after years of expensive and time consuming state-by-state advocacy by tribal leaders and the Native Vote team.

Of the twenty Native Vote states surveyed regarding their acceptance of tribal ID cards for voting, only a handful had Tribal ID acceptance included in code or regulation. In most instances, if tribal ID were accepted it was a Secretary of State office decision which was orally conveyed to our Native Vote team. To the best of our knowledge, only the states of Montana and Colorado have taken strides to codify the acceptance of Tribal IDs for voting purposes.

Example: Michigan – Letter of Acceptance

Many states do in fact want to be helpful with regard to accepting tribal ID cards. However, Native Vote is usually subject to the good graces of that specific Secretary of State during that specific election. Michigan is a good example of this; the Michigan Secretary of State issued a letter clarifying that Tribal ID cards would be accepted under HAVA. Each election cycle, we contact the Secretary of State and ask for reaffirmation that tribal IDs will be accepted in this specific election. The reaffirmation usually comes in the form of a letter, which Native Vote and the Tribes distribute to all the precincts to ensure it is honored on Election Day. Each

election cycle, the Native Vote team has to start the advocacy effort with each Secretary of State's office all over again.

Example: Minnesota – Lawsuit for Acceptance

One of the more extreme examples is the State of Minnesota. In the 2004 election cycle, NCAI had to file a lawsuit against the State. In that instance the State passed a statute holding that Native Americans could use their Tribal government ID card only if they lived on an Indian reservation. This had the perverse effect of disenfranchising Natives who went to work or school in the urban areas of Minnesota. Unfortunately the State at the time was unwilling to work with Native Vote on the issue, and a lawsuit ensued. While the court held for the Tribes, it was a very expensive path to enforce basic Tribal rights.

Example: Arizona—Revised ID Procedures

In 2004, Arizona passed a law to require IDs for any elector voting in person on Election Day.¹⁴ The Arizona Secretary of State adopted procedures limiting the types of ID, which failed to take into consideration the inability of many reservation voters to obtain such ID and knew that several tribes did not issue qualifying ID. In addition to the lack of ID access, on-reservation voters—who primarily live in remote locations, do not receive mail at their homes, require language translation assistance, and have fewer early voting sites on-reservation—were disparately impacted because off-reservation voters in Arizona have more opportunities to and tend to participate in Early Voting either in-person or by mail. As predicted by counties and tribes, the ID requirement resulted in a lower turnout on-reservation and numerous uncounted ballots for failure to meet the ID requirement during the primaries. Tribes and tribal organizations challenged the ID requirement but settled the case prior to the 2008 General Election, revising the ID procedures to include additional types of ID possessed by tribal members, so that tribal members would not be further disenfranchised.

RECOMMENDATIONS

- 1) Do not require photo ID for voting. Accept alternative forms of identifications such as inking fingers, community validation, etc.
- 2) If photo IDs are going to continue to be required:
 - o Amend the REAL ID law to accept Tribal documents as proof of identity and citizenship for obtaining a state drivers license.
 - o Amend HAVA to indicate that where any form of ID is required Tribal government documents must also be accepted.

¹⁴ ARIZ. REV. STAT. ANN. § 16-579.

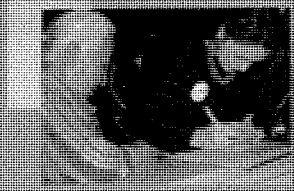
INDIAN LEGAL PROGRAM

indian legal clinic



As a result of the 1950s federal Indian Reorganization Act, many Navajo and Hopi citizens lost their right to vote in Arizona. The Indian Legal Program at ASU is currently working to restore this right to over 100,000 Navajo and Hopi citizens. The program is currently working to restore the right to vote to over 100,000 Navajo and Hopi citizens who lost their right to vote in Arizona in the 1950s. The program is currently working to restore the right to vote to over 100,000 Navajo and Hopi citizens who lost their right to vote in Arizona in the 1950s.

CLINIC HELPS NAVAJO GRANDMOTHER RESTORE RIGHT TO VOTE



The Indian Legal Program at ASU is currently working to restore the right to vote to over 100,000 Navajo and Hopi citizens who lost their right to vote in Arizona in the 1950s. The program is currently working to restore the right to vote to over 100,000 Navajo and Hopi citizens who lost their right to vote in Arizona in the 1950s.

continued ▶

Ms. LOFGREN. Mr. Vargas.

STATEMENT OF ARTURO VARGAS

Mr. VARGAS. Thank you, Madam Chair, Mr. Harper. Thank you for the invitation to testify before you today.

Through our voting engagement, voter protection and information hotline programs, we learned about the challenges of Latino voters in 2008. The majority of calls we received were questions about basic election information. There was significant confusion among voters about each State's primary system, and I am surprised no one here has discussed the issues that we had during the primaries, which I will discuss a little bit, questions about whether or not primaries were open, closed or modified, or if it was a caucus.

We assisted callers with locating their polling places, determining their registration status. Some callers indicated they never received their election materials; others reported registering before the deadline and never having their applications processed. Others found that their names were missing from the rolls despite having voted in previous elections. And at least 30 voters on our hotline reported being turned away from the polls without being offered a provisional ballot. Many callers also indicated experiencing challenges related to language accessibility, suggesting that some Latino voters were made to feel uncomfortable by poll workers when they did not speak much English. Some callers reported that they never received election materials in their language. Another significant problem faced by Latino voters was confusion surrounding voter ID requirements, both with HAVA and State laws.

We offer the following recommendations so that voting can be accessible to all Americans. State and local jurisdictions must undertake vigorous efforts to improve their practices for providing basic information to new voters and in a timely manner. We take for granted that the public understands how to vote. Whether you are a first-time voter at the age of 18 or a first-time voter at the age of 88 because you are a naturalized citizen, oftentimes voting can be a confusing process, and jurisdictions need to provide more timely and more relevant information.

Jurisdictions should implement effective systems to allow voters to quickly verify their voter registration status. The most effective system we have seen are on-line computer-based systems which allow for instant verification of someone's registration status.

State and local jurisdictions must make significant improvements of the voter registration practices and maintenance of the voter registration databases.

State and local jurisdictions must undertake vigorous and effective efforts to provide language assistance. As language-minority citizens, we need special assistance as what is required by Federal law.

Jurisdictions must improve poll worker training and recruitment, especially for bilingual poll workers, and their training must include the specific needs and rights of language-minority voters, the nondiscriminatory application of voter ID requirements, the proper use of provisional ballots and basic customer service.

The Department of Justice should strengthen its enforcement of the Voter Rights Act, HAVA and the National Voter Registration Act, and enclosed with my testimony are specific recommendations we made to the Department of Justice.

States should cease efforts to impose proof of citizenship and voter ID requirements that are more restrictive than those required by the Help America Vote Act. There has been an alarming increase in State efforts to impose proof of citizenship and voter ID requirements that go beyond the Federal mandate. Restrictive voter ID requirements impose significant burdens on certain voters. Some of the voter ID laws require specific address matches, as mentioned by the previous panel. We actually received calls from voters who did not have a specific address and were turned away from the polls.

State and local jurisdictions must establish stronger partnerships with community-based organizations. These organizations often can help election officials implement more accessible voting practices.

Political parties and policymakers should examine the impact the 2008 accelerated primary season on voter turnout. We actually saw much more enthusiasm and much more campaigning, for example, Chair Lofgren, in our State of California. Rarely have we seen candidates come and campaign during the primaries. That really invigorated the electorate and I think contributed to a stronger turnout. We should look at the consequences of perhaps national or regional primaries.

The public sector should invest more in nonpartisan voter education and engagement efforts. Again, as you know, in California there was a massive amount of resources invested in the primaries, but come the general election, candidates were not to be seen. All the attention was shifted away to battleground States, and voters in States like California were largely ignored. Two-thirds of Latino voters live in States that were largely ignored. We should have an investment in resources in nonpartisan efforts so that all voters are engaged in our elections, not just voters in battleground States.

Thank you for the opportunity to testify.

Ms. LOFGREN. Thank you very much.

[The statement of Mr. Vargas follows:]



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Testimony

by

**Arturo Vargas, Executive Director
National Association of Latino Elected and Appointed
Officials (NALEO) Educational Fund**

before

**the United States House of Representatives
Committee on House Administration
Subcommittee on Elections
on the 2008 Election**

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Chair Lofgren, Ranking Member U.S. Representative McCarthy, other distinguished members of the Subcommittee, fellow panelists and guests. Thank you for the invitation to testify before you today on "The 2008 Election: What went right and wrong." I am Arturo Vargas, the Executive Director of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, the leading national organization that facilitates full Latino participation in the American political process, from citizenship to public service. We fulfill our mission through programs that promote the civic integration of Latino immigrants into American society, provide technical assistance and skills development to the nation's Latino elected and appointed officials, and conduct research on issues relating to Latino political engagement and impact. The NALEO Educational Fund is a 501(c)(3) non-profit, non-partisan organization, and our constituency includes the more than 6,000 Latino elected and appointed officials nationwide.

The NALEO Educational Fund has been at the forefront of efforts to ensure that all of America's citizens can become fully engaged in the democratic process, including the Latino community, which is the fastest growing group of the nation's electorate. Between 1988 and 2004, the number of Latino voters in Presidential elections more than doubled, growing from 3.7 million voters to 7.6 million, and we estimate that more than 10 million Latinos cast ballots in the 2008 Presidential contest – a near three-fold increase since 1988. Because it is so critical that Latinos have an active presence in our democratic process, our organization's work on voting and elections incorporates a broad range of policy development and voter engagement efforts. Nationally, we were involved in the efforts to shape the Help America Vote Act of 2002 (HAVA), and we continue to educate state and local policymakers about the impact of election reform on the Latino community. We have testified before Congress and the United States Civil Rights Commission on Latino access to the electoral process. Both before and after the enactment of HAVA, we were also invited to testify before prominent private commissions that examined election reform issues, including the Ford-Carter and Carter-Baker National Commissions on Federal Election Reform.

In 2006, we worked together with a national coalition of civil rights and civic associations in a successful effort to secure the reauthorization of key provisions of the Voting Rights Act of 1965 (VRA). We published two reports, which were both submitted to Congress to help document

the continued need for the VRA's protection. One report, "The ESL Logjam: Waiting Times for Adult ESL Classes and the Impact on English Learners," examined the unmet demand for English-as-a-Second-Language classes, and the challenges confronting newcomers in obtaining ESL instruction. The other report, "I Was Asked If I Was A Citizen: Latino Elected Officials Speak Out on the Voting Rights Act," documented the continued existence of discrimination against Latino elected officials and voters in the electoral process. Our VRA activities also included an initiative to educate Latino elected officials and civic leaders about the importance of the reauthorization of the VRA's provisions.

We are also actively involved in efforts to shape election reform initiatives on the state level and in jurisdictions with large populations of Latino voters. We were a member of the California Secretary of State's (SOS) HAVA Plan Advisory Committee, and we have been invited to serve on the Committee which is now updating the state's HAVA Plan. We also served on SOS Advisory Committees on pollworker training and recruitment, election system accessibility, and voter registration database procurement. In Los Angeles County, which is home to more than 1 million Latino registered voters, we are active members of the Community Voter Outreach Committee, where we work with the Registrar Recorder-County Clerk's office on election issues. In the City of Los Angeles, we participate in the Los Angeles Votes Committee (LAVC), which brings together community members with election officials from the Los Angeles City Clerk's office.

Finally, we have extensive experience in educating Latino voters about the importance of electoral participation through our *Voces del Pueblo* non-partisan voter engagement program. Since the inception of the program in 2001, the NALEO Educational Fund has worked closely with elections officials, the media, and other community-based organizations to mobilize Latino voters across the country who do not yet fully participate in the electoral process. This mobilization effort has several important components. First, we listen to Latino voters by conducting voter forums, where we learn about the issues of concern to the voters and their perspectives on the voting and elections. We have conducted these forums in cities with significant and diverse Latino populations, including Albuquerque, Chicago, Denver, Houston, Los Angeles, Miami, New York, and Phoenix.

Additionally, we engage the voters in the community by sending them positive motivational and informational messages through phone, mail and the media. Over the years, we have directly contacted more than 750,000 Latino voters across the country, and we have reached millions more through our media efforts. In 2008, we reached out to 165,000 Latino voters through our non-partisan “Get-Out-the-Vote” activities in Arizona, California, Colorado, Florida, Nevada, New Mexico, New York and Texas.

Our *Voces del Pueblo* program also includes our national bilingual voter information and protection hotline, *1-888-Ve-Y-Vota* (Go and Vote), which has provided assistance to nearly 100,000 callers since September 2004. During the 2008 primary and general election season, our hotline fielded more than 32,000 calls, including close to 1,500 on February 5, 2008 (“Super Duper Tuesday”) and nearly 4,000 calls on November 4, 2008. Through the *Ve-Y-Vota* hotline, we have been able to ensure that thousands of Latino voters across the country have access to information regarding voter registration, where to vote, and how to cast a ballot. Additionally, our hotline has helped us document the challenges facing Latinos and other voters who are not yet fully proficient in English when they attempt to participate in the electoral process.

In addition, during Election 2008, we provided information through our comprehensive bilingual voter information website, which was visited by more than 50,000 Latinos between September 1 and November 4, 2008, including 25,000 who registered to vote through the site. On November 4, 2008, we worked with community partners and Univision Communications Inc. to monitor polling places in 19 different states, ensuring polling places are accessible for all voters, particularly those in need of language assistance.

We conducted many of the foregoing efforts in conjunction with the “*ya es hora*” (“It is time”) campaign, a comprehensive, multi-year effort to integrate Latinos into American civic life. Our Spanish language media partners for the *Ve-Y-Vota* component of this campaign include Univision, Entravision, and ImpreMedia, and our national partners are the National Council of La Raza, and the Mi Familia Vota Educational Fund.

Both our policy development work on voting rights and election reform, and our voter engagement efforts in the Latino community have led us to the same conclusion – there needs to be a comprehensive effort involving the federal, state, and local governments, together with community-based organizations (CBOs) and the private sector, to eliminate barriers to Latino participation in the electoral process and to promote voter engagement within the Latino community. Our experiences with Latino voters in the 2008 election reinforced the need for this effort, and highlighted the specific obstacles in the electoral process that Latinos continue to face. Our experiences also revealed that we have made some progress in making our democracy more accessible to Latinos, and highlighted the practices and activities that are contributing to this progress. In my testimony, I will first describe what we learned from our 2008 *Voces del Pueblo* effort, with a particular emphasis on the issues and concerns raised by callers to our *Ve-Y-Vota* hotline. I will then provide recommendations on policy changes that should be implemented to ensure that Latinos continue their progress toward full participation in the electoral process.

I. The *Voces Del Pueblo* Program and Latino Voters' Experiences in Election 2008

Through our *Voces Del Pueblo* program, we learned about the challenges that confronted Latino voters during the 2008 election. In particular, the questions raised by callers to our *Ve-Y-Vota* bilingual voter information and protection hotline illuminated the most serious difficulties experienced by Latinos throughout the voting and registration process. The extremely high volume of calls received by our hotline during the 2008 primary and general election season – more than 32,000 - also suggests that the Latino community was eager to participate in the 2008 elections. In addition to calls received close to the November general election, hotline operators fielded thousands of inquiries in the primary election season. We believe the accelerated primary calendar, which provided Latino voters in states such as California, Colorado, Florida, Illinois, New Jersey, and Nevada an opportunity for more meaningful participation in the selection of their parties' Presidential nominees, helped contribute to heightened Latino interest in the primary elections. Our hotline received the most calls – nearly 4,000 – on November 4, 2008, and the second highest number of calls for one day – nearly 1,500 – were received on “Super Duper Tuesday.”

As in past election cycles, the vast majority of calls in both the primary and general election season involved inquiries for the most basic election information. About 28,000 calls – or 88% - were inquiries of this nature, with almost 20,000 inquiries about how to register or to check registration status, more than 1,200 inquiries about absentee ballot or vote-by-mail procedures, and more than 7,000 inquiries on where or how to cast a ballot. With significant attention surrounding the election, many eligible to vote who had not consistently voted or voted at all in the past wished to participate, and many callers were unsure of how to register and the deadline to register in their state.

The type of information inquiries received by the hotline varied only marginally between the 2008 primary and general election seasons. The most significant difference related to questions on the Presidential candidate nominating process. Variation between each state's primary system – whether open, closed, or modified – lead to some confusion among voters. In California, the modified closed primary system was particularly confusing. Additionally, callers from states that used the caucus system (such as Colorado) expressed uncertainty about the correct way to participate in the caucus process.

On November 4, 2008 alone, we assisted almost 2,500 callers with locating their polling place, and we helped 900 with determining their registration status. Some of these callers indicated that they had not received election materials in the mail, yet lived in a state or jurisdiction that typically does mail materials such as sample ballots.

Callers also reported several problems relating to the voter registration process. Many reported registering prior to the close of registration in their state, but when we checked to verify their registration status with their jurisdiction, we learned that their registration application had not been processed in time. Others found their names missing from rolls, despite having voted within the last two years and living at the same address for at least that period of time. During the primary season, several callers complained that they believed they registered with a given party, only to be denied that party's ballot upon appearing at the polls.

The number of callers who were not found on the registration rolls also contributed to confusion over the proper use of and access to provisional ballots. Many voters were required to cast a provisional vote because they were not found on the registration list, even though they had been voting at the same precinct on previous elections. Of far greater concern, of the calls relating to registration problems, close to 30 voters were turned away at the polls on November 4, 2008, without the offer of a provisional ballot.

One vivid example of misinformation regarding provisional ballots came from Arizona, where the caller and her spouse went to the polls to find their names missing, but instead of being provided with provisional ballots, they were offered voter registration forms. Our hotline operators verified that both voters were registered and advised them to return to their polling site to cast a provisional ballot.

Many of the callers to our *Ve-Y-Vota* hotline experienced challenges relating to the language accessibility of the electoral process, although those inquiries were significantly fewer in number than those relating to basic election information. Most of these calls suggested that Latino voters were made to feel uncomfortable by pollworkers or election officials when they did not speak much English, and as a result were hesitant to ask for help. In some locations, this was exacerbated by a short supply of bilingual poll-workers in areas with a high percentage of Latinos who needed Spanish language assistance. Other callers noted rude or unfriendly pollworkers. In addition, some callers reported that they did not receive election materials in their preferred language, after requesting them from their election officials.

Less common but of greater concern were problems related to pollworkers who lacked proper information about the rights of voters to have assistance at the polling booth. At least one caller indicated that she was denied the opportunity to bring in a companion to the polling booth to provide translation assistance, and upon heading to the booth, had her ballot discarded as a result. This case was resolved by NALEO Educational Fund staff and the voter cast her ballot, but many more cases likely went unreported and unresolved.

Another significant problem faced by Latino voters in the 2008 elections was the result of confusion surrounding the voter identification requirements of HAVA and various state laws. The polling place identification requirements provided significant discretion to pollworkers as to whether a voter's provided identification was sufficient, and in many cases led to confusion as to who is required to provide identification. Lack of understanding on behalf of voters and in some cases pollworkers exacerbated such problems, and in isolated instances resulted in voters being turned away at the polls. Most of these calls originated in Arizona, where proof of citizenship requirements are particularly stringent.

Participants in our voter forums echoed some of the concerns raised by *Ve-Y-Vota* callers. Several participants noted that their local election officials could do more to provide useful election information to voters. Most significantly, in states where ballot measures are commonplace, participants noted the lack of clear information on measures. When materials are translated into Spanish, the poor quality and clarity of the translation often causes confusion among limited English-proficient Latino voters.

II. Policy Recommendations

Based on our work with Latino voters in the 2008 election, we offer the following recommendations to make the electoral process more accessible for Latinos and all American citizens:

A. State and local jurisdictions must undertake vigorous efforts to improve their practices for providing basic information to voters about voting and elections in a timely manner.

Jurisdictions should make these improvements a part of an overall effort to improve the basic administration of elections.

Both demographic research on Latino voters and our own experiences through our *Voces del Pueblo* program indicate that Latino voters face special challenges in obtaining information when they participate in the electoral process. Latinos tend to be a younger population than non-Latinos, and according to recent estimates, 14% of the potential Latino electorate was age 22 or younger, compared to 9% of non-Latinos. Younger voters who are new to the electoral process may lack basic information about voting and registration. In addition, newly-naturalized

Latino citizens with limited experience in voting comprise a significant share of the Latino electorate – this was particularly acute in the 2008 election cycle, following the record number of naturalizations in 2007 and 2008. Additionally, Latinos are a relatively mobile population, and voters who frequently change addresses experience difficulties in receiving election information from their jurisdictions in a timely manner.

Thus, Latino voters often lack basic information about the importance of voting and the basic mechanics of registering and casting a ballot. Additionally, when jurisdictions do not have well-administered election procedures, they may fail to maintain correct data about Latinos on their voter rolls, or they may fail to provide Latinos with election materials in a timely manner. As noted above, most of the callers to our *Ve-Y-Vota* hotline had several basic questions about voting, including where to find their proper polling site and their voter registration status. In addition, some reported that they failed to receive a sample ballot or other election materials from election officials.

Thus, we believe that jurisdictions need to scrutinize every aspect of the registration and voting process, to enhance the effectiveness of their information dissemination practices. Jurisdictions should implement effective systems to allow voters to quickly verify their registration status and determine the location of their polling places. We have found that jurisdictions vary widely with respect to the quality and accessibility of these systems. The most effective are on-line computer-based systems, such as the interface launched by the Los Angeles County Registrar Recorder's office prior to the 2008 general election, which allows for instant voter registration verification without wait-time. Some jurisdictions operate telephone hotlines for these purposes, while others have little or no capability to assist voters with these matters. Jurisdictions also need to improve the maintenance of their voter rolls to ensure that registered voters receive election materials at their proper addresses in a timely manner.

B. State and local jurisdictions must make significant improvements in their voter registration practices and the maintenance of their voter registration databases.

From our *Ve-Y-Vota* hotline calls, we learned that every misstep in proper voter registration procedures could potentially prevent an eligible voter from being able to cast a ballot. As noted

above, many Latino callers who had been registered to vote and voted in the past found that they had disappeared from voter rolls on or before Election Day. We found that jurisdictions failed to process the voter registrations of many Latinos who reported that they were new registrants, or had re-registered to vote. Because of the relatively high mobility of the Latino population, it is particularly important that voter rolls reflect the most recent address information provided by Latino registrants. We believe that states need to carefully examine their procedures for processing voter registrations and maintaining voter databases to ensure that all eligible registrants are added to and appear on the voter rolls in a timely manner, and that the voter rolls reflect accurate information about the voters' residence addresses.

C. State and local jurisdictions must undertake vigorous and effective efforts to provide language assistance to Latino and other language minority citizens who need such assistance.

Jurisdictions should provide effective language assistance at every point in the electoral process, including the registration process; the provision of voter information through notices, other written communications, and response to oral inquiries from election offices; the vote-by-mail or absentee voter process; and Election Day operations at polling places. Both the VRA and HAVA impose language assistance requirements. Sections 4(f)(4) and 203 of the VRA require certain jurisdictions ("covered jurisdictions") to provide such assistance to language-minority voters, and Section 2 of the VRA prohibits any kind of discrimination against language-minority voters, even if they are not in the covered jurisdictions. Under HAVA, all voting systems used in federal elections must provide "alternative language accessibility" pursuant to the VRA's language assistance requirements.

Based on the experiences of Latino voters during the 2008 election, we believe that jurisdictions need to improve several aspects of their election administration practices to enhance the language accessibility of the electoral process. First, they must significantly improve the training provided to pollworkers, and they must enhance their efforts to recruit pollworkers who have appropriate language assistance skills. Pollworkers serve on the "frontlines" of election administration, and they are often the first point of contact for voters. In the Latino community, where many citizens are not fully familiar with the voting process, it is critical that there be

well-trained pollworkers who can effectively serve voters at each polling place. Jurisdictions must institute effective pollworker recruitment programs, particularly for bilingual pollworkers.

Jurisdictions must also ensure that they provide comprehensive training to these workers which covers the specific needs and rights of language minority voters, and the non-discriminatory application of voter identification requirements. The training should also cover HAVA's requirement that voters be provided with the opportunity to cast a provisional ballot. A small but significant number of *Ve-Y-Vota* callers were not offered provisional ballots, or found that pollworkers were not familiar with them; in some cases, our callers were not able to cast any ballot because of these problems. Finally, pollworker training should cover basic "customer service" and cultural sensitivity techniques for pollworkers. As noted earlier, from our experience with *Ve-Y-Vota*, we learned that some Latino voters experience rude or unhelpful treatment from pollworkers, particularly those voters who are not yet fully proficient in English. While these instances were relatively rare, they should not be occurring at all.

We believe that state and local jurisdictions should work closely together on pollworker training and recruitment. States can provide overall guidance to local jurisdictions by creating basic standards for pollworker training, and states should also consider providing local jurisdictions with a general training curriculum. These standards and curricula should be broad enough to provide local jurisdictions with the flexibility they need to tailor pollworker training to the specific needs of their voters; however, there should be some sense that there is a uniform set of guidelines for pollworker training that will ensure all voters in the state receive quality service at the polling place.

In addition, jurisdictions must improve their practices with respect to the timely mailing of alternate language voting materials - we have consistently received reports of voters who fail to receive these materials after requesting them, or who receive them later than the English language materials.

D. The Department of Justice should strengthen its enforcement of the VRA, HAVA and the NVRA to enhance Latino access to the electoral process.

The Department of Justice (DOJ) is responsible for enforcing the VRA, which protects Latinos and other under-represented groups from discrimination in the voting process. The DOJ also enforces HAVA and the National Voter Registration Act of 1993 (NVRA), which help ensure that all American citizens have a fair opportunity to participate in our nation's elections. Stronger enforcement of all of these statutes would help address many of the challenges described in this testimony that confronted Latinos and other voters during the 2008 election. We have attached to this testimony a memorandum which sets forth very specific recommendations with respect to the enforcement activities and priorities of the DOJ that we believe will greatly enhance the effectiveness of the agency's efforts.

E. States should cease efforts to impose proof of citizenship and voter identification requirements that are more restrictive than those contained in HAVA.

When Congress enacted HAVA, the legislation included new provisions which required certain first-time voters to provide identification (ID) when casting their ballots. We opposed these requirements because we were concerned that they would create new obstacles for Latino participation in the electoral process. However, HAVA's requirements are somewhat narrowly-drawn – they apply to only one segment of the voting population (generally, first-time voters who register by mail), and as jurisdictions implement HAVA-compliant statewide databases, most voters will undergo a verification that will eliminate any need for them to show identification at their polling places.

Since HAVA's enactment, there has been an alarming proliferation of state efforts to impose proof of citizenship and voter ID requirements that go far beyond its federal mandates. According to the Pew Center on the States' report, "HAVA at 5," only 11 states required voters to show some kind of identification to vote in 2000. According to the National Conference of State Legislatures, as of October 2008, 24 states had verification or identification requirements that go beyond the mandates of HAVA. These requirements vary greatly by state - for example, in Arizona, voters must provide proof of citizenship when registering to vote; other states have no proof of citizenship requirements for registration, but do require all voters to present photo ID

before casting a ballot, and some states impose fairly limited identification requirements at the polling place. We believe that all of these measures will make it more difficult for citizens to register to vote and greatly increase the risk that eligible voters will be denied the right to vote.

Arizona's proof of citizenship measure generally requires citizens who do not have an Arizona driver's license issued after October 1996 to provide documentary evidence of citizenship when registering to vote, such as a birth certificate, U.S. passport or certificate of naturalization. Registration applicants who lack these documents may have to incur substantial costs to obtain them. Additionally, under the NVRA, citizens must be able to register to vote by mail, and Arizona's proof of citizenship measures have resulted in a cumbersome mail-in registration procedure where some citizens must submit photocopies of documents that prove their citizenship. Most of the calls to our *Ve-Y-Vota* hotline involving problems with proof of citizenship or voter ID problems originated in Arizona.

Restrictive voter ID requirements also impose significant burdens on voters, particularly the elderly, the poor or people living in rural areas who may not have such forms of identification as driver's licenses, utility bills or bank statements. Many of the voter identification laws require that the addresses on the identification exactly match the address on the voter rolls. However, it is difficult for citizens who are particularly mobile to ensure that their identification documents consistently reflect their most current address – for example, in some states, when citizens send their driver's license agency their new address, the notification may trigger their address being updated in the voter rolls, but they may not receive a new driver's license. Thus, pollworkers may refuse to allow them to vote because of the "mismatch" of the address on their identification and the voter rolls. This would create serious obstacles for population groups that are particularly mobile, such as Latinos. For example, at least one caller to our hotline reported such a problem, with pollworkers at his Florida precinct denying him a ballot when his driver's license address did not match his address on the voter rolls.

Both proof of citizenship and voter identification requirements are difficult to administer, and impose new and costly burdens on election officials and pollworkers, who must comply with complicated documentation requirements, or make hundreds of judgment calls as to whether

certain forms of identification are acceptable. There is also a significant risk that pollworkers or election officials will arbitrarily use these types of requirements to prevent Latino voter participation. Polling place ID requirements give election workers enormous discretion in determining whether the identification presented by voters meet the requirements, and these workers often make these decisions quickly at busy polling places. It is likely that pollworkers will subject Latino voters to more rigorous and unfair scrutiny in determining whether they are qualified to vote, particularly those whom they view as “problem voters” because of their need for language assistance. Some of the voter ID problems experienced by callers to our *Ve-Y-Vota* resulted from pollworker confusion about the proper application of voter ID requirements.

In Texas, which has a significant Latino electorate, the legislature is considering a bill that would impose more restrictive voter ID requirements on the state’s citizens. Under the legislation, Texas voters would be required to show photo ID or two alternative forms of identification. While these requirements are not as onerous as those imposed by Arizona, the debate over the Texas legislation is of great concern because proponents are attempting to justify the requirement by perpetuating the myth of widespread voter fraud. In fact, documented occurrences of voter fraud are rare and isolated. We can prevent these occurrences through improvements in current election laws and procedures, including improved voter database management and enforcement of existing federal and state laws.

Ultimately, we believe that proof of citizenship and voter ID provisions that go beyond the scope of those included in HAVA are unnecessary and will create barriers for the participation of Latinos and other population groups in the electoral process. These requirements will also impose costly and time-consuming burdens on election officials and pollworkers. The experiences of some of our hotline callers demonstrate the problems created by these requirements. In Arizona, a voter with a voter registration card was turned away from his polling place for insufficient identification, while other callers to the hotline expressed concern over identification requirements and proof of citizenship, even in states such as California where requirements do not go beyond those mandated by HAVA. The record turnout of Latino voters nationwide in the 2008 election was an important milestone for Latino political progress.

Restrictive proof of citizenship and voter ID requirements are unfair and unnecessary obstacles that will hinder the continued progress of the Latino community.

F. State and local jurisdictions must establish stronger partnerships between election officials and CBOs.

In order for election officials to improve the election practices and procedures in a manner that ensures full participation by all eligible citizens, they must establish strong partnerships with CBOs that serve population groups such as Latinos who are underrepresented in the electoral process. These CBOs have expertise in the challenges facing underrepresented voters, and can provide invaluable assistance in nearly every aspect of election administration. For jurisdictions that are covered by the language assistance requirements of the VRA, CBOs can assist election officials with the implementation of language assistance programs, including the translation of materials and the recruitment and training of pollworkers. CBOs can also provide guidance to localities on the effectiveness of their voter outreach and education efforts. In addition, jurisdictions should also involve CBO representatives in the review of the curriculum and standards they develop for pollworker training.

The willingness of election officials in some jurisdictions to strengthen their partnerships with CBOs was a positive development in Election 2008, and it contributed to the progress made during the election with respect to Latino access to the electoral process. We note that some jurisdictions, such as Los Angeles County and the City of Los Angeles have on-going committees that meet with election officials on a regular basis. The model of the Los Angeles County Community Voter Outreach Committee (CVOC) is a positive example of what election administration officials can do to improve their outreach and lessen challenges faced by voters. In the run-up to the California primary and general Election Days, regular meetings by the CVOC provided an opportunity for our organization and other CBOs to have “face-to-face” discussions with election officials on common challenges, such as the implementation of language assistance programs, pollworker training and voter education. These meetings provided an opportunity to “troubleshoot” election administration problems and develop practical solutions to address them. We recommend that all states and localities establish

on-going advisory committees that include representatives of CBOs familiar with the needs of voters in underrepresented communities.

G. The political parties and policymakers should examine the impact of the 2008 accelerated primary season on voter turnout, and should consider additional changes to the primary schedule (such as a national or regional primaries) that would further increased voter participation during the primary season.

Our experiences with Latino voters during the primary season (including the volume of our hotline calls) suggest that the Latino interest in primary elections increased between the 2004 and 2008 Presidential elections in states which moved their primaries to an earlier date. Exit poll data suggest that primary turnout increased since 2004 in those states as well. We believe that this heightened interest was due in part to the fact that Latinos in those states felt that they had a more meaningful opportunity to participate in the selection of their parties' Presidential nominees. In addition, candidates who might have ignored such states in past Presidential elections actively campaigned and made appearances in them during the primary season, which also contributed to higher Latino turnout. Thus, we recommend that the political parties and policymakers examine the impact of the accelerated primary on electoral participation, and consider whether additional changes to the primary schedule would further the political engagement of our citizens.

H. The public and private sector should make effective investments in non-partisan voter education and engagement efforts.

Through our extensive work with Latino voters during the 2008 election, we have learned that there is a critical need for non-partisan CBO voter engagement and education efforts in underrepresented communities. Traditional voter engagement campaigns conducted by political parties and candidates target voters who are already likely to vote - citizens referred to as "high-propensity voters." Since Latinos are less likely to be "high-propensity voters" than non-Latinos, traditional voter engagement campaigns tend not to target Latinos. Low Latino participation rates are partly attributable to demographic factors such as youth, high mobility, and lack of access to education and economic opportunities. However, the traditional voter engagement approaches of political parties and candidates also contribute to a cycle that

reinforces the low Latino participation rates. Because traditional mobilization efforts fail to promote participation among Latinos and other low-propensity voters, they vote infrequently, which means that the mobilization efforts continue to ignore them in the future.

Additionally, strategic political considerations in each election cycle have a significant impact on how parties and candidates target their outreach efforts. For example, during the primary season, candidates made appearances and significantly increased their outreach in states which had moved their primary dates forward under the 2008 accelerated primary schedule. As the general election approached, the parties adopted a “battleground state” strategy where they concentrated their voter engagement resources in states they believed would be the most significant for an Electoral College vote victory. As a result, the parties conducted minimal voter engagement activity in the states which were not considered “battlegrounds.” The battleground strategy had a particularly pronounced impact in shifting voter engagement resources away from states with large numbers of Latino voters. About two-thirds of Latino registered voters lived outside of the battleground states.

As a result of the ebb and flow of the 2008 election season, outreach efforts to Latinos fluctuated dramatically, with candidates alternately paying attention to and ignoring different groups in the Latino electorate depending on the time of the election cycle and the state in which the Latino voters resided. Thus, while candidates conducted more intensive outreach to Latinos at certain times in certain early primary states, those voters were frequently ignored once the general election approached unless they resided in battleground states. In the battleground states, there was record spending on Spanish language media and ground efforts to persuade and mobilize the Latino electorate, while significantly fewer resources were invested in outreach to Latinos who lived outside those states.

The traditional mobilization approaches of parties and many candidates generally try to produce short-term increases in turnout among certain select groups of voters. They do not aim to create the long-term, fundamental changes in voter attitudes and behavior that are needed to ensure that underrepresented groups become full participants in the electoral process. Many non-profit organizations that conduct non-partisan voter education and engagement activities target those

voters who are ignored by traditional mobilization campaigns, and seek to conduct consistent and long-term outreach to make fundamental changes in Latino civic participation. Efforts by CBOs and civic groups can complement the voter education work of state and local election officials. In some cases, Latinos or members of other ethnic population groups feel more comfortable contacting CBOs than government agencies to obtain information. CBOs also have relationships with ethnic media that can prove invaluable in disseminating election information within their communities. Non-partisan efforts to engage low-propensity Latino voters often yield success in increasing turnout. The *Voces del Pueblo* program's direct GOTV efforts to such voters are consistently proven to be effective, most recently in the run-up to California's February 5th Presidential primary, where the program's efforts increased targeted voters' likelihood of voting by 8%, and 19% among youth.

However, CBOs and civic groups often lack the resources they need for their election information activities. A few states offered HAVA funding to non-governmental groups for non-partisan voter education, but most states tended to use HAVA funding for already-established activities conducted by government agencies. Thus, the private sector, including corporations and foundations, should explore ways to generate more resources for the non-partisan CBO voter information and engagement work. A vital and responsive democracy that is truly representative of our nation's diverse voices is a laudable goal, and the private sector can play an important leadership role in helping us to achieve it.

III. Conclusion

Latino voters turned out in record numbers during the 2008 elections, motivated by a strong desire to make their voices heard in the electoral process. Our nation now has an opportunity to sustain and build upon this momentum to ensure that Latinos and other underrepresented population groups become full participants in our democracy. This will require a partnership between the federal, state and local jurisdictions, together with CBOs, civic organizations, and the philanthropic and private sector. But the effort is critical for our nation. Between 1960 and 1996, we saw a general decline in voter turnout for Presidential elections. While this trend started to reverse itself in this decade's Presidential elections, estimates of 2008 voter turnout

from the U.S. Elections Project at George Mason University suggest that more than a third of the nation's eligible voters (38%) did not cast ballots in November 2008.

Latinos and other underrepresented groups are eager to participate in the electoral process and become active and informed citizens. As the federal government, state and local jurisdictions look to the future after the 2008 elections, we urge them to embrace the opportunity to make significant improvements to make elections more accessible for Latinos and all American citizens. We stand ready to work with election officials and policymakers throughout the nation to help ensure that our democracy remains vital and responsive to the voices of all of its citizens.

I thank the Chair, the Ranking Member, and the Subcommittee once again for providing us with the opportunity to share our views today on the 2008 election and the Latino community.



ATTACHMENT

MEMORANDUM

To: Presidential Transition Justice and Civil Rights Team
From: NALEO Educational Fund
Date: December 19, 2008
RE: Recommendations for Enhanced Protection of Voting Rights under the New Administration

The NALEO Educational Fund very much appreciates the opportunity to share our perspectives with the Presidential Transition Justice and Civil Rights Team on how the new Administration can strengthen our democracy through enhanced protection of the voting rights of Latinos and other underrepresented groups. This memorandum will describe the NALEO Educational Fund's voter education, outreach and advocacy work. We will then provide our policy recommendations for actions the Department of Justice (DOJ) can take to address barriers in the electoral process and ensure full political participation by all Americans.

The NALEO Educational Fund's Voting and Election Work:

The NALEO Educational Fund has been at the forefront of efforts to ensure all of America's citizens can become fully engaged in the democratic process, including the Latino community, which is the fastest growing group of the nation's electorate. We have extensive experience in educating Latino voters about the importance of electoral participation and in working with elections officials nationwide to improve access to the electoral process for language minorities through our *Voces del Pueblo* non-partisan electoral program which includes:

- A get-out-the-vote (GOTV) effort which reached out to more than 170,000 Latino voters in eight states during the 2008 general election;
- Our 1-888-*Ve-y-Vota* ("Go and Vote!") bilingual voter information and protection hotline, which has aided over 50,000 callers in 43 states, and fielded over 4,000 calls on Election Day 2008 alone; and
- Our comprehensive bilingual voter information website, which was visited by more than 50,000 Latinos between September 1 and November 4, 2008, including 25,000 who registered to vote through the site.
- Our work with elections officials in jurisdictions covered by Section 203 and 4(f) 4 of the Voting Rights Act of 1965 (VRA) to ensure adequate assistance for voters who are not yet fully proficient in English.
- The extensive poll monitoring we conduct on Election Day to ensure that polling places are accessible for all voters, particularly voters in need of language assistance. In 2008, we worked with community partners and Univision Network News to monitor polling places in 19 different states.

We conducted all of the foregoing efforts in conjunction with the "*ya es hora*" ("It's time") campaign, a comprehensive, multi-year effort to integrate Latinos into American civic life. Our Spanish-language media partners for the *Ve-Y-Vota* component of this campaign include Univision, Entravision, and ImpreMedia, and our national partners are the National Council of La Raza, and the Mi Familia Vota Educational Fund. We have also been active participants in national voting rights

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policy development and advocacy efforts. In 2006, we worked together with a national coalition of civil rights and civic associations in the successful effort to secure the reauthorization of key provisions of the VRA. We published two reports, which were both submitted to Congress to help document the continued need for the VRA's protection. One report examined the challenges confronting newcomers in obtaining English language learning instruction and the other documented the continued existence of discrimination against Latino elected officials and voters in the electoral process. Our VRA activities also included an initiative to educate Latino elected officials and civic leaders about the importance of the reauthorization of the VRA's provisions.

RECOMMENDATIONS

Based on our extensive experience with educating, mobilizing and advocating on behalf of Latino voters, we recommend the following:

1) Strengthen enforcement of key provisions of the VRA: We believe that more vigorous enforcement by the DOJ of the following VRA provisions will greatly enhance Latino access to the electoral process:

- Sections 4(f)(4) and 203: The DOJ must focus on ensuring that covered jurisdictions are complying fully with the language minority protections of the VRA. This includes more intensive follow-up with jurisdictions where the DOJ has secured settlement agreements or judgments, and enhanced enforcement to include more political subdivisions of covered jurisdictions. It is particularly critical that the DOJ prepare to implement an effective outreach program to jurisdictions that are newly-covered by the determinations made after the 2010 Census, to inform those jurisdictions of their compliance obligations and how to meet them.

In addition, the DOJ must expand its focus when assessing language assistance compliance to include all aspects of the electoral process. In practice the DOJ has focused primarily on Election Day operations at the polling place. However, as our experience has taught us, adequate language assistance that covers the voter registration process, vote by mail, voter purging, and direct inquiries to election offices is vital. This includes notices and other communications coming from the election official as well as the process by which voters can request language assistance, if needed.

- Section 2: The DOJ needs to utilize Section 2 more frequently and effectively to protect minority voters. The DOJ should bring more cases challenging the following types of practices:
 - discriminatory vote dilution in redistricting plans;
 - "at large" election systems that prevent Latinos and other minorities from electing the candidates of their choice;
 - discriminatory location of polling places (often times polling place locations that serve minority voters are placed in geographic areas that are uncomfortable or intimidating for those voters);
 - the selection of pollworkers that do not reflect the demographics of a jurisdiction or precinct;

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- one-time “episodic” occurrences of discrimination that may discourage minority voters from future participation (this includes pre-election activities such as unwarranted voter challenges or communications from elections officials regarding voter eligibility aimed at discouraging naturalized citizens from participating in the electoral process);
 - discriminatory election practices that affect Latino voters who are in jurisdictions that are not covered by Section 4(f)(4) or Section 203; and
 - the implementation of voter identification (ID) laws, where they are shown to have a discriminatory effect on racial, ethnic, or language minority voters. For example, the disparate application of voter ID requirements; discriminatory access to securing a qualifying ID; or the use of voter ID to intimidate/discourage language minority citizens (especially naturalized citizens) from voting.
- Criminal provisions: The DOJ should be more proactive in enforcing the criminal provisions of the VRA on behalf of racial, ethnic, and language minorities (such as cases involving voter intimidation or harassment).
- 2) Ensure that the DOJ is adequately prepared to vigorously enforce Section 5 during the post-2010 redistrictings: Building upon some of its effective practices in the redistrictings following 2000, the DOJ should:
- Establish a Redistricting Committee in the Voting Section of the Civil Rights Division which is responsible for training trial attorneys, attorney-reviewers, civil rights analysis, and other staff on legal standards, use of GIS systems, Census data, and procedures for Section 5 review of redistricting submissions. The DOJ should require all Section personnel to attend a mandatory training on redistricting.
 - Conduct extensive outreach to state legislatures, secretaries of state, and other state and local officials responsible for redistricting. This should include presentations to organizations such as the National Conference of State Legislators, the National Association of Counties, the National Association of Secretaries of State, the National League of Cities, and the National Lieutenant Governors Association which provide detailed guidance on how to make the Section 5 submission process smoother and how to facilitate preclearance by following legal standards and DOJ procedures.
 - Conduct extensive outreach to civil rights organizations and community leaders on their critical role in assessing Section 5 submissions.
- 3) Ensure that the DOJ carefully scrutinizes the implementation of redistrictings conducted by independent commissions, including the process established by California’s Proposition 11: Several states now conduct some or all of their redistricting process through independent commissions; after the passage of Proposition 11 in California, a new commission will be responsible for drawing the lines for the state’s legislative and Board of Equalization seats. Several leading minority voting rights organizations vigorously opposed the measure, including the Asian Pacific American Legal Center, the NAACP Legal Defense and Educational Fund, the Mexican American Legal Defense and Educational Fund, the NALEO Educational Fund, and the William C. Velasquez Institute. We believe that the measure contains serious flaws that will jeopardize minority electoral opportunities, including the prospect of a new redistricting commission which lacks gender, ethnic, or geographic diversity; a two-pronged redistricting process which will impede public participation; and problematic redistricting criteria. The DOJ

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should carefully scrutinize California's implementation of Proposition 11 to ensure that it does not violate minority voting rights protections.

- 4) Ensure that the DOJ takes timely steps to coordinate with the Census Bureau on the compilation and analysis of data which affect voting rights protections. The DOJ should initiate efforts to coordinate with the Census Bureau on its efforts to compile the PL 94-171 data which will be used for post-2010 redistrictings. In addition, the DOJ should work with the Census Bureau with respect to the manner in which American Community Survey data will be used to determine the jurisdictions that will be covered by the VRA's language minority protections.
- 5) Strengthen enforcement of the National Voter Registration Act of 1993 (NVRA): The DOJ should more vigorously enforce NVRA violations by bringing new enforcement actions, and by seeking additional relief in places where there is a judgment or consent decree in place. The types of violations that the DOJ should target include:
 - The failure of designated voter registration sites at state agencies to provide voter registration information and forms, and to affirmatively ask all customers whether they have registered;
 - The failure of designated voter registration sites to timely transmit new registrations to the designated state agency (typically the Secretary of State or the equivalent statewide elections office);
 - The failure of the designated state agency to process new registrations in a timely manner; and
 - The failure of election officials to comply with the statutory notice requirements for voter purges.
- 6) Strengthen enforcement of the Help America Vote Act of 2002 (HAVA): The DOJ should also undertake more vigorous enforcement of HAVA's provisions, including action to combat the following practices:
 - The failure of poll workers to offer provisional ballots and to honor the requirement that no voter be turned away without being provided an opportunity to cast a provisional ballot;
 - The failure of jurisdictions to inform voters about the status of their provisional ballots after the election (e.g., was their ballot counted and if not, why not); and
 - The failure of election officials in jurisdictions covered by the minority language assistance provisions of the VRA to ensure that voting machines purchased with HAVA funds provide bilingual voting information and audio instructions in all required languages.
- 7) Establish a "blue ribbon" commission to conduct a comprehensive "top-to-bottom" review of the DOJ's practices to ensure that appointments, removals, and hirings of career staff are conducted lawfully in a manner that furthers the agency's credibility and decision-making integrity. In 2008, the DOJ's Office of the Inspector General (OIG) conducted at least three investigations that revealed improper or unlawful personnel actions by DOJ staff. These included improper practices surrounding the removal of nine U.S. attorneys; the unlawful consideration of political or ideological affiliations in the hiring of career assistant U.S. attorneys and immigration judges; and the consideration of such affiliations during the evaluation of candidates for the DOJ's Honors Program and Summer Law Intern Program.

The DOJ should establish a "blue ribbon" commission which should carefully review the findings and recommendations of the reports of the foregoing OIG investigations. The

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commission should also review and make recommendations regarding any needed changes to federal legislation, and the DOJ's internal policies and rules to eliminate any "politicization" in the agency's personnel practices.

Thank you for your attention to the recommendations provided in this memorandum. Should you have any questions, please do not hesitate to contact Rosalind Gold, Senior Director of Policy, Research and Advocacy, at rgold@naleo.org, 213-747-7606, ext. 4420, or Efrain Escobedo, Senior Director of Civic Engagement at escobedo@naleo.org, 213-747-7606, ext. 4422.

Ms. LOFGREN. Mr. Eversole.

STATEMENT OF ERIC EVERSOLE

Mr. EVERSOLE. Good morning, Madam Chair. Thank you for the opportunity for allowing me to testify today regarding military voting in 2008.

I wish I had good news to tell you, but I don't. Every piece of data that has been collected thus far, including a survey or study conducted by the Overseas Vote Foundation, as well as evidence that I have been able to gather personally from the States, paints an absolutely dismal picture for the military voter in 2008. In Minnesota, for example, 15.7 percent of eligible military voters and their dependents were able to cast a valid absentee ballot in the 2008 election; 15.7 percent of 22,000 citizens were all that were allowed to participate. In Missouri it was 18.8 percent; in Nebraska 14; 13½ percent in Arkansas; and saving the worst for last, Alabama, where out of 91,000 military and overseas voters, 6.3 percent were able to cast an absentee ballot that counted. It is truly shocking and shameful.

If there is one thing to take away from the 2008 election with regard to military voting, it is this: Military voters cannot suffer one more Federal election without some form of reform to ensure that they are able to vote in their Federal elections.

With that being said, I have offered a few recommendations for the subcommittee to consider. I have tried to take a look at possible legislative fixes that would provide a significant benefit to military voters without creating a lot of controversy, and also would be easy for the States to implement by 2010. I know that the subcommittee is considering things like Internet voting, but even if something like that passes, it may be 8, 9, 10 years before it is actually implemented, and certainly wouldn't be implemented, I doubt, before the 2010 election.

But that being said, I would like to focus on at least two of the recommendations that I did make. The first one is there has to be some clarification in the Uniformed and Overseas Citizens Absentee Voting Act to make clear that jurisdictions have to provide military voters with 45 days to receive and cast and return their absentee ballots.

Now, States may decide to do it differently. In jurisdictions that allow 45 days, some of them decide to mail the ballots out about 30 days before the election and allow 15 days for the ballot to come back. Some States just mail out their ballots 45 days before the election. But currently there are 10 States and the District of Columbia that allow less than 35 days. And part of the problem here is that the Department of Justice, the Voting Section has taken the position that while it recommends 45 days, and every Federal agency that has looked at this recommends 45 days, every non-profit group that has looked at this recommends 45 days, the Justice Department has taken the position that it will not enforce UOCAVA unless a State sends out a ballot less than 30 days before the election.

They have no study that I am aware of that supports that viewpoint, and, in fact, when I went back and looked at their most re-

cent lawsuits, they cite the Federal Voting Assistance Program, the former Director Polly Brunelli as the expert for 30 days.

The results, I think, are pretty clear with regard to how that impacts the military and overseas voter. As several people have mentioned, a very large number of the ballots are coming back late. In Minnesota, for instance, of the rejected ballots that were rejected by the States, 70 percent were rejected because they came back after the deadline. So that is one recommendation.

The second recommendation that I would make and ask this subcommittee to consider is that it should consider amending section 7 of the National Voter Registration Act and make military pay and personnel offices a voter registration agency under section 7 of that act. That would essentially require those pay and personnel offices to provide voter registration materials when a servicemember comes in, which, in fact, most servicemembers, as some of you may know, come in to their pay and personnel offices when they change their permanent duty station or prior to going on deployment. So every time they change their duty station, or every time they go on to deployment, they have to fill out a bunch of administrative forms anyway. It seems to me reasonable that one of the forms should be a Federal postcard application.

With that being said, I thank you again for allowing me to testify, and I look forward to your questions.

Ms. LOFGREN. Thank you very much.

[The statement of Mr. Eversole follows:]

Testimony of Mr. Eric Eversole

Hearing on "The 2008 Election: A look back on what went right and wrong"

**Before the Subcommittee on Elections of the
Committee on House Administration**

March 26, 2009

Madame Chair and members of the Subcommittee, thank you for allowing me to testify regarding the "2008 Election: What went right and wrong." It is my pleasure to discuss the voting experiences of our men and women in uniform and their voting age family members (collectively, "military voters").

For many Americans, the 2008 election was historic, both in its outcome and the number of citizens who were able to vote for the first time. Local election officials in many states witnessed historic turnout and participation. The same, however, cannot be said for military voters. Once again, many of America's military voters were left out of the process and unable to participate in the 2008 election.

While nationwide data is still being collected by the Election Assistance Commission, the data that is available paints a bleak picture for military voters. Take for example, data from the following states:

- **Minnesota:** in a state where 78 percent of the general population was able to vote in the 2008 election, only 15.7 percent of military voters were able to cast an absentee ballot that counted in the 2008 election. Military absentee voters were nearly four times more likely to have their absentee ballot rejected by local election officials compared to non-military absentee voters. Of the rejected ballots, nearly seventy percent were rejected because they arrived after the election.

- **Missouri:** of the approximately 43,000 military voters in Missouri, only 8,101 attempted to cast an absentee ballot in the 2008 general election—that is, a participation rate of 18.8 percent. Nearly 79 percent of the 635 rejected military and overseas ballots were rejected for being received after the state deadline.
- **Nebraska:** only 17.9 percent of eligible military voters requested an absentee ballot for the 2008 election and only 14.0 percent were able to return an absentee ballot. Nearly 8.8 percent of all military and overseas ballots were rejected because they were received after the state deadline.
- **Arkansas:** of the state’s estimated 18,686 military voters, only 2,518 (13.5 percent) returned an absentee ballot to be counted in the 2008 election. Sixty-six percent of military and overseas ballots were rejected for being late.
- **Alabama:** only 6.3 percent of Alabama’s estimated 92,000 military voters and overseas citizens were able to cast a valid absentee ballot in the 2008.

In short, the 2008 election was historic for military voters too, but only because they continued to be disenfranchised at historic levels.

Many members on this Subcommittee saw this train wreck coming. The Committee on House Administration held a hearing on April 18, 2008, to discuss the difficulties faced by military voters in the 2006 election. Every witness that testified that day—except for the one from the Department of Defense and Federal Voting Assistance Program (FVAP)—expressed their concern regarding the treatment of military voters in the 2006 election and the need for immediate legislative action. In an attempt to address these concerns, Representative McCarthy, and separately Representatives Maloney and Honda, proposed legislation that would assist military and overseas voters. While neither of these pieces of legislation passed the House, Senator Cornyn succeeded in passing legislation similar to Representative McCarthy’s Military Voter Protection Act out of the Senate. As noted below, I hope the House will take up similar legislation this Congress.

Ultimately, military voters should not suffer another federal election where only 10, 15 or 20 percent are able to cast a vote that is counted. Congress must find a legislative solution and must do so in a timely manner to ensure its implementation before the 2010 federal election. To that end, please consider the following recommendations for legislative action:

1. Make 45 Days Mandatory. Every federal agency and non-profit group examining the issue of ballot delivery times to military voters in war zones has concluded that ballots should be sent *at least* 45 days before the state deadline for receiving absentee ballots. In fact, some government officials, like the Chief of Operations for the Military Postal Service Agency, recommend that absentee ballots be sent *60 days* before the state deadline. These recommendations are based on two critical factors: (1) it takes at least 12 to 18 days for a ballot to make the one-way transit from an election official to a designated mailbox in a combat zone; and (2) military exigencies (*i.e.*, fighting the war) further delay the delivery of the ballot to the military voter. In other words, it takes at least 36 days of mail time (18 days each way) for a ballot to be sent to and from a war zone and some additional amount of time to account for military exigencies.

Unfortunately, nearly half of the states refuse to follow the 45-day recommendation. In fact, 10 states and the District of Columbia give military voters *less than* 35 days to receive, cast and return their ballots before the state deadline. A 35-day time period does not account for mail transit times (which may take 18 or more days each way), let alone account for military exigencies or the time needed to review and cast the ballot. These states include Arizona, California, Colorado, Connecticut, Hawaii, Massachusetts, Minnesota, New Hampshire, Oklahoma and Vermont. Eight additional states (Alabama, Alaska, Iowa, Nevada, New Jersey, North Dakota, Wisconsin,

and Wyoming) allow military voters less than 40 days to receive and return their absentee ballots.

Not surprisingly, military voters in these states appear more likely to be disenfranchised, especially if the state does not permit the electronic transmission of absentee ballots (e.g., facsimile or email). The military voters in these states receive their ballots so close to the election that the voter does not bother to return it or, even when the ballot is returned, it arrives after the election deadline causing the ballot to be rejected. Take for example, the treatment of military voters in Minnesota, where military voters were nearly four times more likely to have their absentee ballot rejected in the election as compared to non-military absentee ballots. Other states, like Missouri, Arkansas and Nebraska, had a significant number of military absentee ballots that were received after the election deadline.

Given this data, this Subcommittee should considering an amendment to the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA), 42 U.S.C. § 1973ff-1, which would require each state to provide military and overseas citizens with at least 45 days to cast, receive and return their absentee ballot prior to the state deadline for receiving absentee ballots. Such an amendment will immediately ensure that tens of thousands of absentee ballots from military voters will be counted in future elections.

2. Reintroduce the Military Voter Protection Act. Representative McCarthy should reintroduce the Military Voter Protection Act (MVP Act) and this Subcommittee should work toward its speedy passage. Even if Congress passes the 45-day standard, as discussed above, the MVP Act serves an important function of providing an expedited delivery mechanism for overseas military absentee ballots. Notwithstanding the best efforts of states to send ballots at least 45 days before the state deadline, there are numerous factors and military exigencies that delay the delivery of mail to war zones. While mail delivery to a war zone should take between 12 and 18 days, not all mail

arrives within that time frame. In fact, a 2004 Government Accountability Office study found that nearly 25 percent of its test letters to Iraqi war zones took more than 18 days to be delivered. The MVP Act helps to resolve the uncertainty regarding these mail times and provides a guarantee that an overseas military voter's ballot will be delivered in time so long as the ballot is sent at least four days before the election.

Nor should the MVP Act be delayed because it provides express mail delivery only for overseas military voters. Unlike a vast majority of overseas citizens, overseas military voters face far greater risks and challenges in receiving the delivery of their absentee ballot. These voters are constantly on the move, their location is secret, and the delivery of mail is sporadic at best. This especially seems true for forward deployed military voters in Iraq and Afghanistan where their only option for returning a ballot is the weekly or bi-weekly mail drop. Given their daily sacrifices, it seems only appropriate that their country provide them with a guaranteed mail delivery method to ensure their participation in the democratic process, regardless of their remote location in the world.

3. Designate Military Pay and Personnel Offices as Voter Registration Agencies. As many members of this Subcommittee are aware, the FVAP has long failed to provide military voters with the necessary assistance and materials to ensure their participation in federal elections. That point was recently made by Representatives Maloney and Honda in a bipartisan letter to the Secretary of Defense, where they noted that the efforts of FVAP have been "wholly inadequate, and the status quo is simply unacceptable." The data from the 2008 election provides the exclamation point to that statement.

Yet, despite FVAP's longstanding failure, there is no provision of federal law that can be enforced against FVAP or the Department of Defense to ensure that military voters are provided with the necessary information and materials to participate in federal elections. This fact was made clear in August 2008, when over 20 congressional

members, including Representatives Ehlers and McCarthy, asked the Department of Justice (DOJ) to investigate whether FVAP was complying with its obligations to provide military voters with the necessary information and assistance to vote in federal elections, as required by section 701 of the Help America Vote Act (HAVA). In a letter dated September 23, 2008, DOJ declined to investigate saying that the “Attorney General’s authority does not extend to enforcing the duties assigned to the Defense Department [FVAP] under that provision.” In other words, while FVAP may have been directed to provide voter information and assistance to military voters under HAVA, those provisions are not enforceable against FVAP.

In light of this deficiency, the Subcommittee should consider an amendment to section 7 of the National Voter Registration Act (NVRA), 42 U.S.C. § 1973gg-5, which would designate military personnel and pay offices as Voter Registration Agencies under the act. Not only would such an amendment help to ensure that military voters receive the necessary voting information and material when they need it most (i.e., when they visit a pay or personnel office to update their personal information or change their permanent duty station), it will create a legally enforceable right for military voters to receive that information and assistance. It will ensure that FVAP provides military voters with the necessary assistance to participate in federal elections and will go a long way toward remedying low military voter participation rates.

4. Conduct a Hearing Regarding DOJ’s Lack of Enforcement.

Notwithstanding the substantial data that has been generated regarding the disenfranchisement of military voters in the 2006 general election, the primary entity responsible for enforcing their rights under UOCAVA—i.e., DOJ’s Civil Rights Division, Voting Section (Voting Section)—has only initiated one case since August 2006 to protect a military voter’s right to receive a ballot. Given the findings of the 2007 EAC report, which showed that only 5.5 percent of military and overseas citizens were able

to cast a valid ballot, and the widespread reports of military voter disenfranchisement, it is shocking that the Voting Section has not been more aggressive in investigating and prosecuting these claims.

The Voting Section also refuses to bring UOCAVA cases when states provide military and overseas voters less than 45 days to receive and return their absentee ballots. The Voting Section, in conjunction with FVAP, has arbitrarily adopted a 30-day enforcement standard—that is, the Voting Section will not initiate a UOCAVA case until a state provides a military voter or overseas citizen with less than 30 days to receive and return the absentee ballot. There is simply no study that supports a 30-day standard under UOCAVA, as such a timeframe does not even account for military mail delivery times (estimated to be at least 12-18 days each way). Rather, according to a recent study by the Pew Center on the States, “No Time to Vote: Challenges Facing America’s Overseas Military Voters,” 25 states and the District of Columbia must improve their absentee voting process and provide overseas military voters with more time to vote.

At the very least, the Voting Section’s lack of enforcement raises serious questions regarding its investigative and decision-making process for bringing UOCAVA cases. If there is a legal basis for this refusal, then the Subcommittee and Committee as a whole should have an explanation so that it can explore legislative remedies to resolve this deficiency. Otherwise, the Voting Section should explain its monitoring efforts for the 2008 general election and its ongoing efforts to ensure that military voters are provided with a reasonable opportunity to vote.

Ms. LOFGREN. All the bells and whistles mean that we have a vote on the floor of the House. We would like to get Mr. Chapin's testimony and then our quick questioning so that we don't hold you back over past the voting time.

Mr. Chapin.

STATEMENT OF DOUG CHAPIN

Mr. CHAPIN. My name is Doug Chapin, and as of January 2009, I am director of election initiatives at the Pew Charitable Trusts' Center on the States, a division of Pew that seeks to advance non-partisan, pragmatic policy solutions to issues facing States and their citizens.

Pew has invested more than \$20 million in the field of election administration since 2001. Our work in elections follows an approach used by Pew across its areas of interest. First we take the performance-based approach to election administration. Americans demand an election system that offers optimal performance, administrative efficiency, and cost-effective use of public funds. This is especially important in the currently constrained fiscal environment.

Second, Pew considers it a central part of our mission to involve election officials in our work. State and local election officials have a unique and critical role in any effort to improve our election system, both because of intimate understanding of the process and their responsibility to implement any changes. Indeed in 2008, Pew partnered with election officials from more than 20 States, including Mr. Gilbert and Mr. Cunningham, as part of our work to study and test changes to the status quo.

Finally, we routinely involve leaders from the private sector and others outside the election community, taking advantage of their expertise to help election officials confront pressing issues by sharing insights and serving as a source of ideas and support for the most innovative approaches to reform.

With that as background, let me quickly turn to observations about the performance of the American election system in 2008.

The biggest story of 2008 was that the system worked better than anticipated. Even those of us who adamantly refused to predict a meltdown were holding our breath as the polls opened on November 4th because of the combination of a system in flux and potentially record turnout. The good news is the meltdown didn't happen. By and large our election system appeared to handle the historic turnout of voters. In fact, according to a new national MIT survey conducted for Pew with support from AARP and the JEHT Foundation, most Americans who voted in 2008 had an overall positive experience.

Fewer than 2 percent experienced registration problems, most of whom resolved the problem at the polls with the provisional ballot—with a regular rather than a provisional ballot. And fewer than 2 percent had any problem with voting equipment regardless of the type of equipment they used.

And yes, the survey's findings also raised concerns. While 2 percent experiencing a problem may seem small, that is a number large enough to affect a very close race.

The bigger story is that MIT found that 38 percent of nonvoters, or the equivalent of over 8 million people, said problems with the

election system were a major factor in their nonvote in the election. I would like to submit a copy of the executive summary of that report which is released today.

Ms. LOFGREN. Without objection, that will be made part of the record.

[The information follows:]

2008 Survey of the Performance of American Elections^{*}

Final Report

Executive Summary[†]

The 2008 Survey of the Performance of American Elections is the first comprehensive nationwide study of how voters experienced the administration of elections in the United States. The main part of the survey involved interviewing 10,000 registered voters (200 in each state) over the Internet. An additional 2,000 registered voters were interviewed in ten states, providing the opportunity to compare how interview respondents answer questions about election administration in these two survey modes.

The 2008 election was a positive experience for the vast majority of American voters

For the vast majority of voters in 2008, the Election Day experience went smoothly:

- 98% of respondents said it was “very easy” or “fairly easy” to find their polling place.
- 98% said their polling place was run “very well” or “Ok, with only minor problems.”
- 96% said that poll worker performance was either “excellent” (70%) or very good (26%).
- Less than 2% witnessed problems at their polling place that could have interfered with people being able to vote.
- Fewer than 2% of voters experienced registration problems.
- Fewer than 2% of voters reported problems with the voting equipment.
- 4% said they waited in line for more than an hour on Election Day.

Voting before Election Day became much more common in 2008, compared to the past. Overall, 37% of voters cast their ballots before Election Day, either in-person at early voting centers (18%) or by mail, mainly via absentee ballots (19%). The elderly, individuals with disabilities, and better-educated voters were more likely to use these “convenience voting” methods.

Absentee and mail-in voters overwhelmingly had good experiences in 2008. Fewer than 2% of absentee voters stated that they had a problem getting their ballot. Just over 3% of absentee voters needed assistance in casting their ballot.

^{*} Funding for the 2008 Survey of the Performance of American Elections was provided by the generosity of the Pew Charitable Trusts, the JEHT Foundation, and AARP. The results and opinions expressed in summary and the final report are those of the study authors, and not those of the funding agencies.

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The 2000 and 2004 elections featured major controversies over the performance of voting machines, both punch cards and direct recording electronic (DRE) devices. In 2008, voters reported very few problems with voting machines. Only 2% of voters reported experiencing problems using their voting equipment. Voters using DREs reported experiencing problems voting at the same rates as those using optically scanned ballots.

When asked, "How confident are you that your vote in the General Election was counted as you intended," 94% stated they were either "very confident" (72%) or "somewhat confident" (22%). Election Day voters were more confident their votes were counted as intended than early voters or absentee/mail-in voters. African-American voters (95%) were somewhat more likely to state they were "very confident" or "somewhat confident" their votes were counted as cast, compared to White (91%) and Hispanic (81%) voters.

Areas of concern — lines, registration, and voter ID

Lines were minimal for most voters, although 1-in-20 encountered waits of over an hour. Because Early Voting has been touted as a way to make voting more convenient, it is ironic that early voters waited longer in line than Election Day voters. (See Table 1.)

Two percent of respondents encountered registration problems when they voted in person, a fraction that was identical whether respondents voted early or on Election Day. One-quarter of those who encountered registration problems report that they voted via provisional ballot, which implies that approximately 500,000 provisional ballots were cast in 2008 due to registration problems.

Voter identification laws were unevenly implemented across states. In the states that do not require photo ID in order to vote, one-quarter of all voters stated they were asked to show a photo ID at their polling place. In states that require all voters to show photo identification, roughly one-quarter of voters said they showed photo identification not because it was required but because it was convenient. African Americans and Hispanics were asked to show "picture ID" more often than Whites were — 70% for African Americans, 65% for Hispanics, and 51% for Whites.

Reasons for not voting — demographic and administrative factors

The 2008 Survey of the Performance of American Elections was conducted among registered voters. Respondents who answered that they did not vote in 2008 were asked why they did not vote, and given a battery of 14 reasons, to which they could respond that a reason was a "major reason," a "minor reason" or "not a reason" why the respondent failed to vote.

Line length	Election Day	Early voting
Not at all	41%	29%
< 10 min.	28%	26%
10-30 min.	17%	23%
30-60 min.	10%	13%
> 1 hour	4%	8%

Question: Approximately, how long did you have to wait in line to vote?

The most common “major reasons” pertained to personal characteristics and attitudes, such as not liking the candidates (31% of non-voters), being too busy (23%), or illness (16%). Among reasons that pertain to administrative matters, the most common were registration problems (13%), did not receive ballot on time (12%), and lines were too long (11%). (See Table 2 for a summary of reasons given for not voting. Respondents could list more than one factor.)

	Major Factor	Minor Factor	Not A Factor
Didn't Like Choices	31%	12%	57%
Too Busy	23%	10%	68%
Illness	16%	5%	79%
Transportation	14%	5%	80%
Out of Town	14%	4%	82%
Registration Problems	13%	7%	80%
Did not receive ballot/not on time	12%	4%	84%
Line too long	11%	9%	80%
Bad Time/Location	10%	10%	80%
Didn't know where to go	9%	10%	80%
Did Not Receive Absentee Ballot	8%	4%	88%
Wrong Identification	7%	3%	90%
Forgot	5%	4%	91%
Weather	3%	5%	92%

Question: How much of a factor did the following reasons play in your not voting in the November General Election? (items rotated)

Forty percent of non-voters listed only personal reasons for their decision not to vote, 13% listed only administrative reasons, and 25% listed a combination of personal and administrative reasons. The remaining respondents did not choose any of these categories.

State-by-state experience

The sampling strategy of the survey was designed to facilitate comparisons across states in the quality of the voting experience. In seven states — Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Pennsylvania, and South Dakota — fewer than 2% of voting respondents reported encountering at least one problem when they voted, excluding those who encountered long lines. (Voters encountering a problem are defined as those who reported having a “very difficult” or “somewhat difficult” time finding their polling place; encountering a problem with voter registration; having a problem with the voting machine; or encountering a “poor” poll worker.) More than 10% of voting respondents from California and Washington reported encountering a problem when they voted.

Special topics in election administration — age, race, residency, and attitudes toward fraud and reform

In addition to gauging the experience of voters in the 2008 election, the final report analyzes the experience of voters broken down by age, race, and length of current residence. The report also measures attitudes of registered voters about election fraud and election reform proposals.

Older respondents were more likely to turn out and vote than younger voters. Older voters also reported more positive experiences voting on all questions asked but one — whether

they had problems with voting equipment. Older non-voters were more likely to report illness as a reason for not voting, while younger non-voters were more likely to cite “being too busy.”

Most aspects of polling place operation show no appreciable differences across racial groups. African Americans and Whites reported similar levels of confidence that their votes would be counted as cast — 91% of Whites and 95% of Blacks said they were “very confident” or “somewhat confident.” A lower level, 81%, of Hispanics expressed similar levels of confidence that their votes would be counted as cast.

The two areas of significant racial discrepancies were in reported waiting times to vote and being asked to show photo identification. Twenty-nine percent of African Americans reported waiting more than 30 minutes to vote, compared to 14% for Whites and 15% for Hispanics.

Half (51%) of White voters, 70% of Black voters, and 65% of Hispanic voters were asked to show photo identification. State laws account for most of this variance, since African Americans are more likely to live in states with stringent ID requirements. However, even accounting for differences in laws, discrepancies remain. The discrepancies are the greatest in states that have the *least* stringent voter identification laws. In states with stricter identification laws (that allow or require that poll workers request ID), 83% of White respondents reported that they were asked for picture ID, compared to 89% of African American respondents and 75% of Hispanics. In states with less strong identification laws, 22% of White respondents were asked for picture ID, compared to 44% of African Americans and 51% of Hispanic respondents.

The United States is a highly mobile society. The median length of stay in a residence among Americans is just over five years. Respondents to the survey who had lived in their current residence for less than five years experienced slightly more difficulty voting than those had lived in their current residence a longer time. One-in-four non-voters (23%) who lived in their residence less than a year cited voting registration problems as “a major reason” for not voting; only 8% of non-voters who lived in their residence at least 5 years said that registration problems were a “major reason” for their non-participation. Length of residence also had the greatest influence on whether respondents experienced registration and identification problems. About half of respondents who had lived in their current residence a year or less reported that they do not have a driver’s license that shows their current name or address, compared to only 10% of respondents living five years or more in their current address.

Respondents to the survey were often uncertain about how often vote fraud (defined as voting more than once), vote theft (stealing or tampering with votes), and voter impersonation occurred in their communities. Among those who expressed an opinion about these matters, 12% said that voter fraud was very common, 9% said that vote theft was very common, and 8% said voter impersonation was very common. Republicans were more likely to express beliefs that vote fraud and voter impersonation were major problems in their communities. (See Table 3.)

Majorities expressed support for requiring all voters to show identification in order to vote (74%) and making Election Day a national holiday (58%). They were split 50/50 on the proposition of automatically registering all citizens to vote, and failed to give majorities to proposals to move Election Day to the weekend (43% supporting), Election Day registration (42%), absentee voting over the Internet (32%), and running elections by mail (16%). Although only a minority nationwide supported Election Day Registration (EDR), large majorities of respondents from states that currently have EDR supported the practice.

Lost votes due to administrative problems

Results from the survey can be used to estimate roughly how many votes were “lost” in 2008 due to administrative problems, such as registration problems and long lines. Approximately 3 million registered voters appear to have been excluded from voting because of registration problems, 2 million could not find where to vote, 2 million did not have proper identification, and between 2 and 3 million encountered lines that were too long. Perhaps 3 million potential absentee votes were lost because requested ballots never arrived. While these are ballpark figures, and there may be some double counting due to people reporting multiple problems, they suggest that a significant fraction of non-voters might be brought into the electorate through administrative improvements to elections.

Comparisons of Internet and telephone respondents

One goal of this survey was to study how respondents who were administered the questionnaire via the Internet differed from those who responded via telephone. Internet respondents had slightly higher income and education levels than telephone respondents did. Internet respondents were slightly more liberal and more Democratic than phone respondents were. The biggest demographic difference was age, with Internet voters being six years younger, on average.

Voters who responded to the Internet survey reported voting experiences that were very similar to those who responded via telephone. Phone respondents were slightly more positive about their voting experience, but the differences were small. The biggest differences between telephone and Internet respondents were in attitudes about voter fraud and election reform. Telephone respondents were much more likely to volunteer that vote fraud, vote theft, and voter impersonation “never occurs” in their communities. Internet respondents were also much more likely to report support for reforms to make voting easier.

	Democrats	Republicans
Voter fraud	6%	19%
Vote theft	8%	9%
Voter impersonation	4%	11%

Questions:
(Entries are percentage of respondents responding “it is very common” to the following questions, among those expressing an opinion.)

- (Voter fraud) It is illegal to vote more than once in an election or to vote if not a U.S. citizen. How frequently do you think this occurs in your community?
- (Vote theft) Another form of fraud occurs when votes are stolen or tampered with. How frequently do you think this occurs in your community?
- (Voter impersonation) It is illegal for a person to claim to be another person, who is registered to vote, and to cast that person’s vote. How often do you think this occurs in your community?

2008 Survey of the Performance of American Elections

Final Report

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Executive Summary

This study is based on the responses to an Internet survey of 200 registered voters in each of the 50 states, for a total of 10,000 observations overall. Individuals were asked about their experience voting—either in-person on Election Day, in-person early, or absentee voting. Non-voters were also surveyed. Below is a summary of key findings from the report.

Mode of Voting

States vary in how they allow voters to vote. Nationwide in 2008:

- 63% of voters voted in person on Election Day,
- 18% voted in-person early (or in-person absentee), and
- 19% voted by mail.

In 11 states, a majority of votes were cast before Election Day, via early or absentee voting. In 13 states, more than 90% of the votes were cast on Election Day. Women, the elderly, individuals with disabilities, and the better educated were more likely to use early or absentee voting.

Overall Assessment of Election Day Voting

For the average voter in 2008, the Election Day experience went smoothly:

- 98% of respondents said it was “very easy” or “fairly easy” to find their polling place.
- 98% said their polling place was run “very well” or “Ok, with only minor problems.”
- 96% said that poll worker performance was either “excellent” (70%) or very good (26%).
- Less than 2% witnessed problems at their polling place that could have interfered with people being able to vote.
- Fewer than 2% of voters experienced registration problems.

- Fewer than 2% of voters reported problems with the voting equipment.

Waiting in Line

Lines were shorter at polling places than they were at early voting sites. Lines were minimal, though 1-in-20 encountered long waiting times.

- 70% of people reported waiting less than 10 minutes.
- 9% waited 30 to 60 minutes and 5% waited more than an hour. (Some who waited more than an hour stated that they came to the polls very early to be first in line.)
- 60% of those who voted early reported waiting 10 minutes or less, compared with 73% who voted at polling places on Election Day.
- 8% of those who voted at early polling stations reported that they waited in line at least an hour, compared with 4% of those who voted at precincts on Election Day.

Voter Identification

Voter identification laws were unevenly implemented within states.

- In states that require all voters to show photo identification, roughly one-quarter of voters said they showed photo identification not because it was required but because it was convenient.
- In the states that only ask first-time voters to show *any* form of identification (including a letter addressed to them), one-quarter of *all* voters stated they would not have been allowed to vote had they not produced a photo ID.
- African Americans and Hispanics were asked to show “picture ID” more often than Whites — 70% for African Americans, 65% for Hispanics, and 51% for Whites.

Problems with Voting Equipment

Running into problems was unrelated to the type of voting equipment used by the voter.

- 2.1% who used electronic voting machines *or* optical scanners reported problems using the voting equipment.
- 5% of voters reported getting assistance filling out their ballot or using equipment and in almost all instances (86%) help was provided by the poll worker.
- Some voters who had difficulty did not often ask for assistance. Of those who had difficulty with voting equipment, only 10% got help.

Absentee Voting

Absentee voting was quite smooth nationally.

- Less than 2% of absentee voters stated that they had a problem getting their ballot.
- Just over 3% of absentee voters needed assistance in casting their ballot.
- Barely 0.6% of absentee voters claimed to have felt pressured to vote a certain way.
- Just over 68% of voters returned their ballots by mail and another 19% personally returned it to the election office by hand.
- A majority (55%) of absentee voters stated that they returned their ballot at least one week prior to the election.

Confidence

We asked respondents to the survey “How confident are you that your vote in the General Election was counted as you intended?”

- 72% of the respondents to this question said they were very confident and

- 22% said they were somewhat confident.
- 75% of in-person Election Day voters and in-person early voters were “very confident,” and 19% were “somewhat confident.”
- 60% of absentee, by-mail voters were “very confident,” and 31% were “somewhat confident.”
- 77% of African American voters were very confident and 18% were somewhat confident.
- 72% of Hispanic voters were very confident and 16% were somewhat confident.
- 71% of White voters were very confident and 22% were somewhat confident.

Not Voting

The three most common reasons that respondents chose not to vote related to the personal circumstances and preferences of the registered voters.

- 43% of nonvoters indicated that they did not vote, in part, because they did not like the choices offered to them.
- Another 32% said that being “too busy” was either a major factor or a minor factor in not voting.
- The third-most-common response was “illness,” with 21% of respondents saying that sickness was a factor.

The report also examines variations across states in their experiences. Section 5 of the report examines the overall assessment of the voting process, by state. Appendix 2 lists how states compare for the core performance questions asked in the survey.

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I. Introduction and Summary

The 2008 Survey on the Performance of American Elections was the first nationwide effort to gauge the quality of the election experience from the perspective of voters. The study consisted of two parts: (1) a survey administered via the Internet to 10,000 registered voters nationwide — 200 in each state — to ask about topics such as whether they encountered problems with their voter registration or experienced long lines to vote and (2) a parallel survey administered via telephone to 200 respondents in 10 states — 2,000 total — to help calibrate the newer Internet method against the more traditional telephone method.

Based on answers to the survey questions, the voting experience in 2008 was a positive one for the vast majority of American voters.¹ Overall,

- 89% of voters reported that it was “very easy” to find their polling place,
- 82% voted in a precinct that was run “very well,”
- 98% had no problems with their registration,
- 84% waited less than 30 minutes to vote, and
- 98% had no problems with the voting equipment.

Among absentee voters,

- 98% had no problems receiving their ballot and
- 84% found it “very easy” to fill out the ballot.

With the general good news found in the survey, there are concerns to report, as well. The most notable was the length of line in some communities, particularly the longer wait experienced by African Americans.

¹ Throughout most of this report, results from the Internet survey are the basis of our findings, since it was administered nationwide. Section II compares results across the two modes administering the survey.

- 20% of African American voters waited more than half an hour to vote, compared to 14% of Whites and 15% of Hispanics.
- Early voters also waited in line longer (22% longer than 30 minutes) than Election Day voters (14%).

Results from the survey also point to disparities in the implementation of voter identification laws across the country. These disparities come in two varieties.

- First, poll workers deviate from state election laws in many places, demanding that voters show identification in states that do not require it, and in some cases, prohibit it.
- Second, African Americans and Hispanics were asked to show “picture ID” more often than Whites — 70% for African Americans, 65% for Hispanics, and 51% for Whites.

The report that follows examines these differences and more. We begin by discussing the methodology of the study, which was designed to allow a comparison between using newer Internet interviewing methods and more traditional random-digit dialing telephone interviewing. We then turn our attention to a discussion of the core data, which gauges the experience of voters in the 2008 regardless of whether they voted on Election Day, in-person before Election Day, or by mail. Finally, we focus on four special topics: age and the voting experience, race and the voting experience, residency and residential mobility, and vote fraud and reform proposals. The final chapter of this report provides an overall assessment of the quality of the election experience in 2008, focusing on quantifying the incident of voting problems, estimating the number of “lost votes” due to election administration problems and providing summary information that allows us to compare the experience of voters across the states.

II. Methodology and Comparison of Survey Modes

The 2008 *Survey of the Performance of American Elections* was conducted using two interviewing modes: the Internet and telephone. The Internet survey covered the entire nation and will be the primary data source for the analysis in the remainder of this report. The telephone survey, which interviewed subjects in ten states, was conducted primarily to understand differences in how voters respond to questions about the voting experience, based on survey mode.

Survey Methodology

The Internet survey involved 200 interviews of registered voters in each of the 50 states, for a total of 10,000 observations overall. YouGov/Polimetrix conducted this survey using state-level matched random samples in each of the states. Although respondents were recruited through a variety of techniques, the resulting sample matched the nation on important demographic characteristics, such as education, income, race, and partisanship. There was a somewhat lower presence of lower-income and minority voters in the original sample, so weights were applied as a corrective.

The questionnaires we used were developed over the past year, after initial pilot studies in the November 2007 gubernatorial elections in Mississippi, Kentucky, and Louisiana and in the February 2008 “Super Tuesday” presidential primary. The core of the questionnaire was a series of items that asked about the experience of voters on Election Day, in early voting centers, or when they voted by mail. In addition, we asked non-voters questions about why they didn’t vote, along with questions intended to understand voter identification issues and the opinions of voters about various election reform proposals. The full text of the questionnaire appears in Appendix 8.

Comparison of Survey Results with Known Election Results

With the weights applied, the state-by-state correlation between the actual Obama vote and the Obama voted estimated by the Internet survey was very high. Nationwide, the Internet survey under-estimated the two-party vote for Obama by 0.4 of a percentage point (53.7% actual vs. 53.3% in the survey). The state-by-state correlation between actual and estimated Obama vote was .94.

The telephone survey involved 200 interviews with randomly-dialed registered voters in ten states, chosen to be representative of the nation in terms of partisanship and racial diversity — Alabama, Arizona, California, Florida, Georgia, Illinois, Mississippi, New York, Texas, and Washington. The correlation between actual and estimated Obama vote in the telephone survey was lower than the Internet survey (.83 vs. .97 for the ten telephone survey states), which is not terribly surprising, because we only had ten states interviewed via telephone. The telephone survey was slightly less pro-Obama than the electorate at large in these ten states but the difference was less than 2 percentage points (53.1% for Obama in the survey vs. 55.0% actual). These are small differences and within the range of election surveys in 2008.²

Demographic Differences between Internet and Phone Respondents

Two important questions regarding the surveys are (1) whether different types of respondents participate in Internet and telephone polls at different rates and (2) if their answers to substantive questions differ. Income differences between the two groups were slight and more respondents refused to divulge their income on the phone (13.2%) than via the Internet (9.7%). Among those who gave their income, slightly more had household incomes over \$100,000 in the Internet survey

² For instance, of nine national polls taken within the last three days of the general election period (Maris, ARG, Fox, NBC/WSJ, CBS, Democracy Corp, Ipsos, CNN, and Pew), the average poll over-estimated the Obama two-party vote share by 0.4%, ranging from a 1.2% over-estimate (CBS) to a perfect call (Democracy Corp).

(20%) than on the phone survey (17%). Conversely, slightly more had incomes under \$50,000 on the phone survey (44%) than on the Internet survey (46%).

Differences were slightly greater with respect to education. Slightly more Internet respondents (12%) had postgraduate experience than phone respondents (10%). Significantly more phone respondents (14%) reported finishing their education after two years of college than did Internet respondents (8%).

The biggest difference in the respondents to the two survey modes was age. Internet respondents were six years younger, on average, than were phone respondents (47 vs. 53).

As we discuss in Section IV, younger and older voters had slightly different experiences voting in 2008. Younger voters reported more problems voting and had less confidence that their votes would be counted as cast. As a consequence, the “true” experience of voters in 2008 was likely even more positive than the results we report in subsequent sections of this report, using the Internet survey.

Some basic political differences existed between the two groups of survey respondents. The Internet sample had slightly fewer Republicans than the phone sample (32% vs. 36%) and slightly more Democrats (38% vs. 35%) and Independents (26% vs. 19%). This difference also extended to political ideology. Though the percentage of conservatives was roughly the same across the two modes (23% Internet vs. 24% phone), the Internet sample had many fewer respondents who were “not sure” of their ideology (7% vs. 20%) and more respondents who identified as “liberal” (17% vs. 12%) or “very liberal” (8% vs. 4%).

Voting Experience Differences between Internet and Phone Respondents

Turning to the substantive questions of the survey, the Internet sample respondents were more likely to identify particular factors as playing a role in their decision not to vote. To understand

why registered voters did not vote in the 2008 election, we asked non-voters in our sample to indicate which of 14 items were “a major factor, a minor factor, or not a factor” in deciding not to vote. The 14 response items range from the personal (“illness or disability”) to the political (“I didn’t like the candidates or campaign issues”) to election administration (“there were problems with my registration”).

On all of the 14 items except the “too busy” item, Internet respondents were more likely to say that a given problem was “a minor factor” or “a major factor.”³ For instance,

- 25% of the Internet respondents who did not vote said that having the wrong ID played some role in their not voting, compared to 11% of phone respondents;
- 33% of Internet respondents who did not vote, compared to 18% of phone respondents, said that “being out of town” played a role in their not voting.

Collectively, the Internet sample of non-voters mentioned an average of one more factor (2.4 reasons, on average) than the phone sample (3.4).

Phone and Internet respondents also reported slightly different experiences when they voted. For instance,

- 3% of Internet respondents reported some difficulty in locating their voting place on Election Day, compared to 4% of phone respondents;
- 3% of Internet respondents reported problems with their voter registration, compared to 1% of phone respondents; and
- 3% of Internet respondents reported problems with their voting equipment, compared to 1% of phone respondents.

³ Respondents in the Internet sample were also offered a “don’t know” response to these items, in contrast to the phone sample. Even adjusting for the non-response, it is clear that the Internet sample identified a higher incidence of problems.

Phone respondents were more likely to say their polling place was run “very well” (86%) than Internet respondents (80%). Finally, phone respondents were more likely to say they were “very confident” their vote would be counted as cast than Internet respondents (78% vs. 72%).

It was on the policy questions, and questions about the presence of fraud, where the biggest differences between Internet and phone respondents were seen. Large differences existed on the questions related to voter fraud, vote theft, and voter impersonation, which asked the following questions:

- It is illegal to vote more than once in an election or to vote if not a U.S. citizen. How frequently do you think this occurs in your community?
- Another form of fraud occurs when votes are stolen or tampered with. How frequently do you think this occurs in your community?
- It is illegal for a person to claim to be another person, who is registered to vote, and to cast that person’s vote. How often do you think this occurs in your community?

For each item, regardless of interviewer mode, the modal answer to the questions of the incidence of voter fraud was “it almost never occurs.” However, the “never occurs” responses ran 20 to 30 percent higher on the phone sample than in the Internet sample (see Tables II-3 – II-5).

Oddly enough, given the beliefs about voter fraud, the Internet respondents were more likely to support reforms making the act of voting easier, and presumably less amenable to direct monitoring by election officials. Internet respondents were more likely than phone respondents to:

- Support allowing absentee voting over the Internet (32% vs. 22%),
- Allowing registration at the polls (39% vs. 32%),
- moving Election Day to the weekend (43% vs. 37%), and
- making Election Day a holiday (56% vs. 45%).

Summary

These differences between Internet and phone respondents offer reassurance and suggest cautions in using the data from the survey. Overall, the samples in both surveys are similar to the population as a whole and to each other in terms of demographics and political attitudes and behaviors. Evidence of a “digital divide” in the two surveys is present, but small. The voting patterns the two survey modes match the election results very closely, both in terms of the national results and on a state-by-state basis.

There were important differences in the two modes with respect to the “customer service” aspects of the 2008 election. Internet respondents gave more reasons for not voting (among those who didn’t vote), had more problems voting, evaluated the voting experience less favorably, believed problems with voter fraud were greater, and were more likely to support election reforms than respondents who replied to the same questionnaire by phone.

It is not at all surprising that respondents to an Internet-based survey would be more likely to favor Internet voting. Survey researchers have long known that respondents are less likely to express negative opinions in a face-to-face interview than when the survey is done by pencil-and-paper and so it is also not surprising that Internet respondents may have expressed slightly more negative experiences than phone respondents. The biggest surprise, and the one that bears the most research, is why Internet respondents generally were much more likely to embrace all the reform proposals than the phone respondents.

All survey modes introduce a filter between the respondent and the researcher and so these mode differences are not necessarily troubling. If we understand, for instance, that Internet respondents are more likely to express dissatisfaction with voting, or more likely to report problems, then the most important thing for us to know is whether these differences are more-or-

less the same across the states and localities where the surveys are conducted. The evidence is that the within-state results are largely the same when we compare Internet and phone respondents. For instance, the correlation in the average wait in line to vote, measured at the state level, is .83, when we compare the ten “telephone states” across the two modes. Appendix 7 reports a more comprehensive set of statistics, comparing phone and Internet responses to the core performance measures in the ten states where we did telephone sampling.

Therefore, we have confidence in the results we present in the rest of this report, keeping in mind that the “true” answers may lie slightly to the “left” or “right” of the survey response.

Section II Tables

Table II-1. Party Identification by Survey Mode.

Party Identification	Mode of Survey		
	Phone	Internet	Total
Democrat	35.2%	38.3%	36.8%
Republican	36.4%	31.6%	34.0%
Independent	19.2%	26.1%	22.6%
Other	4.5%	0.4%	2.4%
Not Sure	0.0%	3.7%	1.9%
Phone-Refused	4.7%	—	2.4%

Table II-2. Ideology by Survey Mode.

Ideology	Mode of Survey		
	Phone	Internet	Total
Very Liberal	3.5%	7.9%	5.7%
Liberal	11.8%	17.2%	14.5%
Moderate	26.9%	31.5%	29.2%
Conservative	24.1%	23.1%	23.6%
Very Conservative	12.0%	12.8%	12.4%
Not Sure	19.6%	7.4%	13.5%
Phone-Refused	2.1%	—	1.1%

Table II-3. Beliefs about Voter Fraud by Survey Mode.

Q36. Voter Fraud	Mode of Survey		
	Phone	Internet	Total
Very Common	5.7%	10.5%	8.1%
Occurs Occasionally	14.9%	20.0%	17.4%
Occurs Infrequently	18.3%	18.0%	18.1%
Almost Never Occurs	47.2%	26.2%	36.7%
Not Sure	13.4%	25.4%	19.4%
Phone-Refused	0.4%	—	0.2%

Table II-4. Beliefs about Vote Theft by Survey Mode.

Q37. Vote Theft	Mode of Survey		
	Phone	Internet	Total
Very Common	3.4%	6.9%	5.2%
Occurs Occasionally	9.2%	18.1%	13.7%
Occurs Infrequently	17.1%	16.4%	16.7%
Almost Never Occurs	60.2%	31.2%	45.7%
Not Sure	9.8%	27.4%	18.6%
Phone-Refused	0.3%	—	0.2%

Table II-5. Beliefs about Voter Impersonation by Survey Mode.

Q38. Voter Impersonation	Mode of Survey		
	Phone	Internet	Total
Very Common	2.7%	6.1%	4.4%
Occurs Occasionally	10.4%	16.3%	13.4%
Occurs Infrequently	19.5%	16.6%	18.1%
Almost Never Occurs	57.9%	31.0%	44.5%
Not Sure	9.2%	30.0%	19.6%
Phone-Refused	0.3%	—	0.2%

III. The Voting Experience

The 2008 *Survey of the Performance of American Elections* was designed to gauge the voting experience, from the perspective of registered voters, comprehensively. In this chapter we summarize the core data in the survey by examining how people voted in 2008 and the experience of those who voted both on Election Day and who voted early (either in-person or by mail.) We then turn our attention to the experience of non-voters and their reasons for not voting. Finally, we summarize the 2008 voting experience by examining the confidence that voters had that their vote would be counted as cast.

How Did People Vote in 2008?

Nationwide in 2008,

- 63% of voters voted in person on Election Day,
- 18% voted in-person early (or in-person absentee), and
- 19% voted by mail.

In order to interpret these statistics, we have to take into account how voting methods vary across states. For example, Oregon votes only vote-by-mail, whereas Maryland has no early voting and requires absentee voters to provide an excuse before they can receive an absentee ballot. Not surprisingly, 97% of Oregon voters reported in our survey that they voted by mail, whereas only 7% of Maryland voters used a mail-in absentee ballot.⁴

Table III-1 reports how respondents said they voted, organized by the nature of the law specifying whether the state allowed early voting and the type of absentee ballot laws in the states. Not surprisingly, there is great variation in how individuals chose to vote based on the options

⁴ Oregon allows individual to go to county election offices and complete their ballots there, which probably accounts for the 3% of Oregon respondents who reported their either voted in-person on Election Day or early.

available. In states with permanent absentee voting, absentee voting is much more prevalent than it is in states with excuse-only absentee voting laws. By contrast, in states with early voting, voters tend to use that mode of voting more than absentee voting, unless the state also had permanent absentee voting.

In eleven states, a majority of votes were cast before Election Day, via early or absentee voting. In Oregon, Colorado, Arizona, and Washington, absentee voting (or mail ballots) was the preferred method for voting, but in New Mexico, Nevada, Texas, Tennessee, North Carolina, and Georgia, early voting was the most common way of voting. In contrast, in thirteen states, more than 90% of the votes were cast on Election Day. These states tended to be in the Northeast (including Connecticut, New Jersey, Massachusetts, New York, Pennsylvania, and Delaware) or in the South (including Mississippi, Kentucky, and Alabama).

An examination of how people vote based on demographic factors, such as race, age, education, and gender shows that there are key differences regarding the mode of voting people use.

- Women were slightly less likely to vote in-person on Election Day than men (64% vs. 61%).
- African Americans were much less likely to vote using absentee voting than Whites (12% vs. 20%) but more likely to vote early compared to White voters (24% vs. 17%).
- Elderly people and individuals with disabilities both use absentee voting more than do younger voters or individuals without disabilities. For instance, 33% of voters over 70 years old voted absentee, compared to 13% of voters in their thirties;⁵ 24% of voters with a

⁵ Not surprisingly, 24% of voters between the ages of 18 and 22 voted absentee.

disability that kept the voter “from participating fully in work, school, housework, or other activities” voted absentee, compared to 18% of voters without a disability.

- Better-educated voters were also more likely to take advantage of convenience voting methods than are less well educated voters. Among voters with some post-college education, 45% voted either absentee or early, compared to 31% of voters who did not graduate from high school.

There are important differences in the modes of voting across political factors, as well as the level of experience that the voter has with the voting process. Twenty-one percent of respondents who said they voted for Obama also reported that they voted early, compared to 15% of McCain voters. Similarly, 21% of Democrats, compared to 17% of Republicans, said they voted early. Sixteen percent of Independents voted early. Stated another way, 66% of McCain’s supporters showed up on Election Day, compared to 60% of Obama’s.

Finally, one concern expressed in the 2008 election was the worry that activist groups might register new voters and then manipulate their vote, either by having the vote cast right away, or by “helping” the new voter cast an absentee ballot. Regardless of how sound these concerns were, the evidence from the Survey suggests that first-time voters were actually *more likely* to vote in a traditional precinct than experienced voters. In particular, 12% of first-time voters reported that they voted absentee, compared to 19% of experienced voters. Conversely, 68% of first-time voters voted in person on Election Day, compared to 63% of experienced voters.

The In-Person Voting Experience

For the six-in ten-people who voted in the traditional way, in a precinct on Election Day, the polling place defines the voting experience. The voter must first get to the polling place. At the polling place, voters queue up to sign-in. Signing-in involves an encounter with a precinct election

official (called the “warden,” precinct captain, poll worker, etc. across the various states), who is usually a temporary worker or volunteer. The precinct election official authenticates the voter, records that the person has voted on the registration roll, and provides access to the necessary voting technology. The voter then votes using the particular technology — an electronic voting machine, a scannable paper ballot, or a hand-counted paper ballot—which in practice ranges from being handed a paper ballot and a pencil to receiving a computer card that activates an electronic voting machine. If the voter has problems, she or he may request assistance. After voting, the ballot is deposited to be counted at the end of Election Day.

For the local election office, precinct-based voting requires the creation of the precinct boundaries, the selection of polling places within precincts, the development and distribution of registration lists that are appropriate to the precincts located in a given polling place, recruitment and training of poll workers, maintenance and distribution of voting equipment and ballots, and collection of ballots, tabulations, and registration rolls. Some states also audit election results by conducting a review of the performance of election procedures in a set of randomly selected precincts.

The election experiences survey gauged some of the prominent features of precincts, such as where people vote and who are the poll workers, and measured the overall performance of the different parts of the in-precinct voting process. For the average voter in 2008, the Election Day experience went smoothly, as the following summary statistics indicate:

- 98% of respondents said it was “very easy” or “fairly easy” to find their polling place.
- 96% said that poll worker performance was either “excellent” (70%) or “very good” (26%).
- Less than 2% witnessed problems at their polling place that could have interfered with people being able to vote.

- Fewer than 2% of voters experienced registration problems.
- Fewer than 2% of voters reported problems with the voting equipment.

We organize this subsection around several broad facets of the voting process: (1) polling places (including difficulty finding and lines), (2) poll workers, (3) voter authentication (registration and voter identification), (4) vote casting, and (5) overall experiences at the polls.

Types of Polling Places.

Finding suitable polling places is an important first step in making elections work well. The facilities must be accessible, easy to find, well lit, comfortable, and able to accommodate large numbers of voters, as well as the voting apparatus and poll workers. A majority of polling places in the United States are public buildings, most commonly schools. Fifty-seven percent of respondents reported voting at a school (28%), municipal or state office (19%), a police or fire department (6%), or library (3%). Civic buildings accounted for nearly all of the remaining polling places, with 16% of respondents voting in churches, 15% in community centers, and 3% in senior centers. Only 3% voted in businesses, stores, or shopping centers, and less than one-half of one percent voted in private homes.

The type of polling places that election officials use varies significantly across regions. Public buildings were most commonly used in the Northeast, with two-thirds of voters voting in schools, government office buildings, police and fire stations, and libraries in this region. Churches and community centers were used most frequently in the Midwest. Private places were used most commonly in the Western states, where 8% voted in businesses and 1% in homes.

Finding the Polls

Voters had little difficulty finding their polling places. Over 98% reported that their polling place was “very easy” or “fairly easy” to find.

Lines and Wait Times

Once at polling places, voters began the process of checking in and casting ballots. Lines were minimal, though one in 20 encountered long waiting times.

- 70% of people reported waiting less than 10 minutes (27%) or “not at all” (43%) to vote.
- 16% reported waiting 10 to 30 minutes;
- 9% waited 30 to 60 minutes; and
- 5% waited more than an hour. (Some of those who reported waiting more than an hour stated that they came to the polls very early to be first in line.)

Lines were shorter at polling places than they were at early voting sites. Sixty-percent of those who voted early reported waiting 10 minutes or less, compared with 73% who voted at polling places on Election Day. At the other end of the scale, 8% of those who voted at early polling stations reported that they waited in line at least an hour, compared with 4% of those who voted at precincts on Election Day.

Poll Workers

Management of the voting process at the polling places falls on a staff of volunteers or workers paid a minimal amount for the day’s work. They are responsible for authenticating voters, providing ballots or access to voting machines, giving assistance to voters if requested, and generally running the polling place. The volunteer army of poll workers is often viewed as the critical link in making voting work.

Who are poll workers? Respondents were asked to estimate the age of the poll workers who checked them in, to report the race of the poll worker, and whether they knew the poll worker personally. The respondents estimated the age of the population of poll workers as being somewhat older than the population of voters, but the differences are not dramatic.

- 5% of poll workers were estimated to be under 30 years old, compared with 15% of voters in the sample.
- 31% of poll workers were estimated between 31 and 50 years old, compared with 35% of voters.
- 57% of poll workers were estimated to be between 51 and 70 years old, compared with 42% of voters.
- 6% of poll workers were estimated to be over 70 years old, compared with 8% of voters.

Racially, voters estimated that poll workers resembled the voting population.

- 74% of poll workers were White, compared with 74% of voters;
- 11% of poll workers were African American, compared with 11% of voters;
- 2% of poll workers were Hispanic, compared with 9% of voters;
- 2% of poll workers were multi-racial, and
- Asians and Native Americans each comprised less than 1% of the poll worker population nationally.
- 9% of respondents were unsure of the race of their poll worker.

Interestingly, although many people assume that voters know who their poll worker is, the survey data showed that only 17% of voters reported that they knew the poll worker personally.

We asked respondents to rate the overall performance of poll workers. Americans had very favorable assessments of poll workers:

- 96% rated the poll worker performance excellent or good (fully 70% rated them excellent);
- Less than 1% of respondents evaluated the performance of their poll worker as poor.

This is a very encouraging result for the quality of service provided at the polls.

The age of poll workers has long been of concern to those trying to improve voting procedures, with the concern being that older poll workers may have more difficulty with new procedures, new technologies, and increased expectations at the polls. Overall assessments of performance suggest that age may be a problem. Poll workers who were estimated to be between 31 and 70 years old were judged the best, receiving excellent ratings from 71% of respondents. Poll workers who were thought to be under 30 received as many combined good and excellent ratings as other poll workers, but 5% fewer excellent ratings compared to poll workers 31-to-70. Poll workers estimated to be over 70 were rated somewhat less favorably, with 92% rated a combined good or excellent but only 57% rated excellent.

One reason for caution with this overall rating is that some of the concrete measures of performance, such as line length, indicate that older poll workers performed much better than younger poll workers did. If the poll worker was estimated to be over 70, 73% of respondents reported waiting in line less than 10 minutes; if the poll worker was between 50 and 70 years old, 71% of respondents reported waiting less than 10 minutes; if the poll worker was estimated to be between 30 and 50 years old, 66% reported waiting 10 minutes or less; and if the poll worker was thought to be younger than 30 years old, 64% reported waiting 10 minutes or less. Differences in treatment of voters in authentication process also emerge with the age of the poll workers, which we turn to next.

Authentication of Voters: Voter Identification and Registration.

The core activity of precinct election officials in the voting process consists of voter authentication and preparing the ballot to give to the voter. Voter identification and registration are the two essential parts to the authentication procedures in the United States. Earlier studies have documented that registration problems arise quite commonly and, in the 2000 general election, kept approximately 3% of people from voting. Since 2000, many states have strengthened voter identification laws, raising the possibility that the application of identification rules at the polls could create further difficulties voting.

Slightly more than half of all people showed identification when they voted. Exactly 50% of respondents said that they were asked to show an identification when they voted at the polls on Election Day. By comparison, 66% of those who voted early were asked to show identification. Less than one-quarter of one percent of respondents (only 9 people) reported that they were prevented from voting at the polls as a result of voter identification requests, although 2% reported that they had to vote a provisional ballot because they did not bring a current, valid identification to the polls.

Problems due to voter registration errors were similarly uncommon, although more frequent than problems arising from identification requirements. Two percent of respondents reported that there was a problem with their registration when they tried to vote at the polls. Of those who had problems with registration, three-fourths were allowed to vote with a regular ballot and one-quarter were allowed to vote a provisional ballot.

Registration problems did not seem to vary across regions, but there was significant variation in the requests for voter identification across states because state laws differ significantly.

In 2008, 23 states⁶ had the minimum requirements specified by the Help America Vote Act; that is, they required first-time voters who registered by mail to show some form of identification, which did not have to be photo identification. Twenty-four percent of all respondents from these states said they were required to show *photo* identification in order to vote. We followed-up with these voters, asking, “Did you show picture identification because you were asked for it specifically, or because a picture identification was the most convenient form of identification for you to show?” Applying this question screen, we arrive at an estimate that 16% of *all* voters in states that only require (non-photo) identification from *first-time* voters were required to produce photo identification in order to vote. These percentages ranged from 5% in Massachusetts to 24% in Nevada.⁷

Another 18 states⁸ required some form of identification (photo *or* non-photo) from *all* voters. In these states, 77% of respondents said they were required to show photo identification in order to vote. When we followed-up to see whether the photo identification was *required* or simply the most convenient form of identification, 44% said they were required to show a photo ID in these states.

Three states — Florida, Georgia, and Indiana — actually had state laws requiring all voters to show a photo ID in order to vote. In these three states, 99% of respondents reported being asked to show photo identification. When we followed-up, asking whether they showed the photo identification voluntarily or as a firm requirement, 75% of respondents insisted that they were required to show photo identification in order to vote.

⁶ California, Idaho, Illinois, Iowa, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Oregon, Rhode Island, Utah, Vermont, West Virginia, Wisconsin, and Wyoming.

⁷ First-time voters were more likely to report they were required to show a photo ID to vote, particularly in the “HAVA minimum states.” Thirty-six percent of first-time voters in “HAVA minimum states” report being required to show photo ID, compared to 15% of voters who had voted before.

⁸ Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Kentucky, Missouri, Montana, New Mexico, North Dakota, Ohio, South Carolina, Tennessee, Texas, Virginia, and Washington.

Four states (Hawaii, Louisiana, Michigan, and South Dakota) had laws *requesting* that all voters show photo identification but allowed voters without proper identification to sign an affidavit and cast a regular ballot. Ninety-seven percent of voters in these states initially reported being required to show a photo ID in order to vote. This estimate went down to 77% when we probed whether showing the photo ID was required or voluntary.

Finally, two states (Kansas and Pennsylvania) required all new voters to show some form of identification, which did not have to be photo. In Kansas, 26% of voters initially said they were required to show a photo ID in order to vote, which went down to 13% when we further probed. The corresponding figures were 32% and 24% in Pennsylvania.

These statistics illustrate the significant flexibility that Election Day workers have in implementing state voter-identification laws or at least may appear to have flexibility in the eyes of voters. Even in states that require all voters to show photo identification, roughly one-quarter of voters said they showed photo identification not because it was required but because it was convenient. On the other hand, in the states that only ask first-time voters to show *any* form of identification (including a letter addressed to them), one-quarter of *all* voters stated they would not have been allowed to vote had they not produced a photo ID.

It is worth noting that the age of the poll worker—as estimated by the voters—is strongly associated with the incidence of requests for voter identification (even after holding other factors constant).

- Poll workers thought to be over 70 years of age asked 36% of voters for identification.
- Poll workers thought to be between 50 and 70 years old asked 48% of voters for identification.
- Poll workers thought to be less than 50 years old asked 58% of voters for identification.

As discussed in *Part IV* of this report, there were also noticeable differences by race. The identity of people who work the polls, then, has substantial effect on the administration of elections. Although they are often judged less favorably in generic evaluations, older poll workers are associated with shorter lines and fewer hassles for voters.

Equipment

Difficulties with voting equipment pose a final potential voting obstacle. Less than 2% of respondents reported difficulties with the voting equipment they used. This is a very low number but it may represent a substantial problem in resolving close races and disputed election counts.

Running into problems was unrelated to the type of voting equipment used by the voter. Almost precisely the same percentage of voters (2.1%) who used electronic voting machines *or* optical scanners reported problems using the voting equipment.

When such problems arise, a voter may ask for assistance. Five percent of respondents reported getting assistance filling out their ballot or using equipment and in almost all instances (86%) help was provided by the poll worker. Unfortunately, those who had difficulty did not often ask for assistance. Of those who had difficulty with voting equipment, only 10% got help; 90% of those who reported having difficulty with voting equipment also reported that they did not get help. This represents an area where we see an opportunity for improvement, especially because errors in using electronic voting equipment and incorrectly marked optical scan ballots remain an important problem in resolving controversial election counts.

Voter Intimidation

Respondents reported very few instances in which they witnessed people intimidated at polling places. Only 1% of respondents said they saw voters intimidated from voting at the polling places. Ideally, of course, this should be zero. The survey followed-up with voters who reported

they witnessed voter intimidation. Based on the answers to the follow-up questions, voters' ideas about what constitutes "intimidation" is probably different from what law enforcement officials would consider intimidation. For instance, the following are five randomly-selected answers to what respondents saw when they reported seeing intimidation:

- "There was a ton of people there and not a lot of space! I just wanted to leave quickly."
- "There were people there campaigning [sic] that I did not like because it was illegal."
- "They were kinda Judgemental (Rednecks)" "rushing us old people"
- "No McCain signs, all Obama signs, all Obama literature!"

The Overall Experience

The overall assessment of performance at the polling places was quite good. When asked "how well things were run at the polling place," 83% of respondents said "very well" and 15% said "okay – with only minor problems." That is an outstanding evaluation given the temporary nature of polling places, the quick set up of registration lists and equipment that is required, and the largely volunteer staff.

One way to distinguish the dimensions of performance is in terms of "technical difficulties" and "service problems." The technical difficulties of greatest concern are failures in the maintenance of registration lists and voting equipment breakdowns. Fully 97% of voters reported *neither* of these problems. That is a very high level of technical success but additional efforts might improve matters still further, especially in instruction of voters in the use of equipment. Service problems appeared to be infrequent as well. The most common service problems were long lines and poor treatment by poll workers. Eight-five percent reported neither lines in excess of half an hour, nor poorly performing poll workers. Most of the difficulties with service (12%) emerged because of lines in excess of one-half hour, though 4% of in-precinct voters evaluated poll

workers as poor or fair. Cumulating technical and service difficulties, 85% of respondents reported no problems of any form, 13% reported exactly one problem, 2% reported two problems; and a small fraction of one percent report three or four problems.

Overall, then, the experience of voters at the polls in 2008 was quite good. Technical failures and service problems were relatively rare and approximately 85% of voters reported very good experiences voting at the polls in 2008. It is important to keep in mind that these figures reflect the assessments of those who went to the polls and attempted to vote. There may be others for whom election procedures were a substantial barrier. We turn to those in *Part D*, below. There is also a secondary path to voting – through the absentee and early voting procedures, and the systems there differ from those put in place for Election Day. We turn to that process in the next section.

Absentee and Early Voting

As was noted before, 37% of voters nationally voted before Election Day, either through early or absentee voting. However, in many states with liberal early voting or absentee voting laws, the percentage of voters casting ballots was higher. In 14 states, more than 20% of votes were cast via absentee ballot and in 17 states more than 20% of voters cast ballots using early voting. Overall, individuals who have voted before were more likely to vote by mail compared to first-time voters.

Absentee Voting

Why do voters vote absentee? Overall, voters in the survey said that they voted absentee because it was more convenient. In states with liberal voting laws or permanent absentee voting for all voters, they signed up to receive ballots in every election. Other voters did so because absentee voting was more convenient. However, voters in states that require excuses for voting did not have the option

of being permanent absentee voters. In these cases, voters typically voted absentee because they were out of town or had a physical disability that kept them from voting in the polling place. And, of course, voters in the state of Oregon always use vote-by-mail as the primary voting method. Almost 16% of absentee voters were contacted by a political party or candidate to encourage them to vote by mail.

Very few absentee voters, less than 2%, stated that they had a problem getting their ballot. Almost twice as many individuals in states that require an excuse stated they had a problem getting their ballot compared to voters in no-excuse absentee voting states. However, the percentages, 3% in excuse states and 1.5% in no-excuse states, are very low.

Just over 3% of absentee voters needed assistance in casting their ballot. Interestingly, the individuals needing assistance were not predominantly over 65 years in age and/or persons with disabilities, although 5% of individuals with disabilities did need assistance, compared to 3% of other voters. Voters under age 35 were more likely than voters 65-to-75 years of age to need assistance; only individuals 85 or older needed more assistance than individuals 18-to-25. In addition, voters in Oregon and in permanent absentee voting states needed help at lower rates than voters in excuse-required absentee voting states.

For those individuals who did need assistance, 38 percent were helped by a family member or partner and another 11% received assistance from an election official. Barely 0.6% of voters claimed to have felt pressured to vote a certain way in absentee voting.

Just over 68% of voters returned their ballots by mail and another 19% personally returned it to the election office by hand. Voters in Oregon hand-returned ballots at very high rates (35.4%) compared to voters in no-excuse (13.4%) or permanent absentee voting states (20.1%). Voters

with disabilities were just slightly more likely to have someone else mail their ballot for them, compared to individuals without disabilities.

Older individuals were no more likely than others to have someone else handle their ballot compared to younger voters. Overall, a majority (55%) of absentee voters stated that they returned their ballot at least one week prior to the election. Interestingly, a majority of Oregonians and individuals in permanent absentee voting states stated that they returned their ballots in the week prior to the election or on Election Day. Furthermore, strong partisans were only slightly more likely to return their ballots early in the election period than weak partisans or Independents. For instance, 56% of strong Democrats and Republicans returned their absentee ballots more than a week before Election Day, 55% not-strong Democrats and Republicans returned their ballots this early, and 49% of Independents returned their ballots a week before Election Day.

Given the concerns that are often raised about absentee voters missing late breaking information about the election, it would seem that many voters are minimizing this by returning their ballots later in the process. This practice does raise the risk, however, that ballots may be returned too late to be tabulated, if the state requires ballots to be in hand by the end of the election.

Fewer than 2% of voters thought that it was hard or very hard to complete the absentee voting process. Younger voters (24 or younger) were much more likely to rate the process to be somewhat hard and less likely to rate it very easy compared with those who were older. Individuals 65-and-older rated the absentee voting process highly and voters with disabilities rated the absentee process the same as individuals without disabilities.

Early Voting

Early voting allows voters to cast their ballots in a period before Election Day (generally the two weeks prior to Election Day). In some ways, the early voting experience is different from Election Day voting but voters tend to have a similar quality of experience regardless of these differences.

This difference in voting experience can be seen first based on where early voters vote and the poll workers whom the voters interact with as they vote. Early voters are more likely than precinct voters to vote in a government building; almost two-thirds of early voters vote in a government building, compared to just 19.4% of election day voters. The poll workers in early voting also tend to be younger than the poll workers who work on Election Day. Early voters were less likely to know their poll worker than were Election Day voters. The racial composition of the poll workers in early- and in-person voting were, in aggregate, similar.

There are two areas where early voting stood out compared to Election Day voting. The first area is the length of lines. Almost 20% of early voters stated that they waited in line 30 minutes or more to vote, compared to just 12% of Election Day voters. However, early voters were just as likely as Election Day voters to rate the performance of their poll workers as excellent and to say that the polling place was run very well.

The second area of difference is that early voters were more likely than Election Day voters to show identification at the polls and to do so because it was required. Many state laws require that early voters show identification even if there is not the same identification law requirement on Election Day.

Provisional Ballots

Very few the respondents, fewer than 2%, had problems with their voter registration. Nearly all of these respondents were allowed to cast a ballot, with three-quarters casting a regular ballot, and one

quarter voting using a provisional ballot. We also found that very few respondents, in general, were *forced* to cast provisional ballots. Including those respondents who used provisional ballots after a voter identification challenge, we found that only about one percent of people who said they voted used a provisional ballot. Unfortunately, the number of provisional ballots cast by voters in the sample was so small that it is impossible to gauge which states were more prone to having provisional ballots cast.

Voter Confidence

One of the important topics that frequently arise in public conversations about voter experiences is the confidence of voters that their ballot is counted as intended. To assess the overall confidence of voters in the quality of the vote count in 2008, we asked respondents to the survey “How confident are you that your vote in the General Election was counted as you intended?”

- 72% of the respondents to this question said they were very confident;
- 22% said they were somewhat confident;
- only 3% were “not too confident”; and
- 2% “not at all confident.”

These national numbers mask substantial state-by-state variation in voter confidence. At the high end of the distribution, a handful of states saw more than 80% of voters stating they were “very confident:” New Hampshire (80%), South Dakota (82%), Delaware (82%), Michigan (82%), North Dakota (82%) and Vermont (84%). At the low end, respondents in four states gave the “very confident” response less than 60% of the time: Washington (59.7%), Arizona (58%), Colorado (57%) and New Mexico (56%).

Previous research has identified that the way in which voters cast their ballots is correlated with voter confidence, with absentee and by-mail voters often found to have lower levels of confidence than in-person Election Day voters. We find support for that association in our survey:

- 75% of in-person Election Day voters were “very confident,” in addition to the 19% who were “somewhat confident.”
- 60% of absentee, by-mail voters said they were “very confident,” with 31% being “somewhat confident.”

In-person early voters had confidence levels that were nearly identical to in-person Election Day voters.

One other related question that our large national sample allowed us to look at closely was the relationship between first-time voting and confidence. First-time voters were slightly less likely to state that they were very confident (66% relative to the 72% of experienced voter) but were somewhat more likely to state they were somewhat confident (27% vs. 21%).

Earlier studies identified two voter-level variables that have been associated with confidence in elections: race and ethnicity, and the voter’s partisan identification. The large sample we have assembled allows us to look at these factors in close detail. Previous studies have noted that, in 2004 and 2006, non-White voters (both African Americans and Hispanics) were less likely to be confident that their ballot was counted as they intended, compared to White voters. Such a pattern did not exist at the national level in 2008. The data show that:

- 77% of African American voters were very confident and 18% of African American voters were somewhat confident;
- 72% of Hispanic voters were very confident and 16% of Hispanic voters were somewhat confident.

- 71% of White voters were very confident and 22% were somewhat confident.

Race was less of a factor in 2008 in determining the confidence of voters in the count and, if anything, minority voters were more confident than Whites were.

Similarly, studies of elections in this decade generally have found that partisanship is strongly associated with confidence. In 2004 and 2006, Democratic voters were less confident than were Republican voters, other factors being held constant. In contrast, the 2008 general election provides a different picture, with 76% of Democratic voters saying they were very confident, and 20% somewhat confident. Fewer Republican voters were very confident (70%), with 23% of Republican voters saying they were somewhat confident. Independents were slightly less likely than either Democrats or Republicans to state they were confident, as 69% said they were very confident and 24% were somewhat confident.

Closely associated with partisanship is vote choice. It will come as little surprise, after examination of the correlation between partisanship and confidence, that those who said they voted for Democratic presidential winner Barack Obama were very confident that their ballot was counted as intended (76% were very confident, 21% were somewhat confident). McCain voters were less confident, with 67% saying they were “very confident” and 23% saying they were “somewhat confident.”

The theme of partisanship carries over to the results at the state level. As a general matter, Democratic voters in states that were won by Barack Obama were more likely to say they were very confident with the vote count (79%) compared to Republicans in those states (65%). Similarly, Republican voters in states won by John McCain were more often very confident (76%) than Democrats (71%). Thus, to a large degree, voters expressed confidence in the vote count as a consequence of whether their party’s candidate won, both nationally and on a state-by-state basis.

The attitudes of Independents at the state-level are particularly interesting. As mentioned already, nationwide Independents were less confident overall than either Democrats or Republicans. Examined at the state level, Independents were the least confident of the quality of the vote count in the “battleground states,” that is, places where the two candidates fought furiously for the states’ votes. To see this, we first define the “battleground states” as the ten states that had the smallest electoral margin for either Obama or McCain.⁹ In these states, 64% of Independents said they were confident that their vote was counted as cast, compared to 73% for the Democrats and 68% for Republicans in these states. In the non-battleground states, 70% of Independents were very confident, compared to 77% for Democrats and 71% for Republicans. In the state of Ohio, where pre-election controversy ran particularly high over election-related issues, 10% of Independents stated they were “not at all confident” that their vote was counted as cast, compared to only 2% of Independents nationwide.

Therefore, although partisan divisions over the quality of the 2008 election were muted compared to past years, there is still solid evidence that voters to some degree based their confidence in the election outcome on partisan factors. Also, the election of an African American president may have boosted the confidence of minority voters above what it would be in an election without an African American candidate.

Reasons for Not Voting

In the previous sections we discussed the experiences of voters. Of equal interest is the experience of non-voters, particularly those who tried to vote and couldn’t. Previous research has indicated that up to seven million eligible voters are stymied in national elections because of problems that

⁹ Arizona, Florida, Georgia, Indiana, Missouri, Montana, North Carolina, Ohio, South Dakota, and Virginia.

precede getting into the voting booth, such as leaving because the line is too long or experiencing insurmountable registration problems.

We asked respondents who did not vote to rate the importance of 14 different factors in their decision not to vote. Specifically, we asked if a particular concern was a minor factor, a major factor, or not a factor. Most of the factors we asked about have been probed for years by the Census Bureau, in their post-election *Voting and Registration Supplement* to the Current Population Survey. The 2008 *Voting and Registration Supplement* has yet to be released at the time of writing this report. Future research will allow us to compare the results of the 2008 *Survey of the Performance of American Elections* with the Census Bureau effort.

Looking at the responses of non-voters, we see that 87% of all non-voting respondents identified at least one of the 14 concerns as a minor or a major factor. On average, respondents identified 2.4 factors as a problem. The fact that most non-voters identified more than one factor as a reason for non-voting suggests that the Census Bureau survey may under-estimate the importance of certain factors in causing non-voting, because the Census Bureau survey allows respondents to report a single “main” factor for not voting.

Table III-3 presents the responses to the 14 items, ranked in descending order of the percentage of people who said that a given reason was a major factor in their decision not to vote. For presentation purposes, in the description of the responses, we combine the “minor factor” and “major factor” responses.

The three most common reasons that respondents chose not to vote related to the personal circumstances and preferences of the registered voters. Forty-three percent of nonvoters indicated that they did not vote, in part, because they did not like the choices offered to them. (Forty-eight percent of self-identified Republican non-voters mentioned this reason, compared to 35% of

Democrats.) Another 32% said that being “too busy” was either a major factor or a minor factor in their abstention. The third-most-common response was “illness,” with 21% of respondents saying that sickness was a factor.

Election administration issues played a smaller role in the decision not to vote. Although 20% of respondents cited both registrations problems and long lines as a factor, only 10% cited identification as a concern, one of the lowest-frequency response categories, on par with forgetting to vote (nine percent) and the weather (eight percent). Therefore, although factors that may be at the control of election administrators, such as line length and voter registration systems, bear some responsibility for the failure of some to vote, these administration-related issues pale in comparison to political and personal considerations that individuals bring to the election process.

Section III Tables

Table III-1. Estimates of the Size of the Electorate, By Mode of Voting (Millions of Voters).

	In-Person Election Day	Early Voting (In-Person Absentee)	Absentee
All States	64.3	17.6	18.1
Oregon ¹⁰	2.8	0.8	96.4
No Early Voting and Excuse Absentee Voting	92.2	1.6	6.3
No Early Voting and Permanent Absentee Voting	13.0	1.3	85.7
Excuse Early Voting and Excuse Absentee Voting	89.9	3.1	7.0
No Excuse Early Voting and Excuse Absentee Voting	58.4	38.1	3.5
No Excuse Early Voting and Liberal Absentee Voting	56.6	25.4	18.0
No Excuse Early Voting and Permanent Absentee Voting	43.6	9.9	46.5

¹⁰ Individuals in Oregon can go to the County election office and complete their ballot there.

Table III-2. Reported Polling Places By Region.

	By region				
	U.S.	East	South	Midwest	West
Schools	27.7%	43.7%	20.9%	16.8%	25.6%
Other government offices	18.9%	15.7%	20.1%	20.6%	20.8%
Churches	16.2%	9.3%	16.9%	24.2%	14.7%
Community centers	15.3%	11.7%	18.8%	17.3%	14.4%
Police/fire stations	6.4%	8.2%	6.9%	5.5%	3.8%
Library	3.6%	0.8%	8.1%	3.1%	2.8%
Store/mall/business	3.3%	1.1%	2.5%	2.4%	8.1%
Senior center	3.1%	4.8%	1.9%	2.8%	2.9%
Private home	0.4%	0.4%	0.2%	0.1%	1.0%
Other	5.3%	4.2%	3.8%	7.3%	6.1%

Table III-3. Reasons for Not Voting

	Major Factor	Minor Factor	Not A Factor	N
h. Didn't Like Choices	31.2%	12.3%	56.5%	536
f. Too Busy	22.8%	9.6%	67.6%	540
b. Illness	16.0%	5.0%	79.0%	540
g. Transportation	14.4%	5.2%	80.4%	537
c. Out of Town	13.8%	3.8%	82.4%	541
i. Registration Problems	13.0%	6.9%	80.2%	529
n. Did not receive ballot/not on time	12.2%	3.6%	84.2%	535
l. Line too long	11.1%	8.9%	80.0%	529
k. Bad Time/Location	10.1%	9.5%	80.4%	534
m. Didn't know where to go	9.2%	10.4%	80.4%	540
e. Did Not Receive Absentee Ballot	7.8%	3.9%	88.4%	532
a. Wrong Identification	7.0%	3.4%	89.5%	537
d. Forgot	4.8%	4.2%	91.0%	538
j. Weather	2.5%	5.4%	92.2%	536

IV. Special Topics

The previous chapter examined the overall experience of voters in 2008. This chapter lifts out four special issues that information contained in the *Survey of the Performance of American Elections* allows us to address. These issues include the ways that age, race, and length of residency affected the voting experience. In addition, we examine respondents' opinions about commonly-proposed reform ideas, such as allowing voters to register on Election Day or allowing absentee voters to vote using the Internet.

Age and the Voting Experience

One topic that has been virtually ignored in studies of the voting experience is the relationship between age and the quality of the experience. It is often believed that extremes of the adult life cycle provide challenges to the youngest and oldest voters. The young may be inexperienced with the mechanics of voting, highly mobile, and lack long-term commitments to political parties and candidates, all factors that often motivate people to vote. However, it must also be noted that, in 2008, the political behavior of the young became a focus of the story about excitement surrounding the Obama candidacy. On the other hand, physical infirmities associated with aging are often assumed to make it more difficult to vote, thus depressing turnout among the elderly.

The respondents to the 2008 *Survey of the Performance of American Elections* provided answers that are largely consistent with widespread beliefs about the young but provided mixed evidence supporting assumptions about older voters.

As with previous studies of voting, the older respondents in our survey were more likely to turn out and vote. Registered voters 30 and younger turned out at a self-reported 86% rate but registered voters older than 60 turned out at a self-reported 98% rate. Of course, self-reported

voting rates are always higher than actual rates¹¹ and the fact that we are basing these results on *registered* voters, not *eligible* voters inflates our estimates of voting turnout. The point to note here, however, is that even when registered to vote, the older a person is, the more likely they are to take advantage of their registration and actually vote.

As a general matter, older voters in 2008 had a more satisfactory experience at the polls compared to younger voters. This is illustrated in Table IV-2, which divides the survey respondents into three age groups — 30 and younger, 31 to 60, and 61 and older — and reports average responses to the core electoral performance questions we asked. Compared to voters 18–30, voters 61 and older;

- had less difficulty finding their polling place,
- were more likely to say their polling place was well-run,
- had fewer problems with their voters registration,
- waited in shorter lines,
- reported that their poll workers performed better,
- were less likely to report intimidation,
- reported fewer problems getting their absentee ballot sent to them,
- reported fewer problems marking their absentee ballots,
- were less likely to feel pressured in filling out their absentee ballots,
- found the absentee ballot instructions easy to understand, and
- were more confident that their vote would be counted as cast.

¹¹ To deal with the problem of respondent mis-reporting whether they actually voted, we will undertake a “voter validation” analysis associated with this study. Because it takes months to check the voter registration rolls to verify whether respondents actually responded, this analysis cannot be presented here.

The only item where older voters reported having more trouble than younger voters was in encountering difficulties with voting equipment.

Some of these differences in experience are due to the length-of-residency of voters, which is a topic addressed in the next section. However, a good deal of the voting experience should not depend on how long someone has lived at their current residence. Thus, the differences between older and younger voters also no doubt arise because of differences in experience and average commitment to political values.

Age and Not Voting

Taking a step back in the voting process, older respondents who said they did not vote in the presidential election gave different excuses for their non-voting than did younger respondents. Older voters also gave *fewer* excuses. More than 20% of young voters (aged 18–30) listed being busy, not liking the candidates, transportation problems, or being out of town as a major reason for not voting. (See Table IV-2.) Among the oldest voters, only two items — not liking the candidates and illness — pertained to more than 20% of the non-voters.

It is often imagined that older age leads to infirmity, which in turn depresses the voting participation of older voters. This assumption is only partially correct. Older voters in our survey were more likely to answer “yes” to the question “Does a health problem, disability, or handicap CURRENTLY keep you from participating fully in work, school, housework, or other activities?” We found that 19% of those over age 60 answered yes to this question compared to 7% of those 30 years old and younger). However, many older voters who said they were disabled also voted — 95% did so, compared to a 68% voting rate among voters with a disability who were 30-year-old and younger. One of the reasons why older voters with disabilities still vote at high rates is that older voters with a disability are more likely to vote an absentee ballot. Among voters 30 and

younger, only 16% of voters with a disability voted, compared to 31% of voters with a disability over age 60.

Age and Identification

A recent concern that has been raised in the context of voter identification and registration laws is whether elderly voters have access to the types of photo identification often required in some states that are beginning to tighten their identification requirements. Results of the 2008 *Survey of the Performance of American Elections* suggest that elderly voters are less likely to have problems locating a valid identification card and that, instead, it is the youngest voters who are more likely to lack the necessary identification. For instance, of those 30 years of age and younger, 64% said they had an unexpired driver's license with their legal name and current address. Of those 61 years old and older, 93% said they had a proper driver's license. Consistent with the section on residency and residential mobility (see below), the main factor here appears to be length of residence and more generally, roots in the community. Of those under 30 years of age, only 28% had lived in their current residence for more than five years, compared to 79% of those over age 60.

Race and the Voting Experience

Since the 1960s, Congress and the courts have put in place legal protections to combat racial discrimination in election administration. Before the passage of the Voting Rights Act, African American registration was kept to a minimum and less than a quarter of adult African Americans in the South were registered to vote. The persistence of differential treatment of racial groups at polling places remains an important concern. New administrative procedures, such as photo identification laws, it is feared, are applied to African Americans, Whites, and Hispanics

differently. The survey data at hand provide one of the most complete pictures of the election experiences of different racial groups.

Racial groups used the different modes of voting at similar rates in 2008. Sixty-four percent of Whites voted in-person, compared with 66% of African Americans and 57% of Hispanics. Of those who voted before Election Day, African Americans and Hispanics were more likely to use early voting and Whites were more likely to use absentee voting. These differences largely reflect regional variation in the use of absentee and early voting and the uneven distribution of racial groups across the regions. Hispanics in the Western United States offer a notable exception. Nearly half of all Hispanics voted at polling places and just over a quarter voted absentee, but nearly half of all Black and White voters in these states vote Absentee, and a third voted at polling places.

Race and Experiences at the Polls

Most aspects of polling place operations and absentee and early voting show no appreciable differences across racial groups. The levels of problems and differences between groups were trivial for most aspects of election administration. Nearly everyone reported that their polling place was easy to find and that poll workers did an excellent or good job. Problems with registration were infrequent, between one and three percent, and did not have appreciably higher effects on African American and Hispanic voters than on Whites. Almost no one reported voting equipment problems or problems getting absentee ballots. Less than one percent of all respondents said that they saw evidence of polling place intimidation; Whites and African Americans were equally likely to say so.

All racial groups reported similarly high rates of confidence that their votes are counted as cast. Seventy-eight percent of African Americans and 72% of Hispanics are very confident that

their votes were counted correctly, compared with 71% of Whites, which is a stunning turn-around compared to recent elections.

Waiting in Line: African Americans Wait Longer

Nonetheless, the survey data reveal two problem areas — lines and voter identification. African American respondents were twice as likely as others to report waiting in lines of at least half an hour to vote. Twenty-seven percent of African Americans reported long waits, compared with 11% of Whites and 13% of Hispanics. This difference in line lengths likely owes to the increase in turnout among African Americans, at least in part. However, it also reveals that polling places in areas that witnessed an unusual surge in turnout could not process the additional voters efficiently. This suggests that efforts to increase participation and turnout may result in substantial congestion problems. The difficulties with lines likely reflect the particular circumstances of the 2008 election and local election offices may be able to adjust for the 2012 contest. A second sort of problem, however, shows evidence of racial discrimination at the polls arising from the differential requests for voter identification.

Race and Voter Identification

Voter identification laws have been perhaps the most hotly contested legal change in American election law over the past decade. As noted by prior research, voter identification laws are very popular with all demographic groups. According to the classification of state laws by *electionline.org* and the National Conference of State Legislatures, half of all states now allow poll workers to request identification of any voter, and the other half of the states have relatively low requirements for voter authentication, such as stating one's name or signing the voter rolls.

In 2008, there were large differences across racial groups in whether poll workers' requested voter identification.

- Half of all White voters (51%) were asked to show “picture ID” (our phrasing of the question).
- 70% of African American voters were asked to show “picture ID”.
- 65% of Hispanic voters were asked to show “picture ID.”

The rate of requests for photographic identification are very high for all groups, considering that only a handful of states require that voters be prepared to show such identification.

What explains the high rate of requests for identification, and what explains the differences across racial groupings? The incidence of requests for voter identification in 2008 is explained mainly by state laws. Half of the respondents voted in states that allow poll workers to request identification and half of the respondents voted in states that do not. In states that allow poll workers to request some form of identification, 84% of respondents said that they were asked to show identification. By contrast, in states that did not allow poll workers to request identification or that allow voters to identify themselves by signature or some other manner, only 25% of respondents were asked to show identification.

Coverage under Section 5 of the Voting Rights Act appears to have little or no effect on the incidence of requests for voter identification. Respondents in states with stronger voter identification laws were asked to show identification at approximately the same (high) rate of 84%, regardless of whether they fell under Section 5 of the VRA. States without an identification law but covered by the VRA exhibited a slightly lower incidence of identification requests (18%) than those not covered by VRA (25%). State identification laws, rather than existing federal laws concerning “tests,” determine requests for identification.

Even after controlling for state laws, there is a sizable difference across racial groups in the administration of voter identification. Importantly, the difference lies almost entirely in states with

less stringent identification laws. In states with stricter identification laws (that allow or require that poll workers request ID):

- 83% of White respondents reported that they were asked for picture ID,
- 89% of African American respondents reported that they were asked for picture ID, and
- 75% of Hispanic respondents reported that they were asked for picture ID.

In states with less strong identification laws:

- 22% of White respondents were asked for picture ID,
- 44% of African American respondents were asked for picture ID, and
- 51% of Hispanic respondents were asked for picture ID.

Asian respondents reported rates of ID requests that are almost identical to those of White respondents. Native Americans reported rates of ID requests of 33% in states with less strict laws and 78% in states with strict ID laws.

We hesitate to call these differences discrimination. The survey does, however, ascertain the respondent's identification of the race of the poll worker and the race of the poll worker has a definite effect on requests for identification from voters of different racial groups. These data are presented in Table IV-4. Differences in requests for identification occur primarily in states with less stringent voter identification laws. In states with stricter identification laws, the race of the voter and the race of the poll worker have little effect on requests for identification. The exceptions are Hispanic voters, who are less likely than other groups to be asked for ID, and Hispanic poll workers, who are less likely to ask for identification.

In states with less restrictive identification laws, the race of the poll worker and the race of the voter affect the incidence of identification requests. Whites are less likely than other groups to be asked for identification, and White poll workers are less likely than other poll workers to ask for

identification. As a result, a White voter who has a White poll worker is the least likely to be asked to show picture identification when voting. Only 20% of White voters were asked by White poll workers to show identification. Evidence of potential discrimination emerges when considering requests for identification by White poll workers of those of other racial groups. White poll workers in states with less strong identification laws asked 37% of African American voters and 48% of Hispanic voters for identification.

African American and Hispanic poll workers were also more likely to ask African American and Hispanic voters (respectively) for identification than they were to ask White voters for identification. In states with less strict identification laws, African American poll workers asked Whites for identification 30% of the time, but they asked African American voters for identification 45% of the time. Hispanic poll workers asked Whites for identification 43% of the time and Hispanics for identification 54% of the time. African American and Hispanic poll workers, then, are more likely to ask for identification from voters of their own races than they are to ask Whites for identification.

Whites in states with less strict identification laws are much less likely to be asked for identification than are those of other races for two distinct reasons. First, White voters are less likely to be asked for identification, regardless of the race of the poll worker. Second, White poll workers are the least likely of all poll workers to ask for ID and White voters are most likely to have White poll workers.

These two variables, the race of poll worker and the race of voter, appear to have independent effects on requests for identification. When the poll worker is White, African American voters are 17% more likely to be asked for ID than White voters. When the poll worker is African American, Black voters are 15% more likely to be asked for identification, a statistically

insignificant difference. When the poll worker is White, Hispanic voters are 27% more likely to be asked for ID than White voters. When the poll worker is Hispanic, Hispanic voters are 11% more likely to be asked for ID, a statistically significant difference. The higher incidence of requests for identification, then, arises because all poll workers (White or minority) treat minority voters differently. In addition, minority poll workers are much more likely to request identification.

Residency and the Voting Experience

Traditional means of voting are tied to places, especially precincts and town or county election offices. Voter registration, for instance, is handled by the local election offices and is not generally mobile, even if one moves within a county. This creates potential difficulties for those who have moved recently. Those who moved recently might have greater difficulties finding their polling places, obtaining absentee ballots, or identifying themselves when voting. The survey data reveals the extent of such obstacles.

The effects of mobility are not immediate but may take several years to overcome, as people take time to settle into a community, and may even take a full presidential election cycle (4 years) before people establish their registration status. Of the respondents to our survey, 62% had lived in their current residence at least 5 years (more than one presidential election cycle). The remaining 38% were evenly distributed across time: 6% had lived in their residence for 4 years, 8% for 3 years, 8% for 2 years, 8% for 1 year, 4% for 6 months to a year, and 5% for less than 6 months.

The less time a person had lived at his or her current residence, the more difficulty he or she is likely to have encountered when trying to vote. The sorts of difficulties are telling. The length of time in residence has only a slight relation to difficulty finding the polling place. It has a modest effect of difficulty getting an absentee ballot; five percent of those who have lived in a residence

for less than a year reported problems getting a ballot, compared with one percent of those who have lived in their residence for at least five years. Time in residence also had a modest effect on the incidence of registration problems encountered when voting. Three percent of those who have lived at their residence less than a year reported a registration problem when trying to vote, compared with one percent of those who have lived at their residence for at least five years.

The fact that registration does not move as the voter moves, however, creates a major problem. One-in-four (23%) non-voters who lived in their residence less than a year cited voting registration problems as “a major reason” for not voting. Only eight percent of non-voters who lived in their residence at least 5 years said that registration problems were a “major reason” for their non-participation. Universal, mobile registration would likely reduce this problem substantially.

Voter identification looms as an emerging problem for those who move. The survey asked respondents whether they had different sorts of identification — a driver’s license, birth certificate, passport, or other form of identification. Except for birth certificates, the survey probed whether each form of identification had the current address, correct name, and were not expired. Driver’s licenses are particularly important in managing voting. Eighty-four percent of respondents had a valid driver’s license; 43% had a valid passport; and 23% had some other form of government issued identification.

Driver’s licenses were most commonly used for identification at the polls: 89% of those who showed identification reported that a driver’s license was the form of ID presented, 6% showed a voter registration card, and 3% showed another form of government issued identification.

Voter identification rules, if enforced, can create a serious obstacle for those who have moved within the past 3 years, and especially those who have moved in the past six months. As

Table IV-3 shows, those who have moved more recently were less likely to have valid (current and correct) identification and were more likely to be asked for identification when voting. One-fourth of those who had lived at their residence less than 6 months had none of the forms of identification required now by many states; by contrast, only three percent of those who had lived at their residence at least 5 years lacked a current and correct identification. Moreover, 63% of those who had most recently moved reported that they were asked to show identification at the polls, compared with 51% of those who had lived at their residence at least 5 years.

Thus, government identification and voter registration both lag in their mobility. As states adopt increasingly strict voter identification rules, lack of current government identification may become at least as important a barrier to voting as registration in general, and particularly for those who have recently moved. Fortunately, there is little evidence that voter identification procedures were actually used to prevent many people from voting. Only a small percent (6%) reported that a lack of identification was a major reason for not voting. Of those asked for identification, 3% were allowed to vote a provisional ballot and 0.5% said they were not allowed to vote.

There are potentially important political consequences if voter identification does become a significant obstacle to voting. People who are the most mobile are disproportionately young and identify more heavily with the Democratic Party. On average, those who lived in their residence less than a year were 36 years old, compared with 53 years old for those who lived in their residence at least five years. Those who lived in their residences at least 5 years were equally likely to be Democrats or Republicans (35% each). Those who lived in their residence less than four years overwhelmingly identified as Democrats (41%, compared with 29% Republican). Tying residency to voter registration and voter identification, then, may have significant political

consequences because identification requirements are applied disproportionately to people who are more mobile and the highly mobile are less likely to have current and correct identification.

Length of residency, then, remains a significant problem in the American election system. The problem has two dimensions, the lack of universal government identification and a lack of mobile or universal registration. To lessen the barriers presented by moving requires solutions to both problems.

Attitudes about Vote Fraud

Throughout the past decade, several policy proposals have been proposed in the interest of improving various dimensions of election administration, such as voter identification laws, Election Day registration (EDR), and making Election Day a national holiday. Although there are many motivations impelling the activity of reform supporters, two major motivations are (1) a desire to make elections “cleaner,” by reducing election fraud and (2) a desire to increase voter turnout or at least make voting more convenient.

The 2008 *Survey of the Performance of American Elections* contained a few questions concerning problems with the election system, particularly fraud (defined as voting more than once), vote theft (stealing or tampering with votes), and voter impersonation. All of these questions were asked in terms of the problem happening “in your community.”

First, it should be noted that there was considerable uncertainty about the degree to which these problems existed in the respondent’s community. One-quarter of respondents answered “not sure” to the voter fraud, vote theft, and voter impersonation questions. Among those who were sure in their attitudes:

- 12% said that voter fraud was very common,
- 9% said that vote theft was very common, and

- 8% said voter impersonation was very common.

If we add to these percentages those who said that these problems occur “occasionally,” then 37% expressed a belief that voter fraud was at least an occasional problem, 30% vote theft, and 29% voter impersonation.

Republicans were much more likely than Democrats to say that vote fraud and voter impersonation were at least occasional problems in their communities. Fifty percent of Republicans (compared to 26% of Democrats) reported these attitudes regarding vote fraud. In the case of voter impersonation, the relative numbers were 39% for Republicans and 20% for Democrats. The differences in the case of vote case were smaller but Republicans still expressed the greater concern — 34% of Republicans vs. 28% of Democrats said that vote theft was at least an occasional problem.

Republicans were more likely to believe that vote fraud, vote theft, and voter impersonation was a problem in their community than Democrats, in virtually every state, regardless of whether Democrats or Republicans dominated in the 2008 general election.

Support for Reform Proposals

Balancing off beliefs about problems is beliefs about solutions. The 2008 *Survey of the Performance of American Elections* asked respondents how they felt about seven different reform proposals that have commonly been raised: (1) allowing absentee voting over the Internet, (2) running elections by mail, (3) automatically registering all citizens to vote, (4) allowing voter registration on Election Day at the polls, (5) requiring voters to show identification in order to vote, (6) moving Election Day to the weekend, and (7) making Election Day a holiday. Nationwide, respondents supported these proposals to these degrees:

- 76% supported requiring voters to show identification in order to vote

- 58% supported making Election Day a national holiday.
- 50% supported automatically registering all citizens to vote
- 43% supported moving Election Day to the weekend
- 42% supported Election Day registration
- 32% supported absentee voting over the Internet
- 16% supported running elections by mail

A majority of respondents in every state supported voters showing identification in order to vote and a majority of voters supported making Election Day a national holiday in all but seven states. (Residents of Massachusetts, where asking for voter identification is prohibited, were the least supportive of voter identification, at a 60% support level.)

A majority of respondents favored automatic voter registration in only 24 states but a majority favored moving Election Day to a weekend in only five states. The only states that had majorities favoring Election Day registration (EDR) were the states that currently have it and Vermont. Respondents in all the EDR states supported the practice at a 65% level, compared to 39% support among respondents in non-EDR states.

Respondents in no states expressed majority support for voting over the Internet and the only states whose voters gave majority support to mail balloting were Washington and Oregon.

Support for Election Day voting among current EDR states and support for mail-in ballots in Washington and Oregon suggest that opposition to many of these reforms might be surmountable in various states. However, it also suggests that efforts to enact any of these reforms on a state-by-state basis would encounter widespread initial public opposition.

Support for these various reforms bears a strong partisan imprint. The only reform that garnered majority support among *both* Democrats and Republicans was requiring voters to show

photo identification, but even here the partisan difference was substantial, with 90% of Republicans, but 65% of Democrats supporting it. A majority of Democrats expressed support, in addition, for automatic voter registration (69%), Election Day registration (59%), and making Election Day a national holiday (72%); a near majority (48%) favored moving Election Day to a weekend. Majorities of Republicans supported no other reforms, beyond requiring identification. Majorities from both parties opposed allowing absentee voting by Internet, running elections by mail, and making Election Day a national holiday.

Section IV Tables

Table IV-1. Problems encountered by voters, by age categories.

Question	Age		
	18 – 30	31-60	61 and older
Election Day in-person voting and in-person early voting			
How difficult was it to find your polling place to vote? (Pct. saying “very difficult” or “somewhat difficult”)	2.8%	1.7%	0.8%
How well were things run at the polling place where you voted? (Pct. saying “Not well” or “terrible”)	2.1%	1.8%	0.9%
Was there a problem with your voter registration when you tried to vote? (Pct. saying “Yes”)	3.3%	2.1%	0.6%
Approximately, how long did you have to wait in line to vote? (Estimated minutes)	15 min.	15 min.	13 min.
Did you encounter any problems with the voting equipment or the ballot that may have interfered with your ability to cast your vote as intended? (Pct. saying “Yes”)	1.8%	1.8%	2.5%
Please rate the job performance of the poll workers at the polling place where you voted. (Pct. saying “fair” or “poor”)	6.7%	4.1%	2.3%
Did you personally feel intimidated at the place where you voted?	2.1%	0.9%	0.7%
Mail ballots, including absentees			
Were there any problems getting your absentee or mail-in ballot sent to you? (Pct. saying “Yes”)	2.9%	2.5%	1.3%
Did you encounter any problems marking or completing your ballot that may have interfered with your ability to cast your vote as intended? (Pct. saying “Yes”)	3.1%	1.7%	1.1%
Did you feel pressured to vote in a particular way when you filled out your absentee or mail ballot? For instance, because another person may have been watching you fill out your ballot?	1.7%	0.3%	0.1%
Overall, how easy was it to follow all the instructions necessary to cast your ballot and return it to be counted? (Pct. saying “Somewhat hard” or “very hard”)	4.4%	1.0%	1.1%
All voters			
How confident are you that your vote in the General Election was counted as you intended? (Pct. saying “not too confident” or “not at all confident”)	6.4%	5.8%	3.6%

Table IV-2. Frequency With Which Non-Voters Rated Particular Reasons A Factor (Major Or Minor) For Not Voting.

	18-30		31-60		61 and older
Too busy/conflicts	33%	Didn't like candidates	36%	Didn't like candidates	38%
Didn't like candidates	22%	Too busy/conflicts	18%	Illness	28%
Transportation problems	21%	Illness	16%	Registration problems	10%
Out of town	20%	Registration problems	12%	Didn't receive mail-in ballot	9%
Long lines	17%	Transportation problems	11%	Long lines	9%
Inconvenient polling place	16%	Out of town	11%	Too busy/conflicts	7%
Registration problems	16%	Didn't receive mail-in ballot	11%	Transportation problems	6%
Didn't receive mail-in ballot	15%	Long lines	8%	Out of town	6%
Didn't know where to vote	14%	Didn't know where to vote	8%	Didn't receive absentee ballot	5%
Illness	14%	Inconvenient polling place	7%	Inconvenient polling place	4%
Didn't receive absentee ballot	13%	Wrong kind of ID	6%	Wrong kind of ID	0%
Wrong kind of ID	9%	Didn't receive absentee ballot	4%	Forgot to vote	0%
Forgot to vote	8%	Forgot to vote	3%	Bad weather	0%
Bad weather	5%	Bad weather	1%	Didn't know where to vote	0%

Table IV-3. Lack of Valid Identification by Length of Current Residence.

Length of residence	No valid identification	No valid driver's	
		license	Asked to show ID
Less than 6 mo.	24%	53%	63%
6 mo. - 1 yr.	19%	46%	59%
1 year	14%	35%	60%
2 years	11%	26%	61%
3 years	8%	19%	58%
4 years	5%	13%	56%
5+ years	3%	10%	51%

Table IV-4. Percent Asked To Show Picture Identification By Race of Voter, Race of Poll Worker, and State Law.

Race of respondent	States without ID law				States with ID law			
	Race of poll worker				Race of poll worker			
	White	Black	Hispanic	Other	White	Black	Hispanic	Other
White	20%	30%	43%	25%	84%	85%	59%	84%
Black	37%	45%	—	56%	87%	87%	—	91%
Hispanic	48%	—	54%	38%	73%	—	64%	82%
Other	22%	—	—	25%	86%	—	—	79%

Table IV-5. Support For Election Reform Proposals, By Party.

	Democrats	Republicans
Allow absentee voting over the Internet	40%	21%
Run all elections by mail	21%	8%
Automatically register all citizens over 18 to vote	69%	28%
Allow people to register on Election Day at the polls	59%	20%
Require all people to show government issued photo identification when they vote	65%	90%
Move Election Day to a weekend	48%	31%
Make Election Day a national holiday	72%	40%

V. Overall Assessment

One of the motivations behind this study was to gauge the overall quality of elections in the United States, as experienced and reported by voters. In this final section, we approach this topic three ways. First, we attempt to quantify how many voters encountered a problem casting a ballot. Second, we ask how many votes were “lost” in the 2008 election because of problems with the election system, at every step along the sequence of voting. Third, we seek to identify whether voters in some states encountered more problems than in others.

How Many Voters Encountered a Problem Voting?

We begin by estimating the number of voters who encountered a problem voting. Let us start with Election Day voters. Here, we define a problem as:

1. Having a “very difficult” or “somewhat difficult” time finding the polling place (1.8% of respondents);
2. Encountering a problem with voter registration (2.2%);
3. Waiting longer than 30 minutes to vote (14.3%);
4. Having a problem with the voting machine (2.3%); and
5. Encountering a “poor” poll worker (0.9%).

Overall, 18% of Election Day voters encountered at least one problem. The most common problem by far was waiting in line. Among those encountering at least one problem, 86% encountered *only* one problem, which was overwhelmingly the problem with lines. If we exclude long waits in line, then the percentage of voters encountering at least one problem drops to 5%.

Turning to in-person early voters, the fraction of voters experiencing particular types of problems was similar to Election Day voters. The frequency of problems for these voters was:

1. Having a “very difficult” or “somewhat difficult” time finding the polling place (2.8%);
2. Encountering a problem with voter registration (1.8%);
3. Waiting longer than 30 minutes to vote (22%);
4. Having a problem with the voting machine (2.2%); and
5. Encountering a “poor” poll worker (0.8%).

Because early voting was often introduced as a convenience for voters, it is ironic that more voters reported at least one problem with early voting (27%) than with Election Day voting (18%). Not all of this difference can be accounted for by the longer lines in the early voting period, however. Excluding long lines, the percentage of early voters encountering at least one problem declines dramatically but is still higher for early voters (6.3%) than for Election Day voters (5%).

Finally, with absentee voters, the problems we focus on are the following:

1. Having a problem getting the absentee or mail ballot (2.2%);
2. Encountering a problem marking the ballot (1.5%)
3. Finding the absentee instructions “somewhat hard” or “very hard” (1.8%)

Overall, 4.7% of absentee or by-mail voters reported at least one problem, which is substantially less than the number of problems encountered by those who voted in-person, unless we exclude those who encountered long lines. Absentee ballot problems tended not to compound; 85% of those who encountered a problem voting absentee encountered only one problem.

If we combine the experiences of all voters, regardless of the modes in which they voted, then we estimate that 11% of voters encountered at least one problem in 2008. In an electorate of 131 million voters, that means that approximately 14.4 million voters encountered a problem voting. Excluding those who stood in long lines, 4.5% of voters (5.9 million voters) reported encountering a problem voting.

How Many Votes Were “Lost” in 2008?

Another way to quantify the overall voter experience is to estimate the number of votes that were “lost” because of problems with election administration. Here, we take our cue from the 2001 report of the Caltech/MIT Voting Technology Project, *Voting: What Is/What Could Be*. Suppose voting is a chain of events, in which failure at any point in the chain keeps a voter who intends to vote from casting a ballot. Here, we examine important links in that chain.

The 2008 *Survey of the Performance of American Elections* asked those who did not vote for the reasons they failed to vote. Some of these reasons reflect personal attributes of voters that cannot fairly be said to be affected by election administration, such as not liking the candidates or being out of town.

- Suppose for a moment that the voting chain for in-person voters (Election Day or early) starts with the potential voter deciding to vote and searching for identification to take with him or her to the polls. Based on the number of non-voters who said that lacking a proper identification was a “major factor” in not voting, we estimate that 9.3% of non-voters failed to vote because of lack of identification.
- Next, a voter with proper identification might nonetheless be unable to find the polling place. This factor accounts for another 8.2% of non-voters in our survey.
- A voter who had proper identification and actually got to the polling place may have been turned away because of long lines. This accounts for another 11.4% of non-voters.
- Finally, a potential voter may have endured the lines, only to be turned away because of a registration problem. Registration problems account for 9.5% of non-voters by this method.

The Center for the Study of the American Electorate estimated that 154.6 million Americans were registered to vote in 2008, and election returns account for 131.4 million votes.

Thus, 23.2 million registered voters did not vote in 2008. The estimates above suggest that roughly:

- 2.2 million registered voters were excluded for lack of voter identification,
- 1.9 million could not find their polling place,
- 2.6 million went away because of long lines, and
- 2.2 million votes were lost because of registration problems.

These estimates are slightly larger than those produced by the Voting Technology Project in 2001 for the 2000 election, but they are in the same ballpark. (The 2001 estimates suggested that 1.5 million to 3 million votes were lost because of registration mix-ups and up to 1 million votes were lost because of polling place operations.) The Voting Technology Project estimates were unable to account for votes lost due to lack of identification or problems finding the polling place, which together accounted for roughly 4 million lost votes in 2008.

Previous research has been unable to estimate the number of votes lost due to problems with absentee and mail ballots, but the data from the 2008 *Survey of the Performance of American Elections* help us to gauge these numbers. Based on the responses to the survey, we estimate that 17% of the lost votes among registered voters occurred because absentee/mail ballots never arrived or arrived too late to be returned in time. In raw numbers, that amounts to 3.9 million votes lost through the absentee/mail route.

Stated another way, the number of “lost ballots” through in-person voting methods amounted to a number that was 8.3% of the number of in-person votes cast.¹² The number of lost ballots through by-mail voting methods amounted to a number that was 15.7% of absentee/mail

¹² This is calculated by dividing the number of “lost votes” through in-person methods (8.9 million) by the number of estimated in-person (Election Day and early) ballots cast (106.6 million).

votes cast. These estimates suggest that the amount of “breakage” in the voting system is twice as great among voters who use the mail, compared to those who vote in person.

How Did the States Perform in 2008?

Elections are generally administered locally—although the Help America Vote Act and state constitutions generally allow states to exert power over local elections, should they desire to do so. Therefore, reporting on the experience of voters at the national level is only the first step in using data to help improve voting in the United States. The next step is to take the analysis to the state level. Because the number of registered voters who fail to turn out is relatively small in percentage terms — 15% according to figures supplied by the Center for the Study of the American Electorate and 7% according to the answers in our survey — it is not possible to use this survey to estimate the sources of “lost votes” at the state level. On average, each state in our sample yielded only 12 respondents who were registered and did not vote. (This number ranged from four in Wyoming to 29 in Texas.) These numbers of cases make such estimates too imprecise to report.

On the other hand, our sample contains scores of respondents who turned out and voted in each state, resulting in a sufficient number of respondents in each state to allow us to report on the overall experience of *voters* in each state. Here, we report the percentage of voters in each state who reported experiencing a problem at the polls. We report these numbers for all in-person voters, except for Oregon, where mail ballots are virtually universal. We also report these numbers for the 24 states in which we have more 30 or more respondents who reported that they voted absentee or by mail.

Table V-1 reports the number of voters reporting a problem in each state in 2008. Of note are states whose voters reported in-person voting problems at a rate of less than 2% — Massachusetts, Michigan, Montana, New Hampshire, North Dakota, Pennsylvania, and South

Dakota — and greater than 10% — California, Illinois and Washington. The sample size of absentee and mail voters was large enough in 24 states that we can estimate the prevalence of absentee problems. Three states saw reported problems with absentee ballots at a rate greater than 7% — Florida, Maine, and New Jersey — and no absentee respondents in six states (Alabama, Nevada, North Dakota, Texas, Vermont, and Wyoming) reported problems voting.

One caution about using these estimates is that the rate of reported problems is very small, as is the number of observations for some states — for instance, Washington for in-person voting and most states for absentee/mail voting. Therefore, the “margins of error” (more accurately, the confidence intervals) around these estimates are very large in some cases, and the estimates should be used with extreme caution.

Section V Tables

Table V-1. Percentage of Voters Reporting a Problem When Voting In 2008, By State.

State	Pct. with problem	In-Person Voting		N	Pct. with problem	Absentee/Mail Voting		N
		Lower- bound 95%	Upper- bound 95%			Lower- bound 95%	Upper- bound 95%	
Alabama	6.8%	3.9%	11.5%	175	—	—	—	—
Alaska	4.5%	2.3%	8.8%	169	0.0%	0.0%	11.0%	31
Arizona	14.5%	8.7%	23.1%	92	3.5%	1.3%	8.9%	108
Arkansas	4.0%	2.0%	8.0%	178	—	—	—	—
California	13.9%	8.4%	22.2%	97	1.3%	0.3%	5.8%	103
Colorado	6.3%	2.6%	14.3%	73	5.8%	2.9%	11.3%	127
Connecticut	6.0%	3.4%	10.5%	181	—	—	—	—
Delaware	3.2%	1.5%	6.8%	187	—	—	—	—
Florida	7.8%	4.4%	13.4%	144	9.5%	4.2%	20.1%	55
Georgia	5.8%	3.2%	10.4%	171	—	—	—	—
Hawaii	3.3%	1.4%	7.8%	138	2.2%	0.5%	9.5%	62
Idaho	6.9%	3.8%	12.1%	149	4.2%	1.2%	13.6%	51
Illinois	10.5%	6.8%	15.8%	183	—	—	—	—
Indiana	9.9%	6.4%	15.1%	183	—	—	—	—
Iowa	9.8%	6.0%	15.7%	148	1.7%	0.3%	9.8%	52
Kansas	3.9%	1.8%	8.2%	155	1.6%	0.2%	10.6%	45
Kentucky	5.7%	3.1%	10.1%	179	—	—	—	—
Louisiana	4.0%	2.0%	8.0%	179	—	—	—	—
Maine	5.7%	3.0%	10.6%	153	11.3%	5.0%	23.4%	47
Maryland	7.9%	4.8%	12.8%	177	—	—	—	—
Massachusetts	0.9%	0.2%	3.6%	182	—	—	—	—
Michigan	2.6%	1.0%	6.8%	137	1.6%	0.3%	8.5%	63
Minnesota	3.4%	1.6%	7.2%	176	—	—	—	—
Mississippi	4.6%	2.4%	8.8%	176	—	—	—	—
Missouri	5.8%	3.2%	10.3%	173	—	—	—	—
Montana	1.5%	0.4%	5.5%	124	1.6%	0.3%	7.5%	76
Nebraska	3.9%	1.8%	8.3%	150	3.8%	1.0%	13.2%	50
Nevada	4.8%	2.4%	9.2%	164	0.0%	0.0%	9.9%	35
New Hampshire	1.8%	0.6%	5.0%	180	—	—	—	—
New Jersey	4.3%	2.1%	8.5%	170	10.2%	3.6%	25.9%	30
New Mexico	6.2%	3.3%	11.3%	148	6.1%	2.2%	16.1%	52
New York	8.3%	5.1%	13.3%	178	—	—	—	—
North Carolina	5.0%	2.6%	9.5%	163	6.5%	2.0%	19.2%	37
North Dakota	0.4%	0.01%	3.4%	141	0.0%	0.0%	6.1%	59
Ohio	8.6%	5.1%	14.2%	151	5.3%	1.7%	15.4%	49
Oklahoma	5.2%	2.7%	9.7%	169	5.2%	1.3%	19.0%	31

State	In-Person Voting				Absentee/Mail Voting			
	Pct. with problem	Lower- bound 95% interval	Upper- bound 95% interval	N	Pct. with problem	Lower- bound 95% interval	Upper- bound 95% interval	N
Oregon	—	—	—	—	2.6%	1.1%	5.9%	194
Pennsylvania	2.8%	1.2%	6.4%	180	—	—	—	—
Rhode Island	5.6%	3.1%	9.9%	183	—	—	—	—
South Carolina	9.8%	6.1%	15.5%	156	2.5%	0.5%	12.2%	44
South Dakota	2.7%	1.1%	6.3%	176	—	—	—	—
Tennessee	4.8%	2.5%	9.0%	179	—	—	—	—
Texas	5.3%	2.8%	10.0%	159	0.0%	0.0%	8.6%	41
Utah	6.9%	3.9%	11.8%	165	5.1%	1.3%	17.8%	35
Vermont	3.5%	1.6%	7.6%	163	0.0%	0.0%	9.4%	37
Virginia	4.0%	2.0%	8.0%	175	—	—	—	—
Washington	19.8%	9.6%	36.5%	32	2.4%	0.9%	6.0%	168
West Virginia	3.4%	1.6%	7.2%	175	—	—	—	—
Wisconsin	3.9%	1.9%	8.0%	171	—	—	—	—
Wyoming	4.2%	2.0%	8.4%	165	0.0%	0.0%	9.9%	35

Appendix 1 Core Performance Questions, Nationwide Averages

This appendix summarizes nationwide measures of voter experience during the 2008 election. The responses have been weighted to produce estimates of representative national measures.

Reason for Not Voting

How much of a factor did the following reasons play in your not voting in the November General Election? (Percent saying that the reason was either a “major factor” or a “minor factor” for not voting.)

	Percent major/minor factor	# of observations
Q2a. Wrong ID	14.1%	537
Q2b. Illness	23.7%	540
Q2c. Out of town	20.0%	541
Q2d. Forgot	11.5%	538
Q2e. Did not receive absentee ballot	16.3%	532
Q2f. Too busy	36.6%	540
Q2g. Transportation	21.8%	537
Q2h. Didn't like choices	44.6%	536
Q2i. Registration Problems	22.4%	529
Q2j. Weather	9.2%	536
Q2k. Bad time/location	21.8%	534
Q2l. Line too long	24.2%	529
Q2m. Didn't know where to vote	22.5%	540
Q2n. Did not receive ballot/not on time	19.8%	535

Difficulty Finding Polling Place

How difficult was it to find your polling place to vote? (Among Election Day early in-person voters)

- “Very difficult” or “somewhat difficult” = 2.0%

How Well Polling Place Was Run

How well were things run at the polling place where you voted? (Among Election Day early in-person voters)

- “Very well” or “okay” = 98%

Problem with Voter Registration

Was there a problem with your voter registration when you tried to vote? (Among Election Day early in-person voters)

- Yes = 2.0%

Line Length

Approximately, how long did you have to wait in line to vote? (Among Election Day early in-person voters)

- Average = 16.5 minutes

Voting Equipment Problems

Did you encounter any problems with the voting equipment or the ballot that may have interfered with your ability to cast your vote as intended? (Among Election Day early in-person voters)

- Yes = 2.3%

Poll Worker Performance

Please rate the job performance of the poll workers at the polling place where you voted. (Among Election Day early in-person voters)

- “Excellent” or “good” = 95%

Problems Getting Mail/Absentee Ballot

Were there any problems getting your absentee or mail-in ballot sent to you? (Among absentee and mail voters)

- Yes = 2.2%

Ease Filling out Absentee Ballot

Overall, how easy was it to follow all the instructions necessary to cast your ballot and return it to be counted? (Among absentee and mail voters)

- “Very easy” or “somewhat easy” = 98%

Confidence

How confident are you that your vote in the General Election was counted as you intended? (Among all voters)

- “Very confident” or “somewhat confident” = 93%

Appendix 2. Core Performance Questions, State Averages

This appendix summarizes state measures of voter experience during the 2008 election, complementing the nationwide measures reported in Appendix 1. Items are treated as missing if a state has fewer than 20 observations for that item. The responses have been weighted to produce estimates of representative state measures.

Reason for Not Voting

How much of a factor did the following reasons play in your not voting in the November General Election? (Percent saying that the reason was either a “major factor” or a “minor factor” for not voting.)

	Wrong ID	Illness	Out of Town	Forgot	Didn't get absentee ballot	Too busy	Transpor tation
Alabama	28.0%	30.6%	15.2%	14.0%	0.0%	42.0%	21.9%
Alaska	14.2%	4.9%	18.0%	0.0%	0.0%	26.0%	14.2%
Arizona	10.3%	10.3%	28.6%	15.5%	23.1%	33.4%	23.1%
Arkansas	11.9%	12.2%	31.3%	24.3%	18.5%	38.6%	30.9%
California	17.1%	35.4%	31.3%	16.7%	26.5%	55.9%	38.7%
Colorado	0.0%	9.8%	16.3%	0.0%	15.4%	68.9%	25.0%
Connecticut	38.0%	24.1%	6.7%	6.7%	16.7%	6.7%	6.7%
Delaware	0.0%	33.3%	8.2%	0.0%	0.0%	46.5%	0.0%
Florida	5.6%	10.5%	10.5%	8.9%	12.6%	40.2%	0.0%
Georgia	8.3%	34.4%	39.6%	7.9%	9.0%	43.2%	7.9%
Hawaii	0.0%	13.0%	13.7%	0.0%	10.0%	35.4%	19.7%
Idaho	10.1%	33.0%	4.8%	0.0%	6.8%	19.0%	0.0%
Illinois	0.0%	12.4%	0.0%	9.1%	0.0%	14.3%	12.4%
Indiana	0.0%	45.8%	0.0%	0.0%	0.0%	0.0%	33.2%
Iowa	0.0%	5.7%	8.5%	13.4%	0.0%	0.0%	28.1%
Kansas	0.0%	24.9%	10.5%	7.4%	10.5%	14.1%	0.0%
Kentucky	0.0%	18.1%	10.0%	7.6%	0.0%	13.2%	13.2%
Louisiana	13.9%	39.8%	22.8%	6.1%	4.4%	22.9%	17.7%
Maine	10.3%	17.0%	16.6%	0.0%	27.3%	29.7%	0.0%
Maryland	13.2%	26.4%	0.0%	13.2%	0.0%	45.3%	21.8%
Massachusetts	0.0%	21.3%	21.4%	0.0%	0.0%	21.4%	42.7%
Michigan	0.0%	13.3%	16.2%	11.1%	0.0%	25.6%	17.9%
Minnesota	0.0%	36.6%	0.0%	0.0%	0.0%	0.0%	21.9%
Mississippi	22.7%	25.3%	25.9%	22.7%	22.7%	36.8%	25.7%
Missouri	17.2%	9.0%	0.0%	9.0%	5.6%	35.3%	0.0%
Montana	15.4%	38.1%	39.1%	15.4%	39.1%	25.9%	0.0%
Nebraska	15.7%	15.7%	15.7%	15.7%	15.7%	60.8%	44.0%
Nevada	0.0%	22.3%	15.9%	0.0%	0.0%	15.9%	23.3%
New	6.7%	20.2%	35.3%	0.0%	0.0%	48.5%	0.0%

	Wrong ID	Illness	Out of Town	Forgot	Didn't get absentee ballot	Too busy	Transpor- tation
Hampshire							
New Jersey	26.2%	15.6%	26.2%	15.6%	15.6%	31.2%	33.8%
New Mexico	0.0%	0.0%	21.0%	0.0%	31.5%	31.5%	0.0%
New York	52.2%	43.5%	48.0%	24.8%	52.2%	39.8%	41.9%
North Carolina	9.2%	26.2%	22.6%	5.9%	25.9%	28.0%	13.9%
North Dakota	0.0%	8.7%	25.1%	0.0%	0.0%	76.4%	3.5%
Ohio	32.7%	14.1%	14.1%	14.1%	14.1%	37.6%	37.6%
Oklahoma	9.2%	34.3%	9.2%	9.2%	0.0%	31.4%	36.9%
Oregon	13.4%	24.3%	23.6%	13.4%	13.4%	33.2%	24.3%
Pennsylvania	0.0%	18.5%	0.0%	0.0%	0.0%	24.0%	11.0%
Rhode Island	0.0%	0.0%	19.3%	12.7%	0.0%	50.3%	27.8%
South Carolina	13.4%	27.6%	24.0%	7.3%	24.0%	32.0%	20.4%
South Dakota	0.0%	0.0%	16.4%	0.0%	7.8%	22.0%	24.2%
Tennessee	4.9%	37.4%	6.3%	7.8%	0.0%	33.0%	21.8%
Texas	16.9%	22.7%	22.6%	14.6%	24.2%	55.6%	14.1%
Utah	0.0%	10.7%	0.0%	7.0%	11.2%	56.8%	17.9%
Vermont	4.8%	16.0%	16.0%	0.0%	0.0%	14.0%	20.7%
Virginia	0.0%	18.5%	0.0%	0.0%	0.0%	16.5%	64.2%
Washington	27.3%	24.2%	37.0%	27.3%	27.3%	36.0%	36.0%
West Virginia	10.3%	26.2%	9.1%	12.2%	0.0%	6.5%	29.5%
Wisconsin	0.0%	13.1%	0.0%	0.0%	13.1%	13.1%	0.0%
Wyoming	0.0%	27.1%	23.0%	0.0%	0.0%	0.0%	0.0%

Reason for Not Voting (Continued)

	Didn't Like Choices	Reg. Problems	Weather	Bad Time/ Location	Line too long	Didn't Know where to vote	Didn't receive ballot
Alabama	29.9%	23.1%	0.0%	29.3%	22.9%	63.1%	8.2%
Alaska	58.0%	14.1%	0.0%	0.0%	27.7%	0.0%	0.0%
Arizona	17.9%	31.1%	10.3%	20.7%	27.1%	10.3%	48.0%
Arkansas	57.3%	33.4%	11.9%	19.7%	37.2%	39.6%	16.3%
California	46.6%	36.4%	7.7%	8.7%	27.8%	21.8%	35.2%
Colorado	50.3%	28.3%	9.8%	28.5%	35.4%	41.5%	29.4%
Connecticut	6.7%	23.4%	6.7%	0.0%	34.4%	0.0%	16.7%
Delaware	30.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Florida	38.1%	16.9%	0.0%	32.6%	24.9%	40.4%	12.6%
Georgia	33.2%	23.7%	8.3%	24.9%	44.7%	7.9%	8.6%

	Didn't Like	Reg. Problems	Weather	Bad Time/ Location	Line too long	Didn't Know where to vote	Didn't receive ballot
Hawaii	35.4%	41.7%	0.0%	7.8%	0.0%	4.8%	19.1%
Idaho	34.7%	14.0%	3.9%	19.7%	0.0%	27.1%	12.2%
Illinois	80.8%	30.2%	0.0%	19.4%	9.1%	19.4%	0.0%
Indiana	56.6%	0.0%	0.0%	41.8%	41.8%	41.4%	26.1%
Iowa	49.4%	7.1%	9.1%	5.7%	0.0%	9.1%	0.0%
Kansas	32.4%	28.3%	0.0%	0.0%	5.2%	18.6%	10.5%
Kentucky	53.2%	13.1%	0.0%	13.2%	5.6%	13.2%	0.0%
Louisiana	19.6%	24.5%	5.5%	11.1%	22.0%	28.8%	0.0%
Maine	15.1%	0.0%	0.0%	16.6%	34.1%	9.0%	19.3%
Maryland	13.2%	19.7%	13.2%	26.4%	40.3%	13.2%	0.0%
Massachusetts	32.4%	0.0%	21.3%	0.0%	0.0%	0.0%	0.0%
Michigan	57.8%	0.0%	0.0%	14.0%	27.7%	17.1%	4.3%
Minnesota	43.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Mississippi	33.2%	23.8%	0.0%	33.6%	35.1%	33.6%	22.7%
Missouri	8.4%	14.3%	0.0%	0.0%	5.7%	10.5%	5.6%
Montana	49.8%	41.8%	15.4%	18.0%	37.9%	28.5%	39.1%
Nebraska	42.9%	15.7%	21.7%	45.1%	28.3%	15.7%	23.1%
Nevada	63.1%	34.6%	0.0%	11.5%	43.9%	15.9%	10.2%
New Hampshire	38.6%	6.7%	0.0%	0.0%	7.1%	0.0%	0.0%
New Jersey	57.7%	29.2%	15.6%	33.8%	23.2%	31.2%	21.6%
New Mexico	100.0%	21.0%	0.0%	0.0%	0.0%	52.2%	31.5%
New York	51.0%	62.7%	24.8%	32.8%	37.6%	43.4%	52.2%
North Carolina	33.7%	17.4%	6.3%	12.6%	15.5%	7.8%	21.4%
North Dakota	32.2%	0.0%	0.0%	28.4%	11.9%	15.2%	3.5%
Ohio	53.2%	14.1%	14.1%	14.1%	49.6%	14.1%	14.1%
Oklahoma	56.2%	19.0%	9.2%	26.9%	20.9%	18.1%	14.2%
Oregon	41.7%	36.3%	33.2%	24.8%	21.7%	24.8%	24.0%
Pennsylvania	48.5%	12.5%	0.0%	0.0%	0.0%	0.0%	23.4%
Rhode Island	41.1%	17.3%	10.5%	27.8%	0.0%	0.0%	17.3%
South Carolina	36.2%	19.8%	41.5%	44.1%	49.2%	26.8%	47.8%
South Dakota	64.2%	0.0%	0.0%	0.0%	0.0%	7.8%	0.0%
Tennessee	38.5%	20.1%	7.8%	25.6%	27.1%	17.5%	0.0%
Texas	45.2%	14.2%	12.4%	35.4%	27.1%	27.1%	18.0%
Utah	51.7%	33.7%	17.6%	38.9%	6.3%	13.9%	25.1%
Vermont	54.7%	0.0%	4.8%	20.7%	0.0%	16.8%	4.8%
Virginia	32.4%	0.0%	16.2%	19.9%	19.9%	0.0%	0.0%
Washington	55.1%	36.0%	15.5%	47.8%	17.6%	39.1%	49.0%
West Virginia	47.2%	13.6%	0.0%	12.5%	6.5%	20.0%	3.9%
Wisconsin	86.9%	9.4%	13.1%	0.0%	0.0%	9.4%	13.1%
Wyoming	72.9%	23.0%	0.0%	27.1%	0.0%	27.1%	0.0%

Difficulty Finding Polling Place

How difficult was it to find your polling place to vote? (Among Election Day early in-person voters)

	% very difficult or somewhat difficult	N
Alabama	3.3%	175
Alaska	0.9%	169
Arizona	3.6%	92
Arkansas	2.1%	178
California	2.1%	98
Colorado	2.1%	73
Connecticut	0.7%	181
Delaware	0.0%	187
Florida	3.8%	145
Georgia	3.4%	171
Hawaii	0.6%	138
Idaho	2.4%	148
Illinois	2.2%	183
Indiana	3.9%	182
Iowa	4.6%	148
Kansas	0.0%	155
Kentucky	1.0%	178
Louisiana	1.2%	179
Maine	0.7%	152
Maryland	2.5%	176
Massachusetts	0.0%	183
Michigan	0.0%	137
Minnesota	0.0%	176
Mississippi	0.9%	174
Missouri	0.8%	173
Montana	0.0%	124
Nebraska	0.7%	150
Nevada	1.0%	165
New Hampshire	0.6%	180
New Jersey	2.4%	170
New Mexico	1.2%	146
New York	2.3%	178
North Carolina	1.6%	163
North Dakota	0.4%	141
Ohio	1.7%	151
Oklahoma	2.8%	169
Oregon	—	—
Pennsylvania	0.6%	180
Rhode Island	0.8%	183
South Carolina	2.7%	156

	% very difficult or somewhat difficult	N
South Dakota	0.5%	175
Tennessee	2.4%	178
Texas	3.4%	159
Utah	1.3%	165
Vermont	0.7%	163
Virginia	2.1%	175
Washington	13.2%	32
West Virginia	1.7%	174
Wisconsin	1.4%	169
Wyoming	2.6%	165

How Well Polling Place Was Run

How well were things run at the polling place where you voted? (Among Election Day early in-person voters)

	% very well or okay	N
Alabama	99.0%	172
Alaska	99.1%	168
Arizona	91.1%	92
Arkansas	97.8%	178
California	98.0%	98
Colorado	98.1%	73
Connecticut	95.9%	181
Delaware	98.5%	187
Florida	98.7%	145
Georgia	98.3%	171
Hawaii	99.4%	138
Idaho	98.0%	149
Illinois	95.2%	183
Indiana	96.7%	183
Iowa	97.7%	148
Kansas	98.0%	155
Kentucky	97.8%	178
Louisiana	98.2%	178
Maine	100.0%	153
Maryland	99.5%	177
Massachusetts	99.6%	182
Michigan	98.7%	137
Minnesota	99.5%	176
Mississippi	98.2%	176
Missouri	97.5%	173
Montana	98.5%	123
Nebraska	98.1%	150

	% very well or okay	N
Nevada	100.0%	165
New Hampshire	99.6%	180
New Jersey	99.5%	169
New Mexico	98.4%	146
New York	98.8%	178
North Carolina	98.4%	163
North Dakota	100.0%	141
Ohio	97.6%	150
Oklahoma	98.2%	168
Oregon	—	—
Pennsylvania	98.5%	180
Rhode Island	98.2%	182
South Carolina	97.7%	156
South Dakota	100.0%	176
Tennessee	98.1%	179
Texas	98.7%	158
Utah	98.8%	165
Vermont	99.2%	162
Virginia	97.3%	175
Washington	100.0%	32
West Virginia	98.6%	174
Wisconsin	98.0%	170
Wyoming	100.0%	165

Problem with Voter Registration

Was there a problem with your voter registration when you tried to vote? (Among Election Day early in-person voters)

	% experienced problem	N
Alabama	1.4%	175
Alaska	3.2%	169
Arizona	8.7%	92
Arkansas	0.0%	178
California	5.2%	96
Colorado	2.5%	73
Connecticut	0.0%	181
Delaware	1.9%	187
Florida	2.9%	144
Georgia	2.1%	171
Hawaii	2.5%	138
Idaho	3.9%	149
Illinois	3.8%	182
Indiana	2.1%	183

	% experienced problem	N
Iowa	4.7%	148
Kansas	2.5%	155
Kentucky	0.0%	179
Louisiana	1.5%	179
Maine	2.1%	153
Maryland	2.7%	177
Massachusetts	0.0%	183
Michigan	0.5%	136
Minnesota	1.9%	175
Mississippi	0.6%	176
Missouri	2.3%	173
Montana	0.7%	124
Nebraska	1.1%	150
Nevada	2.2%	165
New Hampshire	1.3%	180
New Jersey	1.9%	170
New Mexico	2.8%	148
New York	3.4%	178
North Carolina	2.8%	163
North Dakota	0.4%	141
Ohio	3.6%	151
Oklahoma	0.9%	169
Oregon	—	—
Pennsylvania	0.6%	180
Rhode Island	3.5%	182
South Carolina	4.7%	156
South Dakota	0.9%	176
Tennessee	0.7%	179
Texas	0.5%	158
Utah	2.1%	164
Vermont	0.4%	163
Virginia	0.0%	175
Washington	6.6%	32
West Virginia	0.0%	175
Wisconsin	1.2%	171
Wyoming	2.7%	163

Line Length

Approximately, how long did you have to wait in line to vote? (Among Election Day early in-person voters)

	Average wait (in minutes)	N
Alabama	13.7	175
Alaska	6.0	169
Arizona	25.1	92
Arkansas	22.2	178
California	10.7	97
Colorado	14.8	73
Connecticut	10.4	181
Delaware	13.3	187
Florida	28.5	144
Georgia	33.6	171
Hawaii	5.7	138
Idaho	6.5	149
Illinois	9.6	183
Indiana	24.3	183
Iowa	5.0	148
Kansas	11.3	155
Kentucky	12.5	179
Louisiana	20.1	179
Maine	4.4	153
Maryland	26.0	177
Massachusetts	5.6	182
Michigan	19.9	137
Minnesota	9.8	176
Mississippi	11.9	176
Missouri	26.5	173
Montana	6.2	124
Nebraska	9.7	150
Nevada	12.2	164
New Hampshire	7.6	180
New Jersey	7.5	170
New Mexico	12.7	148
New York	8.6	178
North Carolina	22.9	163
North Dakota	5.3	141
Ohio	15.2	151
Oklahoma	22.5	169
Oregon	—	—
Pennsylvania	16.3	180
Rhode Island	5.5	183
South Carolina	57.7	156

	Average wait (in minutes)	N
South Dakota	3.9	176
Tennessee	20.0	179
Texas	12.2	159
Utah	14.3	165
Vermont	2.5	163
Virginia	27.9	175
Washington	10.4	32
West Virginia	15.5	175
Wisconsin	8.5	171
Wyoming	5.6	165

Voting Equipment Problems

Did you encounter any problems with the voting equipment or the ballot that may have interfered with your ability to cast your vote as intended? (Among Election Day early in-person voters)

	% having voting equipment problems	N
Alabama	1.8%	174
Alaska	0.4%	169
Arizona	5.3%	92
Arkansas	2.3%	178
California	4.3%	96
Colorado	1.7%	73
Connecticut	4.5%	181
Delaware	1.3%	187
Florida	3.0%	144
Georgia	2.4%	172
Hawaii	0.9%	137
Idaho	0.7%	149
Illinois	3.3%	183
Indiana	2.0%	183
Iowa	2.3%	147
Kansas	1.9%	155
Kentucky	4.3%	179
Louisiana	1.4%	179
Maine	2.9%	153
Maryland	3.2%	177
Massachusetts	0.9%	182
Michigan	2.1%	137
Minnesota	1.5%	176
Mississippi	3.2%	176
Missouri	2.8%	173

	% having voting equipment problems	N
Montana	0.8%	124
Nebraska	2.1%	148
Nevada	1.5%	165
New Hampshire	0.5%	180
New Jersey	0.0%	170
New Mexico	1.2%	148
New York	2.7%	178
North Carolina	0.6%	162
North Dakota	0.4%	141
Ohio	3.3%	151
Oklahoma	1.5%	169
Oregon	—	—
Pennsylvania	1.7%	179
Rhode Island	0.9%	182
South Carolina	1.5%	156
South Dakota	1.3%	176
Tennessee	1.7%	179
Texas	1.4%	159
Utah	3.6%	163
Vermont	2.4%	163
Virginia	2.4%	175
Washington	0.0%	32
West Virginia	2.4%	174
Wisconsin	0.6%	170
Wyoming	0.6%	165

Poll Worker Performance

Please rate the job performance of the poll workers at the polling place where you voted.
(Among Election Day early in-person voters)

	% excellent or good	N
Alabama	96.7%	175
Alaska	95.0%	168
Arizona	95.2%	91
Arkansas	99.6%	178
California	88.4%	97
Colorado	96.7%	73
Connecticut	94.9%	180
Delaware	97.4%	187
Florida	96.2%	145
Georgia	96.1%	172
Hawaii	96.0%	138

	% excellent or good	N
Idaho	96.1%	149
Illinois	93.7%	183
Indiana	94.2%	183
Iowa	94.3%	148
Kansas	95.5%	154
Kentucky	96.1%	179
Louisiana	94.7%	179
Maine	96.3%	152
Maryland	97.1%	177
Massachusetts	96.6%	182
Michigan	96.1%	137
Minnesota	96.2%	176
Mississippi	95.1%	176
Missouri	94.9%	173
Montana	98.3%	122
Nebraska	96.7%	150
Nevada	97.0%	165
New Hampshire	99.5%	179
New Jersey	96.1%	170
New Mexico	91.3%	148
New York	92.0%	178
North Carolina	95.3%	163
North Dakota	98.5%	141
Ohio	93.7%	151
Oklahoma	96.0%	168
Oregon	—	—
Pennsylvania	97.8%	180
Rhode Island	94.3%	181
South Carolina	94.3%	156
South Dakota	99.8%	176
Tennessee	97.3%	179
Texas	93.7%	159
Utah	96.6%	165
Vermont	99.3%	162
Virginia	97.5%	175
Washington	100%	31
West Virginia	96.0%	174
Wisconsin	93.8%	171
Wyoming	97.6%	165

Problems Getting Mail/Absentee Ballot

Were there any problems getting your absentee or mail-in ballot sent to you? (Among absentee and mail voters)

	% had problems	N
Alabama	—	—
Alaska	0.0%	20
Arizona	0.0%	95
Arkansas	—	—
California	2.6%	89
Colorado	5.0%	114
Connecticut	—	—
Delaware	—	—
Florida	2.7%	40
Georgia	—	—
Hawaii	3.3%	47
Idaho	6.2%	36
Illinois	—	—
Indiana	—	—
Iowa	2.1%	41
Kansas	2.3%	33
Kentucky	—	—
Louisiana	—	—
Maine	2.6%	33
Maryland	—	—
Massachusetts	—	—
Michigan	0.0%	46
Minnesota	—	—
Mississippi	—	—
Missouri	—	—
Montana	0.0%	67
Nebraska	2.5%	42
Nevada	0.0%	24
New Hampshire	—	—
New Jersey	—	—
New Mexico	0.0%	47
New York	—	—
North Carolina	—	—
North Dakota	0.0%	47
Ohio	6.4%	43
Oklahoma	—	—
Oregon	1.6%	184
Pennsylvania	—	—
Rhode Island	—	—
South Carolina	3.7%	31
South Dakota	—	—

	% had problems	N
Tennessee	—	—
Texas	—	—
Utah	0.0%	22
Vermont	0.0%	27
Virginia	—	—
Washington	1.4%	158
West Virginia	—	—
Wisconsin	0.0%	20
Wyoming	0.0%	31

Ease Filling out Absentee Ballot

Overall, how easy was it to follow all the instructions necessary to cast your ballot and return it to be counted? (Among absentee and mail voters)

	% Very Easy	N
Alabama	—	—
Alaska	92.2%	20
Arizona	83.8%	95
Arkansas	—	—
California	88.1%	89
Colorado	77.6%	115
Connecticut	—	—
Delaware	—	—
Florida	76.0%	41
Georgia	—	—
Hawaii	—	—
Idaho	95.6%	35
Illinois	—	—
Indiana	—	—
Iowa	82.5%	40
Kansas	97.9%	32
Kentucky	—	—
Louisiana	—	—
Maine	82.7%	33
Maryland	—	—
Massachusetts	—	—
Michigan	89.5%	46
Minnesota	—	—
Mississippi	—	—
Missouri	—	—
Montana	88.4%	66
Nebraska	93.0%	42
Nevada	86.0%	24
New Hampshire	—	—
New Jersey	—	—

	% Very Easy	N
New Mexico	67.7%	47
New York	—	—
North Carolina	—	—
North Dakota	83.4%	47
Ohio	74.0%	43
Oklahoma	—	—
Oregon	88.9%	184
Pennsylvania	—	—
Rhode Island	—	—
South Carolina	82.3%	30
South Dakota	—	—
Tennessee	—	—
Texas	—	—
Utah	82.9%	22
Vermont	81.7%	27
Virginia	—	—
Washington	87.4%	157
West Virginia	—	—
Wisconsin	92.0%	20
Wyoming	87.1%	31

Confidence

How confident are you that your vote in the General Election was counted as you intended?
(Among all voters)

	% very confident or somewhat confident	N
Alabama	97.1%	186
Alaska	87.9%	187
Arizona	93.5%	183
Arkansas	92.9%	182
California	89.8%	178
Colorado	94.0%	185
Connecticut	96.0%	187
Delaware	96.1%	192
Florida	95.5%	184
Georgia	96.3%	184
Hawaii	96.3%	185
Idaho	92.1%	180
Illinois	96.2%	186
Indiana	94.8%	191
Iowa	95.9%	187
Kansas	98.6%	186

	% very confident or somewhat confident	N
Kentucky	94.4%	184
Louisiana	92.2%	181
Maine	97.1%	185
Maryland	93.6%	191
Massachusetts	97.6%	192
Michigan	96.1%	181
Minnesota	96.2%	188
Mississippi	97.0%	183
Missouri	96.6%	184
Montana	92.7%	187
Nebraska	96.0%	191
Nevada	96.4%	185
New Hampshire	95.6%	189
New Jersey	94.2%	182
New Mexico	87.9%	187
New York	94.8%	188
North Carolina	90.7%	173
North Dakota	96.5%	187
Ohio	92.4%	190
Oklahoma	91.9%	180
Oregon	92.2%	186
Pennsylvania	96.5%	188
Rhode Island	95.3%	189
South Carolina	95.7%	181
South Dakota	96.0%	193
Tennessee	94.4%	181
Texas	92.3%	168
Utah	92.1%	184
Vermont	100.0%	188
Virginia	97.1%	191
Washington	90.8%	188
West Virginia	94.1%	178
Wisconsin	96.6%	190
Wyoming	96.0%	193

Appendix 4. Core Performance Questions, Nationwide Averages, By Demographic Categories

The responses have been weighted to produce estimates of representative national measures.

Race

Reason for Not Voting

How much of a factor did the following reasons play in your not voting in the November General Election? (Percent saying that the reason was either a “major factor” or a “minor factor” for not voting.)

	White	Black	Hispanic	Asian	Nat. Amer.	Mixed	Other
Q2a. Wrong ID	8.2%	23.6%	28.3%	78.2%	0	0	0
Q2b. Illness	22.7%	25.5%	27.7%	43.2%	6.8%	10.1%	0
Q2c. Out of town	16.2%	30.5%	24.1%	72.4%	36.8%	3.5%	0
Q2d. Forgot	8.5%	14.4%	20.3%	61.1%	13.1%	0	0
Q2e. Did not receive absentee ballot	8.1%	26.6%	38.6%	61.1%	36.8%	3.5%	0
Q2f. Too busy	35.0%	24.7%	55.9%	81.5%	15.0%	40.0%	0
Q2g. Transportation	18.4%	25.7%	29.1%	78.2%	26.0%	20.4%	0
Q2h. Didn't like choices	47.4%	35.1%	46.2%	67.1%	17.3%	17.6%	29.1%
Q2i. Registration Problems	16.5%	37.0%	31.9%	78.2%	0	38.8%	70.9%
Q2j. Weather	7.0%	17.1%	8.2%	78.2%	9.2%	0	0
Q2k. Bad time/location	19.8%	20.8%	32.1%	34.2%	24.9%	10.1%	0
Q2l. Line too long	18.5%	38.3%	34.7%	61.1%	22.3%	10.1%	0
Q2m. Didn't know where to vote	20.7%	20.7%	34.9%	34.2%	0	20.4%	0
Q2n. Did not receive ballot/not on time	13.3%	27.5%	36.5%	78.2%	15.0%	3.5%	70.9%

Difficulty Finding Polling Place

How difficult was it to find your polling place to vote? (Among Election Day early in-person voters)

“Very difficult” or “somewhat difficult”

- 1.4% White
- 4.3% African American
- 4.2% Hispanic
- 0% Asian
- 6.2% Native American
- 4.7% Mixed
- 4.3% Other

How Well Polling Place Was Run

How well were things run at the polling place where you voted? (Among Election Day early in-person voters)

“Very well” or “okay”

- 98% White
- 97% African American
- 99% Hispanic
- 99% Asian
- 94% Native American
- 96% Mixed
- 99% Other

Problem with Voter Registration

Was there a problem with your voter registration when you tried to vote? (Among Election Day early in-person voters)

Yes

- 1.9% White
- 3.8% African American
- 4.1% Hispanic
- 0.3% Asian
- 1.6% Native American
- 0% Mixed
- 1.9% Other

Line Length

Approximately, how long did you have to wait in line to vote? (Among Election Day early in-person voters)

Average Time, in Minutes

- 15 Minutes, White
- 29 Minutes, African American
- 17 Minutes, Hispanic
- 12 Minutes, Asian
- 10 Minutes, Native American
- 15 Minutes, Mixed
- 15 Minutes, Other.

Voting Equipment Problems

Did you encounter any problems with the voting equipment or the ballot that may have interfered with your ability to cast your vote as intended? (Among Election Day early in-person voters)

Yes

- 2.2% White
- 2.9% African American
- 1.5% Hispanic
- 1.4% Asian

- 0.4% Native American
- 5.5% Mixed
- 2.1% Other

Poll Worker Performance

Please rate the job performance of the poll workers at the polling place where you voted.
(Among Election Day early in-person voters)

“Excellent” or “Good”

- 95% White
- 94% African American
- 92% Hispanic
- 98% Asian
- 95% Native American
- 90% Mixed
- 96% Other.

Problems Getting Mail/Absentee Ballot

Were there any problems getting your absentee or mail-in ballot sent to you? (Among absentee and mail voters)

Yes

- 1.6% White
- 7.5% African American
- 3.1% Hispanic
- 1.7% Asian
- 19.2% Native American
- 5.8% Mixed
- 0% Other.

Ease Filling out Absentee Ballot

Overall, how easy was it to follow all the instructions necessary to cast your ballot and return it to be counted? (Among absentee and mail voters)

“Very Easy” or “Somewhat Easy”

- 98% White
- 99% African American
- 99% Hispanic
- 100% Asian
- 81% Native American
- 93% Mixed
- 100% Other

Confidence

How confident are you that your vote in the General Election was counted as you intended?
(Among all voters)

“Very Confident” or “Somewhat Confident”

- 91% White
- 95% African American
- 81% Hispanic
- 98% Asian
- 80% Native American
- 98% Mixed
- 64% Other

Sex**Reason for Not Voting**

How much of a factor did the following reasons play in your not voting in the November General Election? (Percent saying that the reason was either a "major factor" or a "minor factor" for not voting.)

	Male	Female
Q2a. Wrong ID	15.1%	13.5%
Q2b. Illness	23.0%	24.1%
Q2c. Out of town	27.6%	15.5%
Q2d. Forgot	18.0%	7.9%
Q2e. Did not receive absentee ballot	21.0%	13.6%
Q2f. Too busy	39.4%	35.0%
Q2g. Transportation	26.9%	18.8%
Q2h. Didn't like choices	51.1%	41.1%
Q2i. Registration Problems	29.5%	18.2%
Q2j. Weather	13.4%	6.9%
Q2k. Bad time/location	28.1%	18.4%
Q2l. Line too long	32.8%	19.4%
Q2m. Didn't know where to vote	24.4%	21.1%
Q2n. Did not receive ballot/not on time	24.3%	17.2%

Difficulty Finding Polling Place

How difficult was it to find your polling place to vote? (Among Election Day early in-person voters)

"Very Difficult" or "Somewhat Difficult"

- 1.2% Male
- 1.9% Female

How Well Polling Place Was Run

How well were things run at the polling place where you voted? (Among Election Day early in-person voters)

"Very Well" or "Okay"

- 98% Male
- 98% Female

Problem with Voter Registration

Was there a problem with your voter registration when you tried to vote? (Among Election Day early in-person voters)

Yes

- 1.8% Male
- 2.6% Female

Line Length

Approximately, how long did you have to wait in line to vote? (Among Election Day early in-person voters)

Average Time, in Minutes

- 16 Minutes, Male
- 17 Minutes, Female

Voting Equipment Problems

Did you encounter any problems with the voting equipment or the ballot that may have interfered with your ability to cast your vote as intended? (Among Election Day early in-person voters)

Yes

- 2.1% Male
- 2.4% Female

Poll Worker Performance

Please rate the job performance of the poll workers at the polling place where you voted. (Among Election Day early in-person voters)

“Excellent” or “Good”

- 95% Male
- 95% Female

Problems Getting Mail/Absentee Ballot

Were there any problems getting your absentee or mail-in ballot sent to you? (Among absentee and mail voters)

Yes

- 1.7% Male
- 2.7% Female

Ease Filling out Absentee Ballot

Overall, how easy was it to follow all the instructions necessary to cast your ballot and return it to be counted? (Among absentee and mail voters)

“Very Easy” or “Somewhat Easy”

- 98% Male
- 98% Female

Confidence

How confident are you that your vote in the General Election was counted as you intended?
(Among all voters)

“Very Confident” or “Somewhat Confident”

- 92% Male
- 90% Female

Age**Reason for Not Voting**

How much of a factor did the following reasons play in your not voting in the November General Election? (Percent saying that the reason was either a “major factor” or a “minor factor” for not voting.)

	18-30	31-60	61+
Q2a. Wrong ID	17.9%	12.4%	0%
Q2b. Illness	26.4%	21.4%	25.4%
Q2c. Out of town	31.4%	12.8%	4.3%
Q2d. Forgot	20.2%	5.9%	0%
Q2e. Did not receive absentee ballot	24.9%	10.9%	4.8%
Q2f. Too busy	56.8%	24.1%	6.7%
Q2g. Transportation	31.7%	15.9%	3.3%
Q2h. Didn't like choices	41.2%	46.4%	52.0%
Q2i. Registration Problems	28.7%	18.8%	6.0%
Q2j. Weather	15.6%	5.2%	0%
Q2k. Bad time/location	32.6%	15.7%	4.9%
Q2l. Line too long	36.9%	16.4%	11.1%
Q2m. Didn't know where to vote	35.9%	14.5%	0.6%
Q2n. Did not receive ballot/not on time	24.1%	17.8%	6.0%

Difficulty Finding Polling Place

How difficult was it to find your polling place to vote? (Among Election Day early in-person voters)

“Very Difficult” or “Somewhat Difficult”

- 3.8%, 30 and younger
- 2.0%, 31-60
- 0.7%, 61 and older

How Well Polling Place Was Run

How well were things run at the polling place where you voted? (Among Election Day early in-person voters)

“Very Well” or “Okay”

- 98%, 30 and younger
- 98%, 31-60
- 99%, 61 and older

Problem with Voter Registration

Was there a problem with your voter registration when you tried to vote? (Among Election Day early in-person voters)

Yes

- 96%, 30 and younger
- 98%, 31-60
- 99.6%, 61 and older

Line Length

Approximately, how long did you have to wait in line to vote? (Among Election Day early in-person voters)

Average Wait Time, in Minutes

- 18 minutes, 30 and younger
- 17 minutes, 31-60
- 14 minutes, 61 and older

Voting Equipment Problems

Did you encounter any problems with the voting equipment or the ballot that may have interfered with your ability to cast your vote as intended? (Among Election Day early in-person voters)

Yes

- 2.4%, 30 and younger
- 2.0%, 31-60
- 2.8%, 61 and older

Poll Worker Performance

Please rate the job performance of the poll workers at the polling place where you voted. (Among Election Day early in-person voters)

“Excellent” or “Good”

- 93%, 30 and younger
- 94%, 31-60
- 98%, 61 and older

Problems Getting Mail/Absentee Ballot

Were there any problems getting your absentee or mail-in ballot sent to you? (Among absentee and mail voters)

Yes

- 2.6%, 30 and younger
- 2.7%, 31-60
- 1.3%, 61 and older

Ease Filling out Absentee Ballot

Overall, how easy was it to follow all the instructions necessary to cast your ballot and return it to be counted? (Among absentee and mail voters)

“Very Easy” or “Somewhat Easy”

- 97%, 30 and younger
- 99%, 31-60
- 98%, 61 and older

Confidence

How confident are you that your vote in the General Election was counted as you intended? (Among all voters)

“Very Confident” or “Somewhat Confident”

89%, 30 and younger
90%, 31-60
92%, 61 and older

Party

Reason for Not Voting

How much of a factor did the following reasons play in your not voting in the November General Election? (Percent saying that the reason was either a “major factor” or a “minor factor” for not voting.)

	Dem.	Rep.	Ind.
Q2a. Wrong ID	15.5%	8.7%	12.2%
Q2b. Illness	23.0%	22.4%	21.3%
Q2c. Out of town	22.6%	18.8%	12.5%
Q2d. Forgot	14.1%	10.1%	7.3%
Q2e. Did not receive absentee ballot	17.5%	11.6%	8.1%
Q2f. Too busy	33.9%	43.8%	32.2%
Q2g. Transportation	30.0%	9.4%	18.3%
Q2h. Didn't like choices	38.9%	49.9%	49.5%
Q2i. Registration Problems	27.3%	27.9%	18.6%
Q2j. Weather	11.7%	6.7%	7.9%
Q2k. Bad time/location	21.2%	26.7%	19.9%
Q2l. Line too long	28.0%	17.9%	22.0%
Q2m. Didn't know where to vote	21.4%	21.1%	19.4%
Q2n. Did not receive ballot/not on time	20.2%	15.4%	17.8%

Difficulty Finding Polling Place

How difficult was it to find your polling place to vote? (Among Election Day early in-person voters)

“Very Difficult” or “Somewhat Difficult”

- 2.7%, Democrat
- 1.2%, Republican
- 1.6%, Independent

How Well Polling Place Was Run

How well were things run at the polling place where you voted? (Among Election Day early in-person voters)

“Very Well” or “Okay”

- 98%, Democrat
- 98%, Republican
- 98%, Independent

Problem with Voter Registration

Was there a problem with your voter registration when you tried to vote? (Among Election Day early in-person voters)

Yes

- 1.7%, Democrat
- 2.4%, Republican
- 2.6%, Independent

Line Length

Approximately, how long did you have to wait in line to vote? (Among Election Day early in-person voters)

Average Wait Time, in Minutes

- 18 minutes, Democrat
- 15 minutes, Republican
- 16 minutes, Independent

Voting Equipment Problems

Did you encounter any problems with the voting equipment or the ballot that may have interfered with your ability to cast your vote as intended? (Among Election Day early in-person voters)

Yes

- 2.9%, Democrat
- 1.6%, Republican
- 2.0%, Independent

Poll Worker Performance

Please rate the job performance of the poll workers at the polling place where you voted. (Among Election Day early in-person voters)

“Excellent” or “Good”

- 95%, Democrat
- 95%, Republican
- 95%, Independent

Problems Getting Mail/Absentee Ballot

Were there any problems getting your absentee or mail-in ballot sent to you? (Among absentee and mail voters)

Yes

- 2.5%, Democrat
- 0.9%, Republican
- 3.6%, Independent

Ease Filling out Absentee Ballot

Overall, how easy was it to follow all the instructions necessary to cast your ballot and return it to be counted? (Among absentee and mail voters)

“Very Easy” or “Somewhat Easy”

- 98%, Democrat
- 99.7%, Republican
- 97%, Independent

Confidence

How confident are you that your vote in the General Election was counted as you intended? (Among all voters)

“Very Confident” or “Somewhat Confident”

- 93%, Democrat
- 90%, Republican
- 87%, Independent

Appendix 4. Questionnaire and Frequencies for Internet Responses to Entire Questionnaire

The responses have been weighted according to the weights provided in the Polimetrix-provided data set. The results should be used to cross-check analysis using the data set. Because the weights are calculated to produce valid estimates *within each state*, these figures should not be used as estimates of *national* averages.

Q1: Vote

Which of the following statements best describes you?

	Frequency	Percentage
I did not vote in the Election This November	340	3.4%
I thought about voting this time, but did not	128	1.3%
I usually vote, but didn't this time	112	1.1%
I tried to vote, but was not allowed to	56	0.6%
I tried to vote, but it ended up being...	47	0.5%
I definitely voted in the Nov. General	9316	93.2%
Total	10000	100.0%

Q2: Reason for Not Voting

How much of a factor did the following reasons play in your not voting in the November General Election? (1="not a factor" 3="a major factor", "don't know excluded)

Reasons for Not Voting	w/o Don't Know	
	Mean (SE)	N
2a. Wrong ID	1.17 (0.02)	537
2b. Illness	1.37 (0.03)	540
2c. Out of town	1.31 (0.03)	541
2d. Forgot	1.14 (0.02)	538
2e. Did not receive absentee ballot	1.19 (0.02)	532
2f. Too Busy	1.55 (0.04)	540
2g. Transportation	1.34 (0.03)	537
2h. Didn't Like Choices	1.75 (0.04)	536
2i. Reg. Problems	1.33 (0.03)	529
2j. Weather	1.10 (0.02)	536
2k. Bad Time/Location	1.30 (0.03)	534
2l. Line Too Long	1.31 (0.03)	529
2m. Didn't Know Where to Go	1.29 (0.03)	540
2n. Did Not Receive Ballot/Did Not Receive Ballot in Time	1.28 (0.03)	535

Q3: Why No Absentee Ballot

Sometimes when voters can't get to the polls on Election Day, they vote using an absentee ballot. Please indicate which of the following statements most closely describes why you did not vote absentee in the November 2008 General Election.

	Frequency	Percentage
I had no interest in voting in this election	135	23.1%
It was too late to request a ballot	74	12.7%
I requested an absentee ballot, but it...	30	5.2%
I wouldn't have been allowed to vote absentee	17	2.9%
Requesting an absentee ballot requires...	7	1.2%
I didn't know how to request an absentee ballot	127	21.8%
I prefer to vote in person	123	21.2%
Other	69	11.9%
Total	582	100.0%

Q4: First Time Voter

Was this your first time voting, or have you voted in elections before? (Asked of all voters)

	Frequency	Percentage
I am a first-time voter	607	6.5%
I have voted before in elections	8,795	93.5%
Total	9,402	100.0%

Question 4b: First Time Voter

Was this your first time voting, or have you voted in elections before? (Asked of all respondents who reported trying to vote but being unable to vote.)

	Frequency	Percentage
I am a first-time voter	34	38.1%
I have voted before in elections	54	61.9%
Total	88	100.0%

Q5: Mode of Voting

Did you vote in person at a precinct on Election Day, in person before Election Day, or by mail (that is, absentee or vote-by-mail)? (Asked of all voters)

	Frequency	Percentage
In Person on Election Day (at polling place)	6,147	65.4%
In Person before Election Day	1,649	17.5%
Voted by Mail (or absentee)	1,596	17.0%
Don't Know	7	0.1%
Total	9,399	100.0%

w/o Don't Knows

	Frequency	Percentage
In Person on Election Day (at polling place)	6,149	65.5%
In Person before Election Day	1,649	17.6%
Voted by Mail (or absentee)	1,596	17.0%
Total	9,395	100.0%

Question 5b: Mode of Voting

Did you vote in person at a precinct on Election Day, in person before Election Day, or by mail (that is, absentee or vote-by-mail)? (Asked of all respondents who reported trying to vote but being unable to vote.)

	Frequency	Percentage
In Person on Election Day (at polling place)	45	53.1%
In Person before Election Day	8	9.4%
Voted by Mail (or absentee)	15	17.2%
Don't Know	17	20.2%
Total	9,399	100.0%

w/o Don't Knows

	Frequency	Percentage
In Person on Election Day (at polling place)	47	66.6%
In Person before Election Day	8	11.8%
Voted by Mail (or absentee)	15	21.6%
Total	70	100.0%

Q6: Difficulty Finding Polling Place

How difficult was it to find your polling place to vote?

	Mean (SE) (w/missing and DK)	N (w/missing)	Mean (SE (w/o missing)	N (w/o missing)
Q6. Difficulty Finding Polling Place (1- Very Difficult; 4 – Very Easy)	3.89 (0.00)	7,769	3.89 (0.00)	7,768

Q7: Polling Place Type

How would you describe the place where you voted?

	Frequency	Percentage
Private Home	17	0.2%
Private Business	89	1.1%
School Building	2,191	28.2%
Church	1,221	15.7%
Police/Fire Station	478	6.2%
A store or shopping mall	167	2.1%
Senior Center	232	3.0%
Community Center	1,158	14.9%
Library	258	3.3%
Other Gov't Office (Courthouse, etc)	1,534	19.7%
Other	435	5.6%
Total	7,780	100.0%

Q8: Knew Poll Worker

Did you personally know the person who checked you in when you arrived to vote?

	Frequency	Percentage
Yes	1,322	17.0%
No	6,402	82.3%
Don't Know	42	0.5%
Don't Remember	16	0.2%
Total	7,783	100.0%

w/o Don't Knows/Don't Remember

	Frequency	Percentage
Yes	1,324	17.1%
No	6,411	82.9%
Total	7,735	100.0%

Q9: How Well the Polling Place Was Run

How well were things run at the polling place where you voted?

	Mean (SE) (w/missing and DK)	N (w/missing)	Mean (SE (w/o missing)	N (w/o missing)
Q9. How well Polling Place Run (1- Well Run, 4- Terrible)	1.20 (0.01)	7,776	1.19 (0.01)	7,764

Q10: Problem with Voter Registration

Was there a problem with your voter registration when you tried to vote?

	Frequency	Percentage
Yes	151	1.9%
No	7,621	98.0%
Don't Know	4	0.1%
Total	7,776	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	151	1.9%
No	7,621	98.1%
Total	7,776	100.0%

Q11: Problem with Voter Registration — Allowed To Vote

Were you allowed to vote?

	Frequency	Percentage
I Voted Using a Regular Ballot	107	75.1%
Used a Provisional Ballot	35	24.9%
Total	142	100.0%

Q12: Line Length

Approximately, how long did you have to wait in line to vote?

	Mean (SE (w/o missing)	N (w/o missing)
Q12: Line Length (in minutes, recoded from 1-5 scale to 0, 5, 15, 45, 90)	13.04 (0.24)	7,778

Q12a: Source of Line

Was your wait in line mostly when you first arrived to check in at the registration table, or after you checked in and were waiting to gain access to a place to cast your ballot?

	Frequency	Percentage
Check-In to Vote	2,871	63.7%
After Check-In	820	18.2%
Evenly Divided between the two	782	17.4%
Don't Recall	35	0.8%
Total	4,507	100.0%

w/o Don't Knows

	Frequency	Percentage
Check-In to Vote	2,878	64.2%
After Check-In	822	18.3%
Evenly Divided between the two	784	17.5%
Total	4,483	100.0%

Q13: Picture ID

Were you asked to show picture identification, such as a driver's license, at the polling place this November?

	Frequency	Percentage
Yes	4,136	53.2%
No	3,608	46.4%
Don't Know	29	0.4%
Total	7,774	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	4,137	53.4%
No	3,608	46.6%
Total	7,745	100.0%

Q13a: Were You Then Allowed To Vote?

	Frequency	Percentage
Voted with Regular Ballot	3,937	98.2%
Voted with Provisional Ballot	61	1.5%
Was offered provisional, but didn't vote	8	0.2%
Was not allowed to vote	2	0.1%
Total	4,009	100.0%

Q14: Type of ID Shown

What type of picture identification did you show?

	Frequency	Percentage
Driver's License	3,603	87.9%
Passport	24	0.6%
Voter Reg. Card	262	6.4%
Other Gov't Picture ID	158	3.9%
Non Gov Picture ID	20	0.5%
Non-Picture ID	8	0.2%
Bill, letter, package	9	0.2%
Although asked, did not show ID	3	0.1%
I Don't Remember	11	0.3%
Total	4098	100.0%

w/o Don't Knows

	Frequency	Percentage
Driver's License	3,604	88.2%
Passport	24	0.6%
Voter Reg. Card	261	6.4%
Other Gov't Picture ID	158	3.9%
Non Gov't Picture ID	20	0.5%
Non-Picture ID	8	0.2%
Bill, letter, package	9	0.2%
Although asked, did not show ID	3	0.1%
Total	4,088	100.0%

Q15: Picture ID Follow-Up

Did you show picture identification because you were asked for it specifically, or because a picture ID was the most convenient form of identification for you to show?

	Frequency	Percentage
I was asked specifically for an ID Card	2,331	57.5%
I showed an ID card	1,466	36.1%
Don't Know	261	6.4%
Totals	4,057	100.0%

w/o Don't Knows

	Frequency	Percentage
I was asked specifically for an ID Card	2,332	61.4%
I showed an ID card	1,467	38.6%
Totals	3,799	100.0%

Q16: Voting Equipment Problems

Did you encounter any problems with the voting equipment or the ballot that may have interfered with your ability to cast your vote as intended?

	Frequency	Percentage
Yes	151	1.9%
No	7,617	98.0%
Don't Know	7	0.1%
Total	7,773	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	151	1.9%
No	7,616	98.1%
Total	7,767	100.0%

Q17: Help With Ballot

Did you receive help in filling out your ballot?

	Frequency	Percentage
Yes	457	5.9%
No	7,320	94.1%
Total	7,777	100.0%

Q18: Who Helped With Ballot

Who helped you with your ballot?

	Frequency	Percentage
My spouse or partner	25	5.7%
A Child of mine	5	1.2%
A Friend of Mine	7	1.6%
An Election official or precinct worker	375	87.7%
Another voter	2	0.5%
Other	9	2.2%
Don't Know	5	1.1%
Total	428	100.0%

w/out Don't Knows

	Frequency	Percentage
My spouse or partner	25	5.8%
A Child of mine	5	1.2%
A Friend of Mine	7	1.7%
An Election official or precinct worker	375	88.6%
Another voter	2	0.5%
Other	9	2.2%
Total	425	100.0%

Q19: Poll Worker Performance

Please rate the job performance of the poll workers at the polling place where you voted.

	Mean (SE) (w/missing and DK)	N (w/missing)	Mean (SE (w/o missing)	N (w/o missing)
Q19: Performance of Poll Worker (1- Excellent; 4- poor)	1.36 (0.01)	7,780	1.35 (0.01)	7,767

Q20: Race of Poll Worker

What was the race/ethnicity of the poll worker who checked you in when you voted?

	Frequency	Percentage
African American	840	10.8%
Native American	31	0.4%
Asian	50	0.7%
White	5,847	75.2%
Hispanic	161	2.1%
Other/Multi-Racial	133	1.7%
I Don't Recall	558	7.2%
I Don't Know	158	2.0%
Total	7,779	100.0%

w/o Don't Knows and Don't Recalls

	Frequency	Percentage
African American	838	11.9%
Native American	31	0.4%
Asian	50	0.7%
White	5,829	82.8%
Hispanic	161	2.3%
Other/Multi-Racial	132	1.9%
Total	7,042	100.0%

Q21: Age of Poll Worker

About how old was the poll worker who checked you in when you voted?

	Frequency	Percentage
Under 30	406	5.2%
Between 31 and 50	2,459	31.7%
Between 51 and 70	4,445	57.3%
Older than 70	442	5.7%
Total	7,751	100.0%

Q22: Polling Place Intimidation

Did you personally feel intimidated at the place where you voted?

	Frequency	Percentage
Yes	81	1.0%
No	7,689	98.9%
I Don't Remember	6	0.1%
Total	7,776	100.0%

w/o Don't Remember

	Frequency	Percentage
Yes	81	1.0%
No	7,690	99.0%
Total	7,771	100.0%

Q23: Reason for Absentee Ballot

Which of the following statements most closely describes why you voted by mail or absentee?

	Frequency	Percentage
My state or locality only has vote-by-mail.	230	14.3%
I have signed up to receive a mail or absentee ballot automatically	408	25.3%
Voting by mail or absentee was just more convenient for me	414	25.7%
I was out of town for this election	221	13.7%
I have a physical disability	120	7.5%
I could not get to the polls on election day because of my work	68	4.3%
I am in the armed forces	28	1.7%
I was an election official or poll worker	50	3.1%
Religious observances would have interfered with my going to	0	0.0%
Other	74	4.6%
	1,613	100.0%

Q24: Contact Regarding Absentee Ballot

Did someone associated with a political candidate or political party contact you to encourage you to vote absentee or by mail?

	Frequency	Percentage
Yes	245	17.7%
No	1,135	82.3%
Total	1,380	100.0%

Q25: Problems Getting Mail Ballot

Were there any problems getting your absentee or mail-in ballot sent to you?

	Frequency	Percentage
Yes	34	2.1%
No	1,575	97.9%
Total	1,610	100.0%

Q26: Mail Ballot Problems

Did you encounter any problems marking or completing your ballot that may have interfered with your ability to cast your vote as intended?

	Frequency	Percentage
Yes	27	1.7%
No	1,573	97.6%
Don't Know	11	0.7%
Total	1,612	100.0%

w/o Don't Know

	Frequency	Percentage
Yes	28	1.7%
No	1,573	98.3%
Total	1,601	100.0%

Q27: Help With Absentee Ballot

Did you receive help in filling out your absentee or mail ballot?

	Frequency	Percentage
Yes	43	2.7%
No	1,569	97.4%
Total	1,612	100.0%

Q28: Absentee Ballot Help

Who helped you fill out your ballot?

	Frequency	Percentage
My spouse or partner	7	18.7%
A child of mine	1	2.1%
A friend of mine	4	9.0%
An election official or precinct worker	7	18.3%
Another voter, or someone else at my voting location	1	2.3%
A person who helps me out because of physical disability	4	9.0%
Other	16	40.6%
Total	40	100.0%

Q29: Absentee Ballot Pressure

Did you feel pressured to vote in a particular way when you filled out your absentee or mail ballot?
For instance, because another person may have been watching you fill out your ballot?

	Frequency	Percentage
Yes	7	0.5%
No	1,603	99.4%
Don't Know	2	0.1%
Total	1,612	100.0%

w/o Don't Know

	Frequency	Percentage
Yes	7	0.5%
No	1,603	99.6%
Total	1,610	100.0%

Q30: How Returned

How did you return your absentee or mail ballot?

	Frequency	Percentage
Personally mailed it back in	1,062	65.9%
Someone else in household mailed it	121	7.5%
Personally returned it	328	20.4%
Someone else returned it	67	4.2%
Other	31	1.9%
Don't Know	1	0.1%
Total	1,611	100.0%

w/o Don't Know

	Frequency	Percentage
Personally mailed it back in	1,062	65.9%
Someone else in household mailed it	121	7.5%
Personally returned it	328	20.4%
Someone else returned it	67	4.2%
Other	31	1.9%
Total	1,610	100.0%

Q31: Returned Absentee Ballot

To the best of your memory, when did you return your absentee or mail ballot?

	Frequency	Percentage
On Election Day	57	3.5%
A Few days before election day	245	15.2%
The week before Election Day	371	23.0%
More than a week before Election Day	932	57.9%
I don't remember	6	0.4%
Total	1,611	100.0%

w/o Don't Know/Remember

	Frequency	Percentage
On Election Day	57	3.5%
A Few days before election day	245	15.3%
The week before Election Day	371	23.1%
More than a week before Election Day	934	58.1%
Total	1,607	100.0%

Q32: Ease Filling Out Absentee Ballot

Overall, how easy was it to follow all the instructions necessary to cast your ballot and return it to be counted?

	Mean (SE) (w/missing and DK)	N (w/missing)	Mean (SE (w/o missing)	N (w/o missing)
Q32: Ease filling out absentee ballot (1-very easy; 4-very hard)	1.18 (0.01)	1,611	1.17 (0.01)	1,609

Q33: Presidential Vote

For whom did you vote for President of the United States?

	Frequency	Percentage
John McCain (Republican)	4,527	48.3%
Barack Obama (Democratic)	4,701	50.1%
Robert Barr (Libertarian)	31	0.3%
Cynthia McKinney (Green)	8	0.1%
Ralph Nader (Independent)	21	0.2%
Other candidate or party	65	0.7%
I did not vote in this race	25	0.3%
Total	9,378	100.0%

Q34: Confidence

How confident are you that your vote in the General Election was counted as you intended?

	Mean (SE) (w/missing and DK)	N (w/missing)	Mean (SE (w/o missing)	N (w/o missing)
Q34: Confidence that vote counted (1- Very confident; 4-not at all confident)	1.41 (0.01)	9,403	1.35 (0.01)	9,269

Q35: Past Voting Experience

Whether or not you voted in the November 2008 General Election, which of the following statements most closely describes your past voting history?

	Frequency	Percentage
Almost always vote in every election	7,145	75.5%
Usually vote in national/state elections	1,793	18.9%
Usually vote in local elections	74	0.8%
Usually haven't voted in the past	278	2.9%
Other	175	1.9%
Total	9,466	100.0%

Q36: Voter Fraud

It is illegal to vote more than once in an election or to vote if not a U.S. citizen. How frequently do you think this occurs in your community?

Q37: Vote theft

Another form of fraud occurs when votes are stolen or tampered with. How frequently do you think this occurs in your community?

Q38: Voter impersonation

It is illegal for a person to claim to be another person, who is registered to vote, and to cast that person's vote. How often do you think this occurs in your community?

	Mean (SE) (w/missing and DK)	N (w/missing)	Mean (SE (w/o missing)	N (w/o missing)
Q36: Voter Fraud (1- It is very common; 4- It almost never occurs)	3.46 (0.01)	9,987	2.99 (0.01)	7,761
Q37: Vote Theft (1- It is very common; 4- It almost never occurs)	3.65 (0.01)	9,986	3.21 (0.01)	7,582
Q38: Voter Impersonation (1- It is very common; 4- It almost never occurs)	3.71 (0.01)	9,954	3.23 (0.01)	7,373

Q39: Driver's License

Do you have a driver's license?

	Frequency	Percentage
Yes	9,462	94.7%
No	515	5.2%
Don't Know	12	0.1%
Total	9,989	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	9,462	94.8%
No	515	5.2%
Total	9,980	100.0%

Q39a: DL Expired

Is your driver's license expired?

	Frequency	Percentage
Yes	80	0.8%
No	9,438	99.0%
Don't Know	16	0.2%
Total	9,534	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	80	0.8%
No	9,439	99.2%
Total	9,519	100.0%

Q39b: DL Legal Name

Is the name on your driver's license the same name you are registered to vote under?

	Frequency	Percentage
Yes	9,357	98.2%
No	132	1.4%
Don't Know	42	0.4%
Total	9,530	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	9,359	98.6%
No	132	1.4%
Total	9,491	100.0%

Q39c: DL Address

Is the address on your driver's license the same as the address where you are registered to vote?

	Frequency	Percentage
Yes	8,428	88.8%
No	1,007	10.6%
Don't Know	57	0.6%
Total	9,492	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	8,435	89.3%
No	1,007	10.7%
Total	9,442	100.0%

Q40: Passport

Do you have a U.S. passport?

	Frequency	Percentage
Yes	3,930	39.3%
No	6,019	60.3%
Don't Know	39	0.4%
Total	9,988	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	3,932	39.5%
No	6,022	60.5%
Total	9,954	100.0%

Q40a: Passport Expired
Is your passport expired?

	Frequency	Percentage
Yes	508	12.2%
No	3,541	85.2%
Don't Know	108	2.5%
Total	4,157	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	509	12.6%
No	3,549	87.5%
Total	4,058	100.0%

Q40b: Passport Legal Name
Is the name on your passport the same name you are registered to vote under?

	Frequency	Percentage
Yes	3,940	94.8%
No	186	4.5%
Don't Know	30	0.7%
Total	4,157	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	3,941	95.5%
No	186	4.5%
Total	4,128	100.0%

Q41 Other Identification

Do you have any other form of government-issued picture identification, such as a state ID card or a military ID card?

	Frequency	Percentage
Yes	2,424	24.3%
No	7,506	75.2%
Don't Know	51	0.5%
Total	9,981	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	2,425	24.4%
No	7,510	75.6%
Total	9,935	100.0%

Q42 Birth Certificate

Do you have an official copy of your birth certificate that you can easily locate?

	Frequency	Percentage
Yes	8,538	85.5%
No	1,216	12.2%
Don't Know	230	2.3%
Total	9,984	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	8,547	87.5%
No	1,217	12.5%
Total	9,764	100.0%

Q43 Reform Proposals

Do you support or oppose any of the following proposals for new ways of voting or conducting elections?

Q43a: Allow Absentec over Internet

	Frequency	Percentage
Support	2,955	30.1%
Oppose	6,877	70.0%
Total	9,832	100.0%

Q43b: Run Elections by Mail

	Frequency	Percentage
Support	1,439	14.7%
Oppose	8,339	85.3%
Total	9,778	100.0%

Q43c: Auto-Register All Citizens to Vote

	Frequency	Percentage
Support	4,752	48.3%
Oppose	5,092	51.7%
Total	9,844	100.0%

Q43d: Allow Registration at Polls

	Frequency	Percentage
Support	4,300	43.7%
Oppose	5,550	56.3%
Total	9,850	100.0%

Q43e: Require ID

	Frequency	Percentage
Support	7,457	75.6%
Oppose	2,410	24.4%
Total	9,867	100.0%

Q43f: Move Election Day to Weekend

	Frequency	Percentage
Support	4,091	41.8%
Oppose	5,706	58.2%
Total	9,797	100.0%

Q43g: Make Election Day a Holiday

	Frequency	Percentage
Support	5,666	57.5%
Oppose	4,194	42.5%
Total	9,860	100.0%

Appendix 5. Questionnaire and Frequencies for Phone Responses

Q1 Vote

Which of the following statements best describes you?

	Frequency	Percentage
I did not vote in the Election This November	26	1.3%
I thought about voting this time, but did not	12	0.6%
I usually vote, but didn't this time	10	0.5%
I tried to vote, but was not allowed to	0	0.0%
I tried to vote, but it ended up being...	5	0.3%
I definitely voted in the Nov. General	1,946	97.3%
Total	2,000	100.0%

Q2: Reason for Not Voting

How much of a factor did the following reasons play in your not voting in the November General Election?

Note: Phone refused responses (coded as "99") are included in the "All" lines for d, e, m, and n. In the case of d, when

Reasons for Not Voting	All Phone responses		w/o Don't Know	
	Mean (SE)	N	Mean (SE)	N
2a. Wrong ID	1.17 (0.08)	44	1.17 (0.08)	44
2b. Illness	1.51 (0.12)	44	1.51 (0.12)	44
2c. Out of town	1.36 (0.12)	44	1.36 (0.12)	44
2d. Forgot	1.71 (1.24)	44	1.03 (0.04)	43
2e. Did not receive absentee ballot	1.75 (1.24)	44	1.02 (0.03)	42
2f. Too Busy	2.01 (0.14)	44	2.01 (0.14)	44
2g. Transportation	1.33 (0.11)	44	1.33 (0.11)	44
2h. Didn't Like Choices	1.56 (0.14)	44	1.49 (0.12)	43
2i. Reg. Problems	1.17 (0.09)	44	1.08 (0.05)	43
2j. Weather	1.04 (0.04)	44	1.04 (0.04)	44
2k. Bad Time/Location	1.31 (0.10)	44	1.29 (0.10)	43
2l. Line Too Long	1.21 (0.08)	44	1.21 (0.08)	44
2m. Didn't Know Where to Go	1.85 (1.24)	44	1.09 (0.06)	42
2n. Did Not Receive Ballot/Did Not Receive Ballot in Time	2.09 (1.24)	44	1.38 (0.12)	42

These are coded out without removing the "don't know" option. The results are the same as the corresponding result in the without "Don't Know" line. ("e" removes one response, leaving us with (1.06 (0.06); 43), "m" leaves us with (1.17 (0.10); 43), and "n" would be (1.41 (0.12); 43)

Q3: Why No Absentee Ballot

Sometimes when voters can't get to the polls on Election Day, they vote using an absentee ballot. Please indicate which of the following statements most closely describes why you did not vote absentee in the November 2008 General Election.

	Frequency	Percentage
I had no interest in voting in this election	18	40.4%
It was too late to request a ballot	3	7.2%
I requested an absentee ballot, but it...	0	0.0%
I wouldn't have been allowed to vote absentee	1	3.1%
Requesting an absentee ballot requires...	3	5.7%
I didn't know how to request an absentee ballot	7	15.9%
I prefer to vote in person	8	17.6%
Other	4	10.0%
Total	44	100.0%

Q4: First Time Voting

Was this your first time voting, or have you voted in elections before?

	Frequency	Percentage
I am a first-time voter	74	3.8%
I have voted before in elections	1,882	96.2%
Total	1,956	100.0%

Question 4b: First Time Voter

	Frequency	Percentage
I am a first-time voter	0	0.0%
I have voted before in elections	6	100.0%
Total	6	100.0%

Q5: Mode of Voting

Did you vote in person at a precinct on Election Day, in person before Election Day, or by mail (that is, absentee or vote-by-mail)?

	Frequency	Percentage
In Person on Election Day (at polling place)	1,143	58.5%
In Person before Election Day	355	18.2%
Voted by Mail (or absentee)	456	23.3%
Don't Know	1	0.1%
Total	1,956	100.0%

w/o Don't Knows

	Frequency	Percentage
In Person on Election Day (at polling place)	1,143	58.5%
In Person before Election Day	355	18.2%
Voted by Mail (or absentee)	456	23.4%
Total	1,955	100.0%

Question 5b: Mode of Voting

	Frequency	Percentage
In Person on Election Day (at polling place)	2	32.6%
In Person before Election Day	0	0.0%
Voted by Mail (or absentee)	0	0.0%
Don't Know	4	67.4%
Total	6	100.0%

w/o Don't Knows

	Frequency	Percentage
In Person on Election Day (at polling place)	3	100.0%
In Person before Election Day	0	0.0%
Voted by Mail (or absentee)	0	0.0%
Total	3	100.0%

Q6: Difficulty Finding Polling Place

How difficult was it to find your polling place to vote?

	Mean (SE) (w/missing and DK)	N (w/missing)	Mean (SE (w/o missing)	N (w/o missing)
Q6: Difficulty Finding Polling Place (1- Very Difficult; 4 - Very Easy)	3.86 (0.02)	1,477	3.86 (0.02)	1,475

Q7: Polling Place Type

How would you describe the place where you voted?

	Frequency	Percentage
Private Home	15	2.2%
Private Business	9	1.4%
School Building	142	20.8%
Church	152	22.2%
Police/Fire Station	65	9.6%
A store or shopping mall	9	1.4%
Senior Center	30	4.4%
Community Center	134	19.6%
Library	48	7.1%
Other Gov't Office (Courthouse, etc)	63	9.3%
Other	15	2.2%
Total	683	100.0%

Q8: Know Poll Worker

Did you personally know the person who checked you in when you arrived to vote?

	Frequency	Percentage
Yes	98	14.3%
No	586	85.6%
Don't Know	1	0.1%
Don't Remember	0	0.0%
Total	685	100.0%

w/o Don't Knows/Don't Remember

	Frequency	Percentage
Yes	98	14.3%
No	586	85.7%
Total	684	100.0%

Q9: How Well the Polling Place Was Run

How well were things run at the polling place where you voted?

	Mean (SE) (w/missing and DK)	N (w/missing)	Mean (SE (w/o missing))	N (w/o missing)
Q9: How well Polling Place Run (1- Well Run; 4- Terrible)	1.19 (0.01)	1,477	1.18 (0.01)	1,475

Q10: Problem with Voter Registration

Was there a problem with your voter registration when you tried to vote?

	Frequency	Percentage
Yes	19	1.3%
No	1,458	98.7%
Total	1,477	100.0%

Q11: Problem with Voter Registration — Allowed To Vote

Were you allowed to vote?

	Frequency	Percentage
I Voted Using a Regular Ballot	11	60.6%
Used a Provisional Ballot	7	39.4%
Total	18	100.0%

Q12: Line Length

Approximately, how long did you have to wait in line to vote?

	Mean (SE (w/o missing))	N (w/o missing)
Q12: Line Length (in minutes, recoded from 1-5 scale to 0, 5, 15, 45, 90)	12.68 (0.62)	1,476

Q12a: Source of Line

Was your wait in line mostly when you first arrived to check in at the registration table, or after you checked in and were waiting to gain access to a place to cast your ballot?

	Frequency	Percentage
Check-In to Vote	436	54.9%
After Check-In	126	15.8%
Evenly Divided between the two	224	28.2%
Don't Recall	7	0.9%
Phone-Refused	2	0.2%
Total	794	100.0%

w/o Don't Knows

	Frequency	Percentage
Check-In to Vote	434	55.5%
After Check-In	125	16.0%
Evenly Divided between the two	223	28.5%
Total	782	100.0%

Q13: Picture ID

Were you asked to show picture identification, such as a driver's license, at the polling place this November?

	Frequency	Percentage
Yes	856	57.9%
No	614	41.6%
Don't Know	6	0.4%
Phone-Refused	1	0.0%
Total	1,477	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	853	58.2%
No	613	41.8%
Total	1,466	100.0%

Q13a: Allowed to Vote

Were you then allowed to vote?

	Frequency	Percentage
Voted with Regular Ballot	719	91.2%
Voted with Provisional Ballot	66	8.4%
Was offered provisional, but didn't vote	3	0.4%
Was not allowed to vote	0	0.0%
Total	788	100.0%

Q14: Type of ID Shown

What type of picture identification did you show?

	Frequency	Percentage
Driver's License	751	92.2%
Passport	8	1.0%
Voter Reg. Card	23	2.8%
Other Gov't Picture ID	23	2.8%
Non Gov Picture ID	5	0.6%
Non-Picture ID	1	0.1%
Bill, letter, package	1	0.1%
Although asked, did not show ID	0	0.0%
I Don't Remember	3	0.4%
Total	814	100.0%

w/o Don't Knows

	Frequency	Percentage
Driver's License	752	92.6%
Passport	8	1.0%
Voter Reg. Card	23	2.8%
Other Gov't Picture ID	23	2.8%
Non Gov't Picture ID	5	0.6%
Non-Picture ID	1	0.1%
Bill, letter, package	1	0.1%
Although asked, did not show ID	0	0.0%
Total	812	100.0%

Q15: Picture ID Follow-up

Did you show picture identification because you were asked for it specifically, or because a picture ID was the most convenient form of identification for you to show?

	Frequency	Percentage
I was asked specifically for an ID Card	453	55.9%
I showed an ID card	346	42.7%
Don't Know	10	1.3%
Phone-Refused	1	0.2%
Total	810	100.0%

w/o Don't Knows

	Frequency	Percentage
I was asked specifically for an ID Card	449	56.7%
I showed an ID card	343	43.3%
Totals	792	100.0%

Q16: Voting Equipment Problems

Did you encounter any problems with the voting equipment or the ballot that may have interfered with your ability to cast your vote as intended?

	Frequency	Percentage
Yes	21	1.4%
No	1,455	98.5%
Don't Know	1	0.1%
Phone-Refused	1	0.1%
Total	1,477	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	1,454	98.6%
No	21	1.4%
Total	1,475	100.0%

Q17: Help With Ballot

Did you receive help in filling out your ballot?

	Frequency	Percentage
Yes	84	5.7%
No	1,391	94.2%
Phone- Don't Know	1	0.1%
Total	1,477	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	84	5.7%
No	1,391	94.3%
Total	1,475	100.0%

Q18: Who Helped With Ballot

Who helped you with your ballot?

	Frequency	Percentage
My spouse or partner	5	7.1%
A Child of mine	7	10.1%
A Friend of Mine	1	0.8%
An Election official or precinct worker	56	76.5%
Another voter	2	2.3%
A person who helps me out because...	1	1.0%
Other	1	1.3%
Don't Know	1	0.8%
Total	73	100.0%

w/out Don't Knows

	Frequency	Percentage
My spouse or partner	5	7.2%
A Child of mine	7	10.2%
A Friend of Mine	1	0.8%
An Election official or precinct worker	56	77.2%
Another voter	2	2.3%
A person who helps me out because...	1	1.0%
Other	1	1.4%
Total	72	100.0%

Q19: Poll Worker Performance

Please rate the job performance of the poll workers at the polling place where you voted.

	Mean (SE) (w/missing and DK)	N (w/missing)	Mean (SE (w/o missing)	N (w/o missing)
Q19: Performance of Poll Worker (1- Excellent; 4- poor)	1.42 (0.08)	1,477	1.32 (0.01)	1,472

Q20: Race of Poll Worker

What was the race/ethnicity of the poll worker who checked you in when you voted?

	Frequency	Percentage
African American	111	16.2%
Native American	5	0.8%
Asian	1	0.2%
White	440	64.3%
Hispanic	38	5.6%
Other/Multi-Racial	33	4.8%
I Don't Recall	31	4.6%
I Don't Know	17	2.5%
Unknown variable ("9" according to STATA)	8	1.2%
Total	685	100.0%

w/o Don't Knows and Don't Recalls

	Frequency	Percentage
African American	111	17.7%
Native American	5	0.8%
Asian	1	0.2%
White	442	70.0%
Hispanic	38	6.1%
Other/Multi-Racial	33	5.2%
Total	631	100.0%

Q21: Age of Poll Worker

About how old was the poll worker who checked you in when you voted?

	Frequency	Percentage
Under 30	54	7.8%
Between 31 and 50	168	24.5%
Between 51 and 70	392	57.3%
Older than 70	43	6.2%
Don't Know	25	3.7%
Phone Refused	3	0.5%
Total	685	100.0%

w/o Don't Knows

	Frequency	Percentage
Under 30	53	8.2%
Between 31 and 50	167	25.6%
Between 51 and 70	390	59.8%
Older than 70	42	6.5%
Total	652	100.0%

Q22: Polling Place Intimidation

Did you personally feel intimidated at the place where you voted?

	Frequency	Percentage
Yes	12	0.8%
No	1,465	99.2%
Phone-Refused	1	0.1%
Total	1,	

w/o Don't Remember

	Frequency	Percentage
Yes	12	0.8%
No	1,464	99.2%
Total	1,476	100.0%

Q23: Reason for Absentee Ballot

Which of the following statements most closely describes why you voted by mail or absentee?

	Frequency	Percentage
My state or locality only has vote-by-mail.	98	20.4%
I have signed up to receive a mail or absentee ballot automatically	170	35.6%
Voting by mail or absentee was just more convenient for me	136	28.5%
I was out of town for this election	10	2.1%
I have a physical disability	45	9.5%
I could not get to the polls on election day because of my work	13	2.6%
I am in the armed forces	0	0.0%
I was an election official or poll worker	1	0.2%
Religious observances would have interfered with my going to	0	0.0%
Other	5	1.0%
Phone-Refused	1	0.3%
Total	478	100.0%

w/o Don't Knows

	Frequency	Percentage
My state or locality only has vote-by-mail.	98	20.5%
I have signed up to receive a mail or absentee ballot automatically	170	35.7%
Voting by mail or absentee was just more convenient for me	136	28.5%
I was out of town for this election	10	2.1%
I have a physical disability	45	9.5%
I could not get to the polls on election day because of my work	13	2.7%
I am in the armed forces	0	0.0%
I was an election official or poll worker	1	0.2%
Religious observances would have interfered with my going to	0	0.0%
Other	5	1.0%
Total	477	100.0%

Q24: Contact Regarding Absentee Ballot

Did someone associated with a political candidate or political party contact you to encourage you to vote absentee or by mail?

	Frequency	Percentage
Yes	74	19.1%
No	307	79.7%
Phone-Don't Know	4	1.1%
Total	385	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	74	19.4%
No	307	80.6%
Total	381	100.0%

Q25: Problems Getting Mail Ballot

Were there any problems getting your absentee or mail-in ballot sent to you?

	Frequency	Percentage
Yes	0	0.1%
No	478	99.9%
Total	478	100.0%

Q26: Mail Ballot Problems

Did you encounter any problems marking or completing your ballot that may have interfered with your ability to cast your vote as intended?

	Frequency	Percentage
Yes	8	1.7%
No	469	98.2%
Don't Know	1	0.1%
Total	478	100.0%

w/o Don't Know

	Frequency	Percentage
Yes	8	1.7%
No	469	98.3%
Total	477	100.0%

Q27: Help With Absentee Ballot

Did you receive help in filling out your absentee or mail ballot?

	Frequency	Percentage
Yes	28	5.8%
No	450	94.2%
Total	478	100.0%

Q28: Who Helped With Absentee Ballot

Who helped you fill out your ballot?

	Frequency	Percentage
My spouse or partner	10	43.5%
A child of mine	4	19.2%
A friend of mine	1	5.7%
An election official or precinct worker	0	0.0%
Another voter, or someone else at my voting location	0	0.0%
A person who helps me out because of physical disability	1	3.6%
Other	5	23.4%
Don't Know	1	3.2%
"9"	0	1.4%
Total	23	100.0%

w/out Don't Know and "9"

	Frequency	Percentage
My spouse or partner	10	45.6%
A child of mine	4	20.1%
A friend of mine	1	6.0%
An election official or precinct worker	0	0.0%
Another voter, or someone else at my voting location	0	0.0%
A person who helps me out because of physical disability	1	3.8%
Other	5	24.6%
Total	21	100.0%

Q29: Absentee Ballot Pressure

Did you feel pressured to vote in a particular way when you filled out your absentee or mail ballot?
For instance, because another person may have been watching you fill out your ballot?

	Frequency	Percentage
Yes	6	1.3%
No	472	98.7%
Total	478	100.0%

Q30: How Returned

How did you return your absentee or mail ballot?

	Frequency	Percentage
Personally mailed it back in	361	75.4%
Someone else in household mailed it	32	6.6%
Personally returned it	68	14.2%
Someone else returned it	15	3.2%
Other	3	0.5%
Total	478	100.0%

Q31: Returned Absentee Ballot

To the best of your memory, when did you return your absentee or mail ballot?

	Frequency	Percentage
On Election Day	46	9.6%
A Few days before election day	95	19.8%
The week before Election Day	128	26.7%
More than a week before Election Day	210	43.8%
Total	478	100.0%

Q32: Ease Filling Out Absentee Ballot

Overall, how easy was it to follow all the instructions necessary to cast your ballot and return it to be counted?

	Mean (SE) (w/missing and DK)	N (w/missing)	Mean (SE (w/o missing)	N (w/o missing)
Q32: Ease filling out absentee ballot (1-very easy; 4-very hard)	1.17 (0.02)	478	1.17 (0.02)	478

Q33: Presidential Vote

For whom did you vote for President of the United States?

	Frequency	Percentage
John McCain (Republican)	873	44.6%
Barack Obama (Democratic)	844	43.2%
Robert Barr (Libertarian)	4	0.2%
Cynthia McKinney (Green)	7	0.4%
Ralph Nader (Independent)	5	0.2%
Other candidate or party	4	0.2%
I did not vote in this race	1	0.1%
Phone – Don't Know	7	0.4%
Phone-Refused	211	10.8%
Total	1,956	100.0%

w/o Don't Know and Refused.

	Frequency	Percentage
John McCain (Republican)	862	50.2%
Barack Obama (Democratic)	834	48.6%
Robert Barr (Libertarian)	4	0.3%
Cynthia McKinney (Green)	7	0.4%
Ralph Nader (Independent)	4	0.3%
Other candidate or party	4	0.2%
I did not vote in this race	1	0.1%
Total	1,717	100.0%

Q34: Confidence

How confident are you that your vote in the General Election was counted as you intended?

	Mean (SE) (w/missing and DK)	N (w/missing)	Mean (SE (w/o missing)	N (w/o missing)
Q34: Confidence that vote counted (1- Very confident; 4-not at all confident)	1.67 (0.12)	1,956	1.32 (0.01)	1,925

Q35: Past Voting Experience

Whether or not you voted in the November 2008 General Election, which of the following statements most closely describes your past voting history?

	Frequency	Percentage
Almost always vote in every election	1,559	79.3%
Usually vote in national/state elections	334	17.0%
Usually vote in local elections	10	0.5%
Usually haven't voted in the past	48	2.4%
Other	8	0.4%
Phone-Don't Know	7	0.3%
Phone-Refused	0	0.0%
Total	1,965	100.0%

w/o Don't Knows

	Frequency	Percentage
Almost always vote in every election	1,557	79.6%
Usually vote in national/state elections	334	17.1%
Usually vote in local elections	10	0.5%
Usually haven't voted in the past	48	2.4%
Other	8	0.4%
Total	1,956	100.0%

Q36: Voter Fraud

It is illegal to vote more than once in an election or to vote if not a U.S. citizen. How frequently do you think this occurs in your community?

Q37: Vote Theft

Another form of fraud occurs when votes are stolen or tampered with. How frequently do you think this occurs in your community?

Q38: Voter Impersonation

It is illegal for a person to claim to be another person, who is registered to vote, and to cast that person's vote. How often do you think this occurs in your community?

	Mean (SE) (w/missing and DK)	N (w/missing)	Mean (SE (w/o missing)	N (w/o missing)
Q36: Voter Fraud (1- It is very common; 4- It almost never occurs)	3.88 (0.14)	2,000	3.24 (0.02)	1,725
Q37: Vote Theft (1- It is very common; 4- It almost never occurs)	3.97 (0.13)	2,000	3.49 (0.02)	1,798
Q38: Voter Impersonation (1- It is very common; 4- It almost never occurs)	3.90 (0.12)	2,000	3.47 (0.02)	1,798

Q39: Driver's License

Do you have a driver's license?

	Frequency	Percentage
Yes	1,910	95.5%
No	90	4.5%
Total	2,000	100.0%

Q39a: DL Expired

Is your driver's license expired?

	Frequency	Percentage
Yes	37	2.0%
No	1,881	97.9%
Don't Know	3	0.1%
Total	1,921	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	37	2.0%
No	1,881	98.1%
Total	1,918	100.0%

Q39b: DL Legal Name

Is the name on your driver's license the same name you are registered to vote under?

	Frequency	Percentage
Yes	1,888	98.3%
No	26	1.3%
Don't Know	7	0.3%
Phone-Refused	1	0.0%
Total	1,921	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	1,890	98.7%
No	26	1.3%
Total	1,916	100.0%

Q39c: DL Address

Is the address on your driver's license the same as the address where you are registered to vote?

	Frequency	Percentage
Yes	1,841	95.9%
No	69	3.6%
Don't Know	5	0.3%
Phone-Refused	6	0.3%
Total	1,921	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	1,843	96.4%
No	69	3.6%
Total	1,912	100.0%

Q40: Passport

Do you have a U.S. passport?

	Frequency	Percentage
Yes	895	44.8%
No	1,102	55.1%
Don't Know	3	0.1%
Phone -- Refused	0	0.0%
Total	2,000	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	894	44.8%
No	1,101	55.2%
Total	1,995	100.0%

Q40a: Passport Expired

Is your passport expired?

	Frequency	Percentage
Yes	139	13.7%
No	858	84.7%
Don't Know	15	1.5%
Phone-Refused	1	0.1%
Total	1,013	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	138	13.9%
No	857	86.1%
Total	995	100.0%

Q40b: Passport Legal Name

Is the name on your passport the same name you are registered to vote under?

	Frequency	Percentage
Yes	956	94.4%
No	42	4.2%
Don't Know	13	1.3%
Phone-Refused	1	0.1%
Total	1,013	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	959	95.8%
No	43	4.2%
Total	1,002	100.0%

Q41 Other Identification

Do you have any other form of government-issued picture identification, such as a state ID card or a military ID card?

	Frequency	Percentage
Yes	415	20.8%
No	1,577	78.9%
Don't Know	6	0.3%
Phone-Refused	1	0.1%
Total	2,000	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	415	20.8%
No	1,578	79.2%
Total	1,993	100.0%

Q42 Birth Certificate

Do you have an official copy of your birth certificate that you can easily locate?

	Frequency	Percentage
Yes	1,776	88.8%
No	202	10.1%
Don't Know	19	0.9%
Phone-Refused	3	0.2%
Total	2,000	100.0%

w/o Don't Knows

	Frequency	Percentage
Yes	1,780	89.8%
No	202	10.2%
Total	1,982	100.0%

Q43 Reform Proposals

Do you support or oppose any of the following proposals for new ways of voting or conducting elections?

Q43a: Allow Absentee over Internet

	Frequency	Percentage
Support	253	22.4%
Oppose	846	74.7%
Don't Know	32	2.8%
Phone-Refused	2	0.1%
Total	1,133	100.0%

w/o Don't Knows

	Frequency	Percentage
Support	253	23.0%
Oppose	844	77.0%
Total	1,097	100.0%

Q43b: Run Elections by Mail

	Frequency	Percentage
Support	232	20.5%
Oppose	880	77.7%
Don't Know	18	1.6%
Phone-Refused	3	0.3%
Total	1,133	100.0%

w/o Don't Knows

	Frequency	Percentage
Support	233	20.9%
Oppose	883	79.1%
Total	1,116	100.0%

Q43c: Auto-Register All Citizens to Vote

	Frequency	Percentage
Support	584	51.5%
Oppose	532	46.9%
Don't Know	17	1.5%
Phone-Refused	0	0.0%
Total	1,133	100.0%

w/o Don't Knows

	Frequency	Percentage
Support	584	52.3%
Oppose	532	47.7%
Total	1,116	100.0%

Q43d: Allow Registration at Polls

	Frequency	Percentage
Support	360	31.8%
Oppose	753	66.5%
Don't Know	20	1.7%
Phone-Refused	0	0.0%
Total	1,133	100.0%

w/o Don't Knows

	Frequency	Percentage
Support	360	32.3%
Oppose	754	67.7%
Total	1,114	100.0%

Q43e: Require ID

	Frequency	Percentage
Support	863	76.1%
Oppose	247	21.8%
Don't Know	23	2.0%
Phone-Refused	0	0.0%
Total	1,133	100.0%

w/o Don't Knows

	Frequency	Percentage
Support	862	77.7%
Oppose	247	22.3%
Total	1,109	100.0%

Q43f: Move Election Day to Weekend

	Frequency	Percentage
Support	417	36.8%
Oppose	665	58.9%
Don't Know	45	4.0%
Phone-Refused	6	0.5%
Total	1,133	100.0%

w/o Don't Knows

	Frequency	Percentage
Support	416	38.6%
Oppose	662	61.4%
Total	1,078	100.0%

Q43g: Make Election Day a Holiday

	Frequency	Percentage
Support	506	44.7%
Oppose	610	53.8%
Don't Know	17	1.5%
Phone-Refused	0	0.0%
Total	1,133	100.0%

w/o Don't Knows

	Frequency	Percentage
Support	504	45.4%
Oppose	608	54.6%
Total	1,112	100.0%

Appendix 6. State-Level Summary of Absentee Ballot Answers

NB: Items with fewer than 20 respondents excluded.

	Were there any problems getting your absentee or mail-in ballot sent to you?		Did you encounter any problems marking or completing your ballot that may have interfered with your ability to cast your vote as intended?		Did you receive help in filling out your absentee or mail ballot?		Did you feel pressured to vote in a particular way when you filled out your absentee or mail ballot?		Overall, how easy was it to follow all the instructions necessary to cast your ballot and return it to be counted?		How confident are you that your vote in the General Election was counted as you intended?	
	Pct. saying "yes"	N	Pct. saying "yes"	N	Pct. saying "yes"	N	Pct. saying "yes"	N	Pct. saying "very easy" or "somewhat easy"	N	Pct. saying "very confident" or "somewhat confident"	N
Alabama	—	—	—	—	—	—	—	—	—	—	—	—
Alaska	—	—	—	—	—	—	—	—	—	—	—	—
Arizona	0%	95	4%	94	3%	95	0%	94	100%	95	93%	92
Arkansas	—	—	—	—	—	—	—	—	—	—	—	—
California	2%	89	0%	88	0%	89	0%	88	98%	89	86%	85
Colorado	5%	114	1%	113	4%	115	1%	115	96%	115	94%	112
Connecticut	—	—	—	—	—	—	—	—	—	—	—	—
Delaware	—	—	—	—	—	—	—	—	—	—	—	—
Florida	3%	40	4%	41	4%	41	3%	41	94%	41	92%	41
Georgia	—	—	—	—	—	—	—	—	—	—	—	—
Hawaii	3%	47	0%	47	2%	47	2%	47	100%	47	95%	46
Idaho	6%	35	0%	35	6%	35	0%	35	100%	35	97%	34
Illinois	—	—	—	—	—	—	—	—	—	—	—	—
Indiana	—	—	—	—	—	—	—	—	—	—	—	—
Iowa	2%	41	0%	40	9%	41	0%	41	100%	40	97%	41
Kansas	2%	33	0%	33	9%	33	0%	32	100%	32	97%	33

	Were there any problems getting your absentee or mail-in ballot sent to you?	Did you encounter any problems marking or completing your ballot that may have interfered with your ability to cast your vote as intended?	Did you receive help in filling out your absentee or mail ballot?	Did you feel pressured to vote in a particular way when you filled out your absentee or mail ballot?	Overall, how easy was it to follow all the instructions necessary to cast your ballot and return it to be counted?	How confident are you that your vote in the General Election was counted as you intended?
	Pct. saying "yes"	Pct. saying "yes"	Pct. saying "yes"	Pct. saying "yes"	Pct. saying "very easy" or "somewhat easy"	Pct. saying "very confident" or "somewhat confident"
	N	N	N	N	N	N
Rhode Island	—	—	—	—	—	—
South Carolina	4%	0%	0%	0%	100%	90%
South Dakota	—	—	—	—	—	—
Tennessee	—	—	—	—	—	—
Texas	—	—	—	—	—	—
Utah	0%	9%	5%	5%	95%	88%
Vermont	0%	0%	6%	0%	100%	100%
Virginia	—	—	—	—	—	—
Washington	1%	1%	0%	0%	100%	91%
West Virginia	—	—	—	—	—	—
Wisconsin	—	—	—	—	—	—
Wyoming	0%	0%	4%	0%	100%	98%
	31	31	31	31	31	30

Appendix 7. State-by-State Comparison of Internet and Phone Survey Items

Alabama

	Internet Survey	Phone Survey
Q1. Vote (% of individuals who voted)	93.7%	96.0%
Q6. Difficulty Finding polling place (1-very difficult; 4-very easy)	3.88 (0.03)	3.94 (0.03)
Q9. How well polling place was run (1 – Very well; 4 – Terrible)	1.16 (0.03)	1.18 (0.04)
Q10. Problem with voter registration (% Yes)	1.4%	0.9%
Q12. Line length (mean time in minutes)	13.7 (2.1)	13.9 (2.0)
Q13. Picture ID (% Yes)	93.5%	93.0%
Q15. Picture ID Follow-up (% asked specifically)	49.9%	50.0%
Q16. Voting Equipment Problems (% yes)	1.8%	0.3%
Q19. Poll Worker performance (1-Excellent; 4-Poor)	1.32 (0.04)	1.34 (0.04)
Q25. Problems getting mail ballot (% Yes)	8.8%	0.0%
Q26. Mail ballot problems (% Yes)	0.0%	0.0%
Q32. Ease filling out absentee ballot (1-very easy; 4- very hard)	1.28 (0.13)	1.06 (0.10)
Q33. Presidential Vote (% vote for Obama)	43.3%	33.6%
Q34. Confidence (1-very confident; 4-not at all confident)	1.30 (0.04)	1.26 (0.04)
Q36. Voter fraud (1-Common; 4 – almost never occurs)	3.09 (0.09)	3.44 (0.07)
Q37. Vote theft (1-Common; 4 – almost never occurs)	3.11 (0.08)	3.60 (0.06)
Q38. Voter Impersonation (1-Common; 4 – almost never occurs)	3.27 (0.08)	3.67 (0.05)
Q39. Driver's License (% Yes)	96.8%	98.0%
Q40. Passport (% Yes)	31.3%	25.2%
Q42. Birth Certificate (% Yes)	83.5%	91.0%
Q43a. Reform Proposals – Allow absentee over Internet (% Support)	27.5%	18.9%
Q43b. Reform Proposals – Run elections by mail (% Support)	6.3%	0.0%
Q43c. Reform Proposals – Auto-register all citizens to vote (% Support)	48.0%	57.6%
Q43d. Reform Proposals – Allow registration at polls (% Support)	28.0%	41.4%
Q43e. Reform Proposals – Require ID (%)	80.0%	93.2%

	Internet Survey	Phone Survey
Support)		
Q43f. Reform Proposals – Move election to weekend (% Support)	43.3%	15.1%
Q43g. Reform Proposals – Make election day a holiday (% Support)	51.3%	60.0%

Income

	Internet Survey	Phone Survey
Less than \$10,000	4.7%	6.4%
\$10,000-\$14,999	2.7%	9.4%
\$15,000-\$19,999	4.2%	4.1%
\$20,000-\$24,999	3.1%	4.2%
\$25,000-\$29,999	5.0%	10.3%
\$30,000-\$39,999	12.4%	8.9%
\$40,000-\$49,999	9.9%	5.6%
\$50,000-\$59,999	11.7%	8.0%
\$60,000-\$69,999	6.0%	5.5%
\$70,000-\$79,999	9.9%	9.3%
\$80,000-\$99,999	8.0%	4.2%
\$100,000-\$119,999	4.3%	1.8%
\$120,000-\$149,999	5.2%	3.3%
\$150,000+	2.5%	1.1%
Prefer not to say	10.5%	0.0%
Don't Know	0.0%	2.1%
Refused	0.0%	16.0%

Education

	Internet Survey	Phone Survey
No High School	2.8%	9.5%
High School Graduate	43.5%	30.5%
Some College	19.5%	18.4%
2-year College	9.1%	9.3%
4 Year-College	18.6%	18.8%
Post-Grad	6.5%	7.7%
Refused	0.0%	5.8%

Arizona

	Internet Survey	Phone Survey
Q1. Vote (% of individuals who voted)	91.7%	97.9%
Q6. Difficulty Finding polling place (1-very difficult; 4-very easy)	3.81 (0.05)	3.81 (0.07)
Q9. How well polling place was run (1 – Very well; 4 – Terrible)	1.49 (0.07)	1.24 (0.06)
Q10. Problem with voter registration (% Yes)	8.7%	0.5%
Q12. Line length (mean time in minutes)	25.1 (4.2)	13.3 (3.2)
Q13. Picture ID (% Yes)	87.2%	92.2%
Q15. Picture ID Follow-up (% asked specifically)	56.8%	46.1%
Q16. Voting Equipment Problems (% yes)	5.3%	6.7%
Q19. Poll Worker performance (1-Excellent; 4-Poor)	1.50 (0.07)	1.26 (0.06)
Q25. Problems getting mail ballot (% Yes)	0.0%	0.3%
Q26. Mail ballot problems (% Yes)	4.2%	1.2%
Q32. Ease filling out absentee ballot (1-very easy; 4- very hard)	1.16 (0.04)	1.17 (0.04)
Q33. Presidential Vote (% vote for Obama)	45.8%	48.2%
Q34. Confidence (1-very confident; 4-not at all confident)	1.49 (0.05)	1.45 (0.04)
Q36. Voter fraud (1-Common; 4 – almost never occurs)	2.53 (0.08)	3.22 (0.07)
Q37. Vote theft (1-Common; 4 – almost never occurs)	2.82 (0.08)	3.34 (0.07)
Q38. Voter Impersonation (1-Common; 4 – almost never occurs)	2.74 (0.09)	3.43 (0.06)
Q39. Driver's License (% Yes)	95.3%	98.7%
Q40. Passport (% Yes)	44.9%	53.4%
Q42. Birth Certificate (% Yes)	88.4%	90.5%
Q43a. Reform Proposals – Allow absentee over Internet (% Support)	38.5%	26.8%
Q43b. Reform Proposals – Run elections by mail (% Support)	31.6%	24.5%
Q43c. Reform Proposals – Auto-register all citizens to vote (% Support)	43.1%	47.2%
Q43d. Reform Proposals – Allow registration at polls (% Support)	40.2%	29.8%
Q43e. Reform Proposals – Require ID (% Support)	82.5%	75.3%
Q43f. Reform Proposals – Move election to weekend (% Support)	46.6%	37.7%
Q43g. Reform Proposals – Make election day a holiday (% Support)	54.0%	44.3%

Income

	Internet Survey	Phone Survey
Less than \$10,000	3.1%	4.3%
\$10,000-\$14,999	2.0%	12.3%
\$15,000-\$19,999	3.9%	2.9%
\$20,000-\$24,999	3.6%	1.6%
\$25,000-\$29,999	3.0%	3.0%
\$30,000-\$39,999	11.5%	12.7%
\$40,000-\$49,999	10.7%	10.8%
\$50,000-\$59,999	9.1%	12.6%
\$60,000-\$69,999	3.1%	10.0%
\$70,000-\$79,999	8.1%	1.6%
\$80,000-\$99,999	8.8%	10.3%
\$100,000-\$119,999	4.7%	5.4%
\$120,000-\$149,999	4.7%	1.1%
\$150,000+	6.3%	2.8%
Prefer not to say	17.5%	0.0%
Don't Know	0.0%	0.3%
Refused	0.0%	8.5%

Education

	Internet Survey	Phone Survey
No High School	2.4%	2.3%
High School Graduate	32.2%	31.1%
Some College	28.3%	18.2%
2-year College	6.7%	11.6%
4 Year-College	19.5%	21.5%
Post-Grad	11.0%	15.3%
Refused	0.0%	0.0%

California

	Internet Survey	Phone Survey
Q1. Vote (% of individuals who voted)	92.0%	97.2%
Q6. Difficulty Finding polling place (1-very difficult; 4-very easy)	3.80 (0.05)	3.82 (0.07)
Q9. How well polling place was run (1 – Very well; 4 – Terrible)	1.23 (0.05)	1.23 (0.05)
Q10. Problem with voter registration (% Yes)	5.2%	2.3%
Q12. Line length (mean time in minutes)	10.7 (2.3)	6.8 (1.9)
Q13. Picture ID (% Yes)	33.1%	20.0%
Q15. Picture ID Follow-up (% asked specifically)	40.9%	44.6%
Q16. Voting Equipment Problems (% yes)	4.2%	1.7%
Q19. Poll Worker performance (1-Excellent; 4-Poor)	1.67 (0.08)	1.38 (0.06)
Q25. Problems getting mail ballot (% Yes)	1.6%	0.0%
Q26. Mail ballot problems (% Yes)	0.0%	0.0%
Q32. Ease filling out absentee ballot (1-very easy; 4- very hard)	1.14 (0.05)	1.15 (0.05)
Q33. Presidential Vote (% vote for Obama)	57.9%	61.0%
Q34. Confidence (1-very confident; 4-not at all confident)	1.54 (0.06)	1.35 (0.05)
Q36. Voter fraud (1-Common; 4 – almost never occurs)	2.64 (0.09)	3.00 (0.08)
Q37. Vote theft (1-Common; 4 – almost never occurs)	2.88 (0.09)	3.55 (0.06)
Q38. Voter Impersonation (1-Common; 4 – almost never occurs)	2.72 (0.09)	3.34 (0.07)
Q39. Driver's License (% Yes)	94.2%	87.9%
Q40. Passport (% Yes)	55.0%	59.6%
Q42. Birth Certificate (% Yes)	81.9%	86.7%
Q43a. Reform Proposals – Allow absentee over Internet (% Support)	39.7%	30.8%
Q43b. Reform Proposals – Run elections by mail (% Support)	22.0%	18.3%
Q43c. Reform Proposals – Auto-register all citizens to vote (% Support)	49.9%	57.0%
Q43d. Reform Proposals – Allow registration at polls (% Support)	43.5%	40.5%
Q43e. Reform Proposals – Require ID (% Support)	74.9%	72.8%
Q43f. Reform Proposals – Move election to weekend (% Support)	47.5%	44.7%
Q43g. Reform Proposals – Make election day a holiday (% Support)	57.5%	51.9%

Income

	Internet Survey	Phone Survey
Less than \$10,000	3.9%	15.1%
\$10,000-\$14,999	1.7%	3.1%
\$15,000-\$19,999	2.3%	2.2%
\$20,000-\$24,999	2.5%	2.8%
\$25,000-\$29,999	0.5%	3.9%
\$30,000-\$39,999	7.6%	3.6%
\$40,000-\$49,999	8.9%	7.4%
\$50,000-\$59,999	6.8%	9.0%
\$60,000-\$69,999	5.4%	7.2%
\$70,000-\$79,999	8.8%	10.6%
\$80,000-\$99,999	7.9%	5.6%
\$100,000-\$119,999	8.3%	9.3%
\$120,000-\$149,999	8.4%	4.3%
\$150,000+	11.3%	7.5%
Prefer not to say	15.8%	0.0%
Don't Know	0.0%	1.7%
Refused	0.0%	6.9%

Education

	Internet Survey	Phone Survey
No High School	1.2%	6.4%
High School Graduate	28.3%	18.8%
Some College	24.1%	19.7%
2-year College	11.4%	16.7%
4 Year-College	24.0%	24.7%
Post-Grad	11.0%	11.4%
Refused	0.0%	2.3%

Florida

	Internet Survey	Phone Survey
Q1. Vote (% of individuals who voted)	92.5%	99.5%
Q6. Difficulty Finding polling place (1-very difficult; 4-very easy)	3.81 (0.04)	3.92 (0.03)
Q9. How well polling place was run (1 – Very well; 4 – Terrible)	1.23 (0.04)	1.14 (0.03)
Q10. Problem with voter registration (% Yes)	2.9%	2.2%
Q12. Line length (mean time in minutes)	28.5 (3.2)	32.0 (3.8)
Q13. Picture ID (% Yes)	99.5%	99.1%
Q15. Picture ID Follow-up (% asked specifically)	75.6%	78.2%
Q16. Voting Equipment Problems (% yes)	3.0%	1.7%
Q19. Poll Worker performance (1-Excellent; 4-Poor)	1.39 (0.05)	1.27 (0.04)
Q25. Problems getting mail ballot (% Yes)	2.7%	0.0%
Q26. Mail ballot problems (% Yes)	4.3%	0.0%
Q32. Ease filling out absentee ballot (1-very easy; 4+ very hard)	1.33 (0.11)	1.30 (0.10)
Q33. Presidential Vote (% vote for Obama)	54.5%	43.9%
Q34. Confidence (1-very confident; 4-not at all confident)	1.33 (0.04)	1.33 (0.04)
Q36. Voter fraud (1-Common; 4 – almost never occurs)	2.74 (0.08)	3.13 (0.08)
Q37. Vote theft (1-Common; 4 – almost never occurs)	2.90 (0.08)	3.43 (0.06)
Q38. Voter Impersonation (1-Common; 4 – almost never occurs)	3.04 (0.08)	3.38 (0.06)
Q39. Driver's License (% Yes)	95.6%	97.2%
Q40. Passport (% Yes)	48.5%	49.2%
Q42. Birth Certificate (% Yes)	88.2%	87.5%
Q43a. Reform Proposals – Allow absentee over Internet (% Support)	29.9%	17.7%
Q43b. Reform Proposals – Run elections by mail (% Support)	17.3%	16.5%
Q43c. Reform Proposals – Auto-register all citizens to vote (% Support)	50.2%	49.9%
Q43d. Reform Proposals – Allow registration at polls (% Support)	34.1%	26.9%
Q43e. Reform Proposals – Require ID (% Support)	84.5%	89.5%
Q43f. Reform Proposals – Move election to weekend (% Support)	48.3%	40.9%
Q43g. Reform Proposals – Make election day a holiday (% Support)	57.5%	44.5%

Income

	Internet Survey	Phone Survey
Less than \$10,000	2.6%	7.4%
\$10,000-\$14,999	4.9%	3.6%
\$15,000-\$19,999	5.6%	4.1%
\$20,000-\$24,999	4.6%	3.4%
\$25,000-\$29,999	5.5%	10.7%
\$30,000-\$39,999	11.2%	7.4%
\$40,000-\$49,999	6.1%	6.5%
\$50,000-\$59,999	7.9%	12.6%
\$60,000-\$69,999	7.0%	6.2%
\$70,000-\$79,999	9.2%	8.7%
\$80,000-\$99,999	7.9%	3.3%
\$100,000-\$119,999	6.7%	6.0%
\$120,000-\$149,999	6.5%	1.8%
\$150,000+	4.6%	4.0%
Prefer not to say	9.7%	0.0%
Don't Know	0.0%	4.2%
Refused	0.0%	10.2%

Education

	Internet Survey	Phone Survey
No High School	5.1%	1.1%
High School Graduate	34.3%	34.1%
Some College	25.7%	18.0%
2-year College	4.5%	12.8%
4 Year-College	21.5%	19.8%
Post-Grad	8.9%	12.0%
Refused	0.0%	2.3%

Georgia

	Internet Survey	Phone Survey
Q1. Vote (% of individuals who voted)	91.4%	99.4%
Q6. Difficulty Finding polling place (1-very difficult; 4-very easy)	3.82 (0.04)	3.79 (0.05)
Q9. How well polling place was run (1 – Very well; 4 – Terrible)	1.16 (0.03)	1.14 (0.03)
Q10. Problem with voter registration (% Yes)	2.1%	0.0%
Q12. Line length (mean time in minutes)	33.6 (3.3)	30.5 (3.1)
Q13. Picture ID (% Yes)	99.2%	99.1%
Q15. Picture ID Follow-up (% asked specifically)	72.1%	59.4%
Q16. Voting Equipment Problems (% yes)	2.4%	2.7%
Q19. Poll Worker performance (1-Excellent; 4-Poor)	1.36 (0.04)	1.27 (0.03)
Q25. Problems getting mail ballot (% Yes)	4.1%	0.0%
Q26. Mail ballot problems (% Yes)	0.0%	0.0%
Q32. Ease filling out absentee ballot (1-very easy; 4- very hard)	1.07 (0.07)	1.28 (0.10)
Q33. Presidential Vote (% vote for Obama)	47.7%	36.4%
Q34. Confidence (1-very confident; 4-not at all confident)	1.32 (0.04)	1.27 (0.04)
Q36. Voter fraud (1-Common; 4 – almost never occurs)	2.74 (0.09)	3.23 (0.07)
Q37. Vote theft (1-Common; 4 – almost never occurs)	2.88 (0.09)	3.40 (0.06)
Q38. Voter Impersonation (1-Common; 4 – almost never occurs)	2.98 (0.09)	3.40 (0.06)
Q39. Driver's License (% Yes)	95.8%	96.0%
Q40. Passport (% Yes)	40.1%	38.9%
Q42. Birth Certificate (% Yes)	87.2%	86.9%
Q43a. Reform Proposals – Allow absentee over Internet (% Support)	31.3%	21.1%
Q43b. Reform Proposals – Run elections by mail (% Support)	10.9%	4.7%
Q43c. Reform Proposals – Auto-register all citizens to vote (% Support)	50.5%	48.1%
Q43d. Reform Proposals – Allow registration at polls (% Support)	41.2%	28.0%
Q43e. Reform Proposals – Require ID (% Support)	82.6%	80.5%
Q43f. Reform Proposals – Move election to weekend (% Support)	42.3%	29.3%
Q43g. Reform Proposals – Make election day a holiday (% Support)	60.1%	52.1%

Income

	Internet Survey	Phone Survey
Less than \$10,000	2.7%	5.1%
\$10,000-\$14,999	5.4%	2.0%
\$15,000-\$19,999	3.1%	4.9%
\$20,000-\$24,999	2.8%	4.5%
\$25,000-\$29,999	4.7%	5.1%
\$30,000-\$39,999	6.5%	10.5%
\$40,000-\$49,999	12.0%	8.0%
\$50,000-\$59,999	12.0%	7.3%
\$60,000-\$69,999	8.7%	4.1%
\$70,000-\$79,999	6.4%	7.5%
\$80,000-\$99,999	6.5%	12.1%
\$100,000-\$119,999	6.9%	5.9%
\$120,000-\$149,999	6.4%	3.4%
\$150,000+	3.4%	3.9%
Prefer not to say	12.6%	0.0%
Don't Know	0.0%	3.5%
Refused	0.0%	12.2%

Education

	Internet Survey	Phone Survey
No High School	5.4%	8.5%
High School Graduate	35.0%	30.2%
Some College	21.1%	13.9%
2-year College	10.2%	15.8%
4 Year-College	18.8%	19.5%
Post-Grad	9.4%	12.0%
Refused	0.0%	0.2%

Illinois

	Internet Survey	Phone Survey
Q1. Vote (% of individuals who voted)	94.4%	94.6%
Q6. Difficulty Finding polling place (1-very difficult; 4-very easy)	3.89 (0.03)	3.79 (0.05)
Q9. How well polling place was run (1 – Very well; 4 – Terrible)	1.30 (0.04)	1.23 (0.04)
Q10. Problem with voter registration (% Yes)	3.8%	2.3%
Q12. Line length (mean time in minutes)	9.6 (1.4)	6.8 (1.5)
Q13. Picture ID (% Yes)	48.1%	35.9%
Q15. Picture ID Follow-up (% asked specifically)	59.3%	53.3%
Q16. Voting Equipment Problems (% yes)	96.7%	97.3%
Q19. Poll Worker performance (1-Excellent; 4-Poor)	1.45 (0.05)	1.29 (0.04)
Q25. Problems getting mail ballot (% Yes)	17.0%	0.0%
Q26. Mail ballot problems (% Yes)	0.0%	0.0%
Q32. Ease filling out absentee ballot (1-very easy; 4- very hard)	1.20 (0.18)	1.66 (0.27)
Q33. Presidential Vote (% vote for Obama)	61.4%	47.7%
Q34. Confidence (1-very confident; 4-not at all confident)	1.34 (0.05)	1.17 (0.03)
Q36. Voter fraud (1-Common; 4 – almost never occurs)	2.89 (0.09)	3.35 (0.07)
Q37. Vote theft (1-Common; 4 – almost never occurs)	3.18 (0.08)	3.71 (0.05)
Q38. Voter Impersonation (1-Common; 4 – almost never occurs)	3.19 (0.08)	3.67 (0.05)
Q39. Driver's License (% Yes)	92.2%	92.6%
Q40. Passport (% Yes)	38.6%	42.2%
Q42. Birth Certificate (% Yes)	82.4%	82.3%
Q43a. Reform Proposals – Allow absentee over Internet (% Support)	30.0%	11.4%
Q43b. Reform Proposals – Run elections by mail (% Support)	10.4%	21.4%
Q43c. Reform Proposals – Auto-register all citizens to vote (% Support)	52.7%	63.7%
Q43d. Reform Proposals – Allow registration at polls (% Support)	38.3%	45.3%
Q43e. Reform Proposals – Require ID (% Support)	78.2%	67.3%
Q43f. Reform Proposals – Move election to weekend (% Support)	39.3%	26.4%
Q43g. Reform Proposals – Make election day a holiday (% Support)	60.2%	37.3%

Income

	Phone Survey	Internet Survey
Less than \$10,000	4.2%	9.3%
\$10,000-\$14,999	2.4%	5.5%
\$15,000-\$19,999	2.4%	7.6%
\$20,000-\$24,999	4.4%	3.6%
\$25,000-\$29,999	2.6%	4.3%
\$30,000-\$39,999	11.2%	12.2%
\$40,000-\$49,999	7.9%	10.3%
\$50,000-\$59,999	9.1%	6.0%
\$60,000-\$69,999	6.4%	5.6%
\$70,000-\$79,999	5.8%	3.1%
\$80,000-\$99,999	14.4%	8.1%
\$100,000-\$119,999	5.7%	4.3%
\$120,000-\$149,999	3.8%	3.3%
\$150,000+	6.1%	2.5%
Prefer not to say	13.6%	0.0%
Don't Know	0.0%	2.3%
Refused	0.0%	11.9%

Education

	Phone Survey	Internet Survey
No High School	6.1%	7.7%
High School Graduate	32.1%	26.1%
Some College	24.3%	17.8%
2-year College	5.7%	13.0%
4 Year-College	20.4%	22.5%
Post-Grad	11.4%	12.1%
Refused	0.0%	0.9%

Mississippi

	Internet Survey	Phone Survey
Q1. Vote (% of individuals who voted)	93.4%	99.8%
Q6. Difficulty Finding polling place (1-very difficult; 4-very easy)	3.91 (0.03)	3.90 (0.04)
Q9. How well polling place was run (1 – Very well; 4 – Terrible)	1.15 (0.03)	1.16 (0.04)
Q10. Problem with voter registration (% Yes)	0.6%	1.3%
Q12. Line length (mean time in minutes)	11.9 (1.8)	11.7 (2.0)
Q13. Picture ID (% Yes)	18.4%	17.8%
Q15. Picture ID Follow-up (% asked specifically)	20.8%	45.4%
Q16. Voting Equipment Problems (% yes)	3.2%	0.2%
Q19. Poll Worker performance (1-Excellent; 4-Poor)	1.37 (0.05)	1.39 (0.04)
Q25. Problems getting mail ballot (% Yes)	19.6%	0.0%
Q26. Mail ballot problems (% Yes)	15.9%	0.0%
Q32. Ease filling out absentee ballot (1-very easy; 4- very hard)	1.47 (0.23)	1.00 (0.00)
Q33. Presidential Vote (% vote for Obama)	47.7%	29.9%
Q34. Confidence (1-very confident; 4-not at all confident)	1.28 (0.04)	1.30 (0.05)
Q36. Voter fraud (1-Common; 4 – almost never occurs)	3.05 (0.08)	3.28 (0.07)
Q37. Vote theft (1-Common; 4 – almost never occurs)	3.20 (0.08)	3.48 (0.06)
Q38. Voter Impersonation (1-Common; 4 – almost never occurs)	3.32 (0.08)	3.43 (0.06)
Q39. Driver's License (% Yes)	95.3%	97.4%
Q40. Passport (% Yes)	21.8%	24.4%
Q42. Birth Certificate (% Yes)	84.2%	95.6%
Q43a. Reform Proposals – Allow absentee over Internet (% Support)	28.9%	7.5%
Q43b. Reform Proposals – Run elections by mail (% Support)	11.2%	0.0%
Q43c. Reform Proposals – Auto-register all citizens to vote (% Support)	52.7%	51.9%
Q43d. Reform Proposals – Allow registration at polls (% Support)	31.5%	9.2%
Q43e. Reform Proposals – Require ID (% Support)	74.8%	77.5%
Q43f. Reform Proposals – Move election to weekend (% Support)	36.4%	19.3%
Q43g. Reform Proposals – Make election day a holiday (% Support)	58.3%	28.5%

Income

	Internet Survey	Phone Survey
Less than \$10,000	3.0%	4.7%
\$10,000-\$14,999	7.1%	2.4%
\$15,000-\$19,999	7.1%	3.8%
\$20,000-\$24,999	6.6%	9.1%
\$25,000-\$29,999	6.2%	8.0%
\$30,000-\$39,999	12.6%	7.0%
\$40,000-\$49,999	9.3%	14.4%
\$50,000-\$59,999	9.7%	12.6%
\$60,000-\$69,999	7.7%	5.1%
\$70,000-\$79,999	7.4%	5.0%
\$80,000-\$99,999	6.5%	4.5%
\$100,000-\$119,999	2.5%	5.4%
\$120,000-\$149,999	1.3%	0.2%
\$150,000+	4.4%	1.1%
Prefer not to say	8.7%	0.0%
Don't Know	0.0%	0.6%
Refused	0.0%	16.2%

Education

	Internet Survey	Phone Survey
No High School	8.2%	9.5%
High School Graduate	43.9%	37.4%
Some College	23.8%	12.6%
2-year College	5.4%	16.7%
4 Year-College	12.2%	13.2%
Post-Grad	6.5%	8.3%
Refused	0.0%	2.4%

New York

	Internet Survey	Phone Survey
Q1. Vote (% of individuals who voted)	91.7%	93.5%
Q6. Difficulty Finding polling place (1-very difficult; 4-very easy)	3.85 (0.03)	3.89 (0.04)
Q9. How well polling place was run (1 – Very well; 4 – Terrible)	1.24 (0.03)	1.22 (0.04)
Q10. Problem with voter registration (% Yes)	3.4%	1.0%
Q12. Line length (mean time in minutes)	8.6 (1.3)	9.6 (1.8)
Q13. Picture ID (% Yes)	26.7%	15.4%
Q15. Picture ID Follow-up (% asked specifically)	38.0%	51.0%
Q16. Voting Equipment Problems (% yes)	2.7%	0.0%
Q19. Poll Worker performance (1-Excellent; 4-Poor)	1.45 (0.05)	1.43 (0.04)
Q25. Problems getting mail ballot (% Yes)	0.0%	0.0%
Q26. Mail ballot problems (% Yes)	0.0%	0.0%
Q32. Ease filling out absentee ballot (1-very easy; 4- very hard)	1.24 (0.13)	1.00 (0.00)
Q33. Presidential Vote (% vote for Obama)	61.0%	46.0%
Q34. Confidence (1-very confident; 4-not at all confident)	1.29 (0.04)	1.39 (0.05)
Q36. Voter fraud (1-Common; 4 – almost never occurs)	3.11 (0.09)	3.33 (0.07)
Q37. Vote theft (1-Common; 4 – almost never occurs)	3.25 (0.08)	3.54 (0.06)
Q38. Voter Impersonation (1-Common; 4 – almost never occurs)	3.38 (0.08)	3.59 (0.06)
Q39. Driver's License (% Yes)	88.2%	91.7%
Q40. Passport (% Yes)	51.2%	54.0%
Q42. Birth Certificate (% Yes)	85.7%	89.6%
Q43a. Reform Proposals – Allow absentee over Internet (% Support)	33.4%	23.0%
Q43b. Reform Proposals – Run elections by mail (% Support)	14.7%	5.5%
Q43c. Reform Proposals – Auto-register all citizens to vote (% Support)	60.2%	60.4%
Q43d. Reform Proposals – Allow registration at polls (% Support)	46.7%	34.6%
Q43e. Reform Proposals – Require ID (% Support)	72.9%	73.9%
Q43f. Reform Proposals – Move election to weekend (% Support)	42.8%	35.2%
Q43g. Reform Proposals – Make election day a holiday (% Support)	60.6%	48.5%

Income

	Internet Survey	Phone Survey
Less than \$10,000	3.8%	12.4%
\$10,000-\$14,999	2.9%	3.4%
\$15,000-\$19,999	7.2%	5.0%
\$20,000-\$24,999	4.4%	5.0%
\$25,000-\$29,999	4.0%	5.9%
\$30,000-\$39,999	8.5%	10.8%
\$40,000-\$49,999	8.6%	9.7%
\$50,000-\$59,999	8.1%	3.3%
\$60,000-\$69,999	6.4%	5.5%
\$70,000-\$79,999	7.5%	6.1%
\$80,000-\$99,999	7.0%	7.9%
\$100,000-\$119,999	5.1%	5.3%
\$120,000-\$149,999	7.6%	1.3%
\$150,000+	5.1%	7.1%
Prefer not to say	14.0%	0.0%
Don't Know	0.0%	0.6%
Refused	0.0%	10.9%

Education

	Internet Survey	Phone Survey
No High School	1.8%	6.2%
High School Graduate	38.7%	32.1%
Some College	20.7%	16.1%
2-year College	6.3%	11.6%
4 Year-College	19.1%	18.4%
Post-Grad	13.5%	13.8%
Refused	0.0%	1.8%

Texas

	Internet Survey	Phone Survey
Q1. Vote (% of individuals who voted)	84.1%	95.3%
Q6. Difficulty Finding polling place (1-very difficult; 4-very easy)	3.78 (0.05)	3.81 (0.05)
Q9. How well polling place was run (1 – Very well; 4 – Terrible)	1.13 (0.04)	1.10 (0.02)
Q10. Problem with voter registration (% Yes)	0.6%	1.2%
Q12. Line length (mean time in minutes)	12.2 (1.6)	6.68 (1.0)
Q13. Picture ID (% Yes)	55.3%	57.5%
Q15. Picture ID Follow-up (% asked specifically)	47.1%	40.0%
Q16. Voting Equipment Problems (% yes)	1.4%	0.4%
Q19. Poll Worker performance (1-Excellent; 4-Poor)	1.32 (0.05)	1.26 (0.04)
Q25. Problems getting mail ballot (% Yes)	0.0%	0.0%
Q26. Mail ballot problems (% Yes)	0.0%	0.0%
Q32. Ease filling out absentee ballot (1-very easy; 4- very hard)	1.00 (0.00)	1.09 (0.09)
Q33. Presidential Vote (% vote for Obama)	44.4%	37.2%
Q34. Confidence (1-very confident; 4-not at all confident)	1.39 (0.05)	1.19 (0.04)
Q36. Voter fraud (1-Common; 4 – almost never occurs)	2.70 (0.09)	3.20 (0.07)
Q37. Vote theft (1-Common; 4 – almost never occurs)	2.88 (0.09)	3.42 (0.06)
Q38. Voter Impersonation (1-Common; 4 – almost never occurs)	2.93 (0.09)	3.43 (0.06)
Q39. Driver's License (% Yes)	95.4%	98.9%
Q40. Passport (% Yes)	38.1%	48.1%
Q42. Birth Certificate (% Yes)	86.3%	88.9%
Q43a. Reform Proposals – Allow absentee over Internet (% Support)	35.2%	14.3%
Q43b. Reform Proposals – Run elections by mail (% Support)	10.1%	0.0%
Q43c. Reform Proposals – Auto-register all citizens to vote (% Support)	50.3%	61.0%
Q43d. Reform Proposals – Allow registration at polls (% Support)	44.5%	27.7%
Q43e. Reform Proposals – Require ID (% Support)	74.8%	83.8%
Q43f. Reform Proposals – Move election to weekend (% Support)	37.7%	31.3%
Q43g. Reform Proposals – Make election day a holiday (% Support)	48.5%	25.3%

Income

	Internet Survey	Phone Survey
Less than \$10,000	2.8%	7.2%
\$10,000-\$14,999	1.3%	1.9%
\$15,000-\$19,999	6.1%	2.3%
\$20,000-\$24,999	4.5%	5.6%
\$25,000-\$29,999	6.8%	5.9%
\$30,000-\$39,999	8.6%	8.7%
\$40,000-\$49,999	7.8%	13.2%
\$50,000-\$59,999	12.6%	11.4%
\$60,000-\$69,999	2.1%	6.9%
\$70,000-\$79,999	6.7%	4.5%
\$80,000-\$99,999	8.3%	8.4%
\$100,000-\$119,999	9.7%	4.6%
\$120,000-\$149,999	4.8%	1.5%
\$150,000+	9.5%	5.9%
Prefer not to say	8.4%	0.0%
Don't Know	0.0%	3.1%
Refused	0.0%	8.8%

Education

	Internet Survey	Phone Survey
No High School	6.6%	2.7%
High School Graduate	31.9%	30.9%
Some College	23.3%	18.9%
2-year College	8.8%	13.5%
4 Year-College	19.5%	22.0%
Post-Grad	10.0%	11.6%
Refused	0.0%	0.5%

Washington

	Internet Survey	Phone Survey
Q1. Vote (% of individuals who voted)	92.8%	100.0%
Q6. Difficulty Finding polling place (1-very difficult; 4-very easy)	3.61 (0.13)	3.87 (0.11)
Q9. How well polling place was run (1 – Very well; 4 – Terrible)	1.43 (0.09)	1.38 (0.18)
Q10. Problem with voter registration (% Yes)	6.6%	0.0%
Q12. Line length (mean time in minutes)	10.4 (2.6)	17.5 (9.1)
Q13. Picture ID (% Yes)	56.7%	65.6%
Q15. Picture ID Follow-up (% asked specifically)	50.3%	58.9%
Q16. Voting Equipment Problems (% yes)	0.0%	0.0%
Q19. Poll Worker performance (1-Excellent; 4-Poor)	1.51 (0.09)	1.43 (0.11)
Q25. Problems getting mail ballot (% Yes)	1.4%	0.0%
Q26. Mail ballot problems (% Yes)	1.3%	3.5%
Q32. Ease filling out absentee ballot (1-very easy; 4- very hard)	1.13 (0.03)	1.14 (0.03)
Q33. Presidential Vote (% vote for Obama)	53.1%	48.2%
Q34. Confidence (1-very confident; 4-not at all confident)	1.60 (0.05)	1.48 (0.06)
Q36. Voter fraud (1-Common; 4 – almost never occurs)	2.61 (0.08)	3.23 (0.07)
Q37. Vote theft (1-Common; 4 – almost never occurs)	2.80 (0.08)	3.44 (0.06)
Q38. Voter Impersonation (1-Common; 4 – almost never occurs)	2.82 (0.08)	3.30 (0.06)
Q39. Driver's License (% Yes)	95.5%	96.4%
Q40. Passport (% Yes)	47.7%	52.5%
Q42. Birth Certificate (% Yes)	77.5%	89.1%
Q43a. Reform Proposals – Allow absentee over Internet (% Support)	29.2%	19.0%
Q43b. Reform Proposals – Run elections by mail (% Support)	53.3%	51.1%
Q43c. Reform Proposals – Auto-register all citizens to vote (% Support)	54.7%	42.2%
Q43d. Reform Proposals – Allow registration at polls (% Support)	41.5%	29.3%
Q43e. Reform Proposals – Require ID (% Support)	69.4%	68.0%
Q43f. Reform Proposals – Move election to weekend (% Support)	48.3%	39.1%
Q43g. Reform Proposals – Make election day a holiday (% Support)	55.4%	36.2%

Income

	Internet Survey	Phone Survey
Less than \$10,000	2.8%	5.8%
\$10,000-\$14,999	1.5%	4.5%
\$15,000-\$19,999	4.1%	3.6%
\$20,000-\$24,999	1.8%	5.1%
\$25,000-\$29,999	4.9%	5.5%
\$30,000-\$39,999	13.2%	9.5%
\$40,000-\$49,999	8.4%	10.1%
\$50,000-\$59,999	7.6%	11.0%
\$60,000-\$69,999	6.6%	9.4%
\$70,000-\$79,999	8.5%	4.9%
\$80,000-\$99,999	9.4%	5.7%
\$100,000-\$119,999	8.2%	6.6%
\$120,000-\$149,999	5.2%	3.1%
\$150,000+	7.0%	3.5%
Prefer not to say	11.0%	0.0%
Don't Know	0.0%	0.4%
Refused	0.0%	11.4%

Education

	Internet Survey	Phone Survey
No High School	4.9%	2.0%
High School Graduate	24.7%	26.4%
Some College	29.2%	17.8%
2-year College	8.3%	18.1%
4 Year-College	21.5%	20.5%
Post-Grad	11.5%	13.5%
Refused	0.0%	1.9%

Appendix 8. Questionnaire

Decision to Vote and Reasons for Not Voting

The next several questions deal with your experiences voting during the November 2008 general election. It is important for the rest of the survey to know whether you voted. Your answer is anonymous.

Q1 Vote

Which of the following statements best describes you?

- <1> I did not vote in the election this November
- <2> I thought about voting this time, but didn't
- <3> I usually vote, but didn't this time
- <4> I tried to vote, but was not allowed to when I tried
- <5> I tried to vote, but it ended up being too much trouble
- <6> I definitely voted in the November General Election

Q2 [IF Q1 = 6] Reason for not voting

How much of a factor did the following reasons play in your not voting in the November General Election?

#rotate#

	Not a factor	A minor factor	A major factor	Don't know
Q2a I did not have the right kind of identification				
Q2b Illness or disability (own or family's)				
Q2c Out of town or away from home				
Q2d I forgot to vote				
Q2e I requested but did not receive an absentee ballot				
Q2f I was too busy/had a conflicting work, family, or school schedule				
Q2g Transportation problems				
Q2h I didn't like the candidates or campaign issues				
Q2i There were problems with my registration				
Q2j Bad weather				
Q2k The polling place hours, or location, were inconvenient				
Q2l The line at the polls was too long				
Q2m I did not know where to vote				
Q2n I did not receive my ballot in the mail, or it arrived too late for me to vote.				

Q3 [If Q1 != 6] Why no absentee ballot

Sometimes when voters can't get to the polls on Election Day, they vote using an absentee ballot. Please indicate which of the following statements most closely describes why you did not vote absentee in the November 2008 General Election.

#rotate#

- <1> I had no interest in voting in this election.
- <2> It was too late to request an absentee ballot once I thought about it.
- <3> I requested an absentee ballot, but it never came.
- <4> I wouldn't have been allowed to vote absentee according to my state's election law
- <5> Requesting an absentee ballot requires too much effort
- <6> I didn't know how to request an absentee ballot.
- <7> {fixed} Other (please specify _____)

Q4 [IF Q1 = 4 or Q1 = 5 or Q1 = 6] First time voting

Was this your first time voting, or have you voted in elections before?

- <1> I am a first time voter
- <2> I have voted in elections before

Q5 [IF Q1 = 4 or Q1 = 5 or Q1 = 6] Mode of voting

Did you vote in person at a precinct on Election Day, in person before Election Day, or by mail (that is, absentee or vote-by-mail)?

- <1> In person on Election Day (at polling place or precinct)
- <2> In person before Election Day (early)
- <3> Voted by mail (or absentee)
- <4> Don't know

In-Person Voting

Q6 [If Q5 = 1 or Q5 = 2] Difficulty finding polling place

How difficult was it to find your polling place to vote?

- <1> Very difficult
- <2> Somewhat difficult
- <3> Fairly easy
- <4> Very easy
- <5> Don't know

Q7 [If Q5 = 1 or Q5 = 2] Polling place type

How would you describe the place where you voted?

#rotate#

- <1> Private home
- <2> Private business
- <3> School building
- <4> Church
- <5> Police/Fire Station
- <6> A store or shopping mall
- <7> Senior center
- <8> Community center
- <9> Library
- <10> {fixed} Other government office (court house, municipal building, city hall, etc.)
- <11> {fixed} Other (please specify _____)

Q8 [If Q5 = 1 or Q5 = 2] Did you personally know the person who checked you in when you arrived to vote?

- <1> Yes
- <2> No
- <3> I don't know
- <4> I don't remember

Q9 [If Q5 = 1 or Q5 = 2] How well the polling place was run

How well were things run at the polling place where you voted?

- <1> Very well — I did not see any problems at the polling place
- <2> Okay — I saw some minor problems, but nothing that interfered with people voting
- <3> Not well — I saw some minor problems that affected the ability of a few people to vote
- <4> Terrible — I saw some major problems that affected the ability of many people to vote
- <5> Don't know

Q10 [If Q5 = 1 or Q5 = 2] Problem with voter registration

Was there a problem with your voter registration when you tried to vote?

- <1> No
- <2> Yes (please specify what problem, or problems, you had _____)
- <3> Don't know

Q11 [If Q10 = 2] Problem with voter registration — allowed to vote

Were you allowed to vote?

- <1> I voted a regular ballot
- <2> I voted using a provisional ballot
- <3> I was offered a provisional ballot, but I chose not to vote using it
- <4> No, I was not allowed to vote

Q12 [If Q5 = 1 or Q5 = 2] Line length

Approximately, how long did you have to wait in line to vote?

- <1> Not at all
- <2> Less than 10 minutes
- <3> 10-30 minutes
- <4> 31minutes – 1 hour
- <5> More than 1 hour (please specify how long _____)
- <6> Don't know

Q12a [If Q12 != 1] Source of line

Was your wait in line mostly when you first arrived to check in at the registration table, or after you checked in and were waiting to gain access to a place to cast your ballot?

- <1> Most of my wait was to check in to vote.
- <2> Most of my wait was after I had checked in, and I was waiting to gain access to a voting machine or other place to vote.
- <3> My wait in line was fairly evenly divided between checking in and waiting to cast my ballot.
- <4> I don't recall.

Q13 [If Q5 = 1 or Q5 = 2] Picture ID

Were you asked to show picture identification, such as a driver's license, at the polling place this November?

- <1> Yes
- <2> No
- <3> Don't know

Q13a [If Q13 = 1] Were you then allowed to vote?

- <1> Yes. I voted using a regular ballot.
- <2> Yes. I voted using a provisional ballot
- <3> I was offered a provisional ballot, but I chose not to vote using it
- <4> No, I was not allowed to vote

Q14 [If Q13 = 1] Type of ID shown

What type of picture identification did you show?

- <1> Driver's license
- <2> Passport
- <3> Voter registration card
- <4> Another picture ID card issued by the government (please specify _____)
- <5> A picture ID card not issued by the government (student ID, employee badge, etc.)
- <6> An ID card without a picture, which the poll worker accepted.
- <7> A bill, letter, or package addressed to me, which the poll worker accepted.
- <8> I don't remember

Q15 [If Q13 = 1] Picture ID follow-up

Did you show picture identification because you were asked for it specifically, or because a picture ID was the most convenient form of identification for you to show?

- <1> I was asked specifically for an ID card with a picture on it
- <2> I showed a picture ID card because it was convenient for me; I could have shown another form of ID if I had wanted to
- <3> Don't know

Q16 [If Q5 = 1 or Q5 = 2] Voting equipment problems

Did you encounter any problems with the voting equipment or the ballot that may have interfered with your ability to cast your vote as intended?

- <1> No
- <2> Yes (please specify what problem, or problems, you had _____)
- <3> Don't know

Q17 [If Q5 = 1 or Q5 = 2] Help with ballot

Did you receive help in filling out your ballot?

- <1> Yes
- <2> No

Q18 [If Q17 = 1] Ballot help

Who helped you with your ballot?

- <1> My spouse or partner
- <2> A child of mine
- <3> A friend of mine
- <4> An election official or precinct worker
- <5> Another voter, or someone else at my voting location
- <6> A person who helps me out because I have a physical disability or illness
- <7> Other (please specify _____)
- <8> Don't know

Q19 [If Q5 = 1 or Q5 = 2] Poll worker performance

Please rate the job performance of the poll workers at the polling place where you voted.

- <1> Excellent
- <2> Good
- <3> Fair
- <4> Poor
- <5> Don't know

Q20 [If Q5 = 1 or Q5 = 2] Race of Poll Worker

What was the race/ethnicity of the poll worker who checked you in when you voted?

#rotate#

- <1> African-American
- <2> Native American
- <3> Asian
- <4> White
- <5> Hispanic
- <6> {Fixed} Other/multi-racial
- <7> {Fixed} I don't recall the race of my poll worker
- <8> {Fixed} I don't know

Q21 [If Q5 = 1 or Q5 = 2] Age of poll worker

About how old was the poll worker who checked you in when you voted?

- <1> Under 30
- <2> Between 31 and 50
- <3> Between 51 and 70
- <4> Older than 70

Q22 [If Q5 = 1 or Q5 = 2] Polling place intimidation

Did you personally feel intimidated at the place where you voted?

- <1> No
- <2> Yes (Please specify _____)
- <3> I don't remember

Absentee Voting

Q23 [If Q5 = 3] Reason for absentee ballot

Which of the following statements most closely describes why you voted by mail or absentee?

- <1> My state or locality only has vote-by-mail.
- <2> I have signed up to receive a mail or absentee ballot automatically in each election.
- <3> Voting by mail or absentee was just more convenient for me this election
- <4> I was out of town for this election
- <5> I have a physical disability that makes it difficult for me to get to the polls
- <6> I could not get to the polls on Election Day because of my work or school schedule
- <7> I am in the armed forces
- <8> I was an election official or poll worker
- <9> Religious observances would have interfered with my going to the polls
- <10> Other (Please specify _____)

Q24 [If Q5 = 3 and Q23 != 1] Contact re absentee ballot

Did someone associated with a political candidate or political party contact you to encourage you to vote absentee or by mail?

- <1> No
- <2> Yes

Q25 [If Q5 = 3] Problems getting mail ballot

Were there any problems getting your absentee or mail-in ballot sent to you?

- <1> No
- <2> Yes (Please specify what problem, or problems, you had _____)

Q26 [If Q5 = 3] Mail ballot problems

Did you encounter any problems marking or completing your ballot that may have interfered with your ability to cast your vote as intended?

- <1> No
- <2> Yes (please specify what problem, or problems, you had _____)
- <3> Don't know

Q27 [If Q5 = 3] Help with absentee ballot

Did you receive help in filling out your absentee or mail ballot?

- <1> Yes
- <2> No

Q28 [If Q27 = 1] Absentee ballot help

Who helped you fill out your ballot?

- <1> My spouse or partner
- <2> A child of mine
- <3> A friend of mine
- <4> An election official or precinct worker
- <5> Another voter, or someone else at my voting location
- <6> A person who helps me out because I have a physical disability or illness
- <7> Other (please specify _____)
- <8> Don't know

Q29 [If Q5 = 3] Absentee ballot pressure

Did you feel pressured to vote in a particular way when you filled out your absentee or mail ballot?
For instance, because another person may have been watching you fill out your ballot?

- <1> No

- <2> Yes (Please specify _____)
- <3> I don't remember

Q30 [If Q5 = 3] How returned

How did you return your absentee or mail ballot?

- <1> I personally mailed it back in.
- <2> Someone else in my household mailed it back in.
- <3> I personally returned the ballot to an official election location (polling place, election office, early voting center, etc.)
- <4> Someone else in my household returned the ballot to an official election location
- <5> Other (please specify _____)
- <6> I don't remember

Q31 [If Q5 = 3] Returned absentee ballot

To the best of your memory, when did you return your absentee or mail ballot?

- <1> On Election Day
- <2> A few days before Election Day
- <3> The week before Election Day
- <4> More than a week before Election Day
- <5> I don't remember

Q32 [If Q5 = 3] Ease filling out absentee ballot

Overall, how easy was it to follow all the instructions necessary to cast your ballot and return it to be counted?

- <1> Very easy
- <2> Somewhat easy
- <3> Somewhat hard
- <4> Very hard
- <5> I don't remember

Vote Choice Decision and Confidence

Q33 [If Q1 = 6] Presidential vote

For whom did you vote for President of the United States?

#rotate#

- <1> John McCain (Republican)
- <2> Barack Obama (Democrat)
- <3> Robert Barr (Libertarian)
- <4> Cynthia McKinney (Green Party)
- <5> Ralph Nader (Independent)
- <6> {fixed} Other candidate or party (specify)
- <7> {fixed} I did not vote in this race

Q34 [If Q1 = 6] Confidence

How confident are you that your vote in the General Election was counted as you intended?

- <1> Very confident
- <2> Somewhat confident
- <3> Not too confident
- <4> Not at all confident
- <5> Don't know

Q35 [If Q4 != 1] Past voting experience

Whether or not you voted in the November 2008 General Election, which of the following statements most closely describes your past voting history?

- <1> I almost always vote in every election, regardless of what is on the ballot.
- <2> I usually vote in national and/or state elections, and tend not to vote in local elections.
- <3> I usually vote in local elections, and tend not to vote in national or state elections.
- <4> I usually haven't voted in the past, regardless of what type of election it was.
- <5> Other (please specify _____)

Attitudes Regarding Voter Fraud

Q36 Voter fraud

It is illegal to vote more than once in an election or to vote if not a U.S. citizen. How frequently do you think this occurs in your community?

- <1> It is very common
- <2> It occurs occasionally
- <3> It occurs infrequently
- <4> It almost never occurs
- <5> Not sure

Q37 Vote theft

Another form of fraud occurs when votes are stolen or tampered with. How frequently do you think this occurs in your community?

- <1> It is very common
- <2> It occurs occasionally
- <3> It occurs infrequently
- <4> It almost never occurs
- <5> Not sure

Q38 Voter impersonation

It is illegal for a person to claim to be another person, who is registered to vote, and to cast that person's vote. How often do you think this occurs in your community?

- <1> It is very common
- <2> It occurs occasionally
- <3> It occurs infrequently
- <4> It almost never occurs
- <5> Not sure

Identification and Voting

Q39 Driver's license

Do you have a driver's license?

- <1> Yes
- <2> No
- <3> I don't know

Q39a [If Q39 = 1] DL expired

Is your driver's license expired?

- <1> Yes
- <2> No
- <3> I don't know

Q39b [If Q39 = 1] DL legal name

Is the name on your driver's license the same name you are registered to vote under?

- <1> Yes
- <2> No
- <3> I don't know

Q39c [If Q39 = 1] DL address

Is the address on your driver's license the same as the address where you are registered to vote?

- <1> Yes
- <2> No
- <3> I don't know

Q40 Passport

Do you have a U.S. passport?

- <1> Yes
- <2> No
- <3> I don't know

Q40a [If Q40 = 1] Passport expired

Is your passport expired?

- <1> Yes
- <2> No
- <3> I don't know

Q40b [If Q40 = 1] Passport legal name

Is the name on your passport the same name you are registered to vote under?

- <1> Yes
- <2> No
- <3> I don't know

Q41 Other identification

Do you have any other form of government-issued picture identification, such as a state ID card or a military ID card?

- <1> Yes
- <2> No

<3> I don't know

Q42 Birth certificate

Do you have an official copy of your birth certificate that you can easily locate?

- <1> Yes
 <2> No
 <3> I don't know

Attitudes Toward Election Reform

Q43 Reform proposals

Do you support or oppose any of the following proposals for new ways of voting or conducting elections?

#rotate#

- | | Support | Oppose |
|---|---------|--------|
| Q43a Allow absentee voting over the Internet | | |
| Q43b Run all elections by mail | | |
| Q43c Automatically register all citizens over 18 to vote | | |
| Q43d Allow people to register on Election Day at the polls | | |
| Q43e Require all people to show government issued photo identification when they vote | | |
| Q43f Move Election Day to a weekend | | |
| Q43g Make Election Day a national holiday | | |

Demographic Information

Q44 Residence

Which of the following best describes your current housing arrangement?

- <1> I rent
 <2> I own my apartment or house
 <3> I live with someone else (such as a parent, grandparent), but do not rent
 <4> I live in institutional housing, such as a dormitory or nursing home.
 <5> Other

Q45 Disability

Does a health problem, disability, or handicap CURRENTLY keep you from participating fully in work, school, housework, or other activities?

<1> Yes

<2> No

Age

Income

Education

Party identification

Ideology

Years in current residence

Race

County of residence

Validated vote

Mr. CHAPIN. Applying these findings to the estimated 23.2 million registered voters who did not cast a ballot, MIT estimates that approximately 3 million did not cast a ballot because of a problem with registration. Between 2 and 3 million did not vote because of long lines. More than 2 million could not find out where to vote. Approximately 2 million requested but did not receive an absentee ballot, and almost 2 million did not vote because they said they did not have proper ID.

What worked on election day? Voters had better information. Last fall, Pew released a report entitled "Being On Line Is Not Enough," in which we found that States had a long way to go to do a better job of making voting information available online.

Fortunately, we were also able to offer States a solution through a partnership with State and local election officials, the League of Women Voters and Google, called the Voting Information Project, which seeks to make information available on line. Our goal is to take that project nationwide in the next few years.

Second, voters cast ballots before election day in ever greater numbers. Election officials, the media, candidates and advocacy organizations were very successful in getting voters to vote by mail or early in order to avoid the crush on election day. In fact, early voting was so popular that the MIT survey found that many early voters stood in lines twice as long as their counterparts on election day.

As more States discuss whether to adopt or how to adopt early voting, Pew is there conducting research to help them study the issues and opportunities involved. Our research, which we will be releasing over the next several months, will consider what does and doesn't work and help States think about next steps.

Unfortunately, not everything worked as well. Voter registration captured a lot of attention in 2008. We have a system in this country which is still very much paper-based, requires election offices to hand-enter and hand-match registration information, which makes it susceptible to human error. Most often election offices are inundated with registration forms at the end of an election cycle when time and resources are tight, many of whom come from outside groups which require extra attention to build the rolls.

Problems with registration were largely concentrated among younger voters and people who moved. In fact, one in four people who had moved residences within a year of election day reported a problem with their registration.

States are already taking a lead on registration reform. Secretaries of State Robin Carnahan of Missouri and Trey Grayson of Kentucky recently wrote an op-ed in Roll Call in which they issued a call for voter registration modernization. I would like to offer a copy of that op-ed for the record.

Ms. LOFGREN. Without objection.

[The information follows:]

Voter Registration System Needs to Be Modernized

By Robin Carnahan and Trey Grayson
Special to Roll Call
March 10, 2009, 12 a.m.

As the elected officials responsible for safeguarding the most valuable asset in any election — the right of all eligible voters to cast ballots for the candidates of their choice — we were proud to see the nation's election system rise to the challenge of historic voter participation on Nov. 4. Now, as lawmakers gather to consider changes to our election system, we must evaluate what lessons we can learn from 2008 to make our election system even better for the next cycle.

One key area where improvements are necessary, and possible, is the modernization of our voter registration system. We're pleased to see that the Senate Rules and Administration Committee is holding a hearing Wednesday on our voter registration system, and we encourage the committee, in a bipartisan way, to consider the challenges of our system and ways in which its efficiency, accuracy and cost effectiveness can be improved.

The 2008 elections made it clear that our system relies too heavily on outside groups to register voters and places considerable burdens on individuals seeking to register or update their registration. This can lead to concerns about invalid registrations clogging the system or voter rolls plagued by duplicate and inaccurate information.

Consider, for instance, the case of the high school civics teacher who decided to help her students by collecting their voter registration cards and turning them in. A lovely sentiment, but come Election Day the students found out the hard way that the teacher forgot to submit the cards by the registration deadline. Or reports from jurisdictions all over the country, including our states, that local election officials were slammed at the last minute with huge stacks of registration forms from groups registering voters. Such a last-minute rush is probably inevitable given human nature and the political process, but it leads to tremendous pressures on election workers, leading to delays and errors, despite everyone's best efforts.

To be fair, outside registration efforts are as much a symptom as they are a problem. Some eligible voters have a difficult time navigating the system on their own, and even those who have properly dotted every "i" and crossed every "t" can show up at their polling place on Election Day to find they're not on the rolls. Indeed, the nonpartisan Election Protection coalition said that almost 40 percent of all the complaints they received in 2008 were related to voter registration issues.

We must significantly streamline voter registration and make greater use of technology to weed out inefficiencies. Right now, many voters have no convenient way of verifying that they're on the rolls, or that their information is accurate, leading them to submit duplicate registrations to ensure their right to vote is secure. If voters move between states or within a state, or even more simply change their name, their old, outdated registration record often remains for several years. Simplifying and automating the process could help save time and money and, most importantly, protect voters.

While the National Voter Registration Act, or Motor Voter Act, was supposed to solve many of these problems, we know all too well that while some localities do a great job of complying with the act — offering opportunities to register at all governmental agencies — many do not. If we could harness the power of technology, we could better serve the goals of the Motor Voter law, rendering its mandates nearly obsolete while at the same time reducing the need for outside groups to assist in voter registration.

There must be a better way to make sure that all eligible voters have easy access to the system while ensuring that only eligible voters have such access. We should embrace opportunities to research and study technological innovations to the voter registration system, which could help election officials do their jobs more efficiently, using fewer resources, while improving upon the system's accuracy. Most importantly, technology and policy innovations could help us better serve our "customers" — the voters.

We have been fortunate to work with those, such as the Pew Center on the States and others, who share our vision of more accurate and efficient elections, and better service to voters, and who have been promoting research and pioneering new solutions. Though this most recent election is over, we will not stop working across state and party lines to ensure that we have the voter registration system our voters deserve.

Robin Carnahan (D) is Missouri secretary of State, and Trey Grayson (R) is Kentucky secretary of State.

Ms. LOFGREN. We are going to have to ask you to wrap up, because we have to go to the floor to vote.

Mr. CHAPIN. Yes, ma'am.

Pew shares the Subcommittee's concerns about military and overseas voting. I would like to commend everyone for their attention to better data on election performance, focusing on cost efficiency, and I want to also again echo the call to involve State and local officials and people from the private sector and elsewhere.

[The statement of Mr. Chapin follows:]

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Testimony of Doug Chapin
Director, Election Initiatives, Pew Center on the States
Before the
United States House of Representatives
Committee on House Administration
Subcommittee on Elections

“The 2008 Election: A Look Back on What Went Right and Wrong”

March 26, 2009

Chairwoman Lofgren and Members of the Subcommittee:

Thank you for the opportunity to testify today on behalf of the Pew Charitable Trusts. I am the Director of Election Initiatives at the Pew Center on the States (PCS), a division of the Pew Charitable Trusts that conducts research, brings together a wide variety of partners, and analyzes states' experiences to identify what works and what does not and to advance nonpartisan, pragmatic state policy solutions to the most pressing problems affecting Americans.

Introduction

Since 2001, Pew has invested more than \$20 million in the field of election administration, beginning with the launch of *electionline.org* and continuing through the 2007 creation of PCS' Make Voting Work, an ambitious initiative to study election reform in a real-world environment and to identify efficient, cost-effective solutions to the problems we face and to eliminate barriers to innovation. Beginning with the 2008 election cycle, we have focused our efforts on developing and evaluating pilot projects and offering innovative approaches to improve the election process.

PCS' work in the field of election administration—just like our work in other policy areas—is defined by several principles:

- First, PCS takes a performance-based approach to election administration questions. Is this the best election system government can design and offer? Does it meet the legitimate expectations of voters? As with other core functions of government, the American public demands an election system that offers optimal performance, administrative efficiency and cost-effective use of public funds. This approach is likely to be even more important in our current constrained fiscal environment.
- Second, we consider it a central part of our mission to reach out to, and solicit the involvement of, election officials who are seeking to identify and rigorously test solutions in real-world pilot projects that provide a solid evidence base of what works, what doesn't and why. Since they have an intimate understanding of what works and what does not in their own jurisdictions and a responsibility for implementing enacted reforms, state and local election officials have a unique and critical role in improving our system of voting nationwide. In 2008, Pew partnered with election

officials in more than 20 states undertaking intensive studies of our election system and testing changes to the status quo.

- Finally, we consider it essential to involve leaders from the private sector, respected research teams and elsewhere—many of whom have confronted the same issues that face election officials—as a source of ideas and support for the most far-reaching and innovative approaches to reform.

With that as background, let me now turn to observations about the performance of the American election system in 2008.

Election Day 2008: Better than Expected, But Some Problems Persist

The biggest storyline coming out of the 2008 election was that by and large, the system worked better than anticipated. As voter interest—and thus voter turnout—grew steadily throughout the year, there were fears that the American election system would be unable to handle the crush on Election Day. Consequently, many observers were watching closely to see if the system would fail in one or more places and were ready to analyze what happened if and when it did. Even those of us who adamantly refused to predict a meltdown were holding our breath as the polls opened on November 4 because of the combination of a system in flux and a potentially record turnout.

The good news is that the meltdown didn't happen. By and large, our election system appeared to have handled the historic turnout of voters. Pew had on-site teams in several states observing the voting process on Election Day and each of them noted the same pattern: an early crush of voters followed by an extremely uneventful day starting in mid-afternoon.

According to a new national survey of election administration conducted by the Massachusetts Institute of Technology (MIT) and funded by the Pew Center on the States with support from AARP and the JEHT Foundation, most Americans who voted on Election Day had an overall positive experience. For example, 98% of voters said that it was 'very easy' or 'fairly easy' to find their polling place in November; 98% said that their polling place was run 'very well' or 'OK, with only minor problems'; fewer than 2% of voters experienced registration problems, most of whom resolved the problem at their polling place and voted a regular rather than a provisional ballot; and fewer than 2% had any problem with the voting equipment—regardless of what type of voting equipment they used.

The bad news is that many of the findings of this new research raise concerns. While 2% of voters experiencing a problem at the polls may seem to be a small number, it is certainly enough to affect the outcome of a close race in any election.

The biggest story, however, is the experience of those who did not cast a ballot because of difficulty navigating our election system. MIT's Survey of the Performance of American Elections found that 38% of registered nonvoters—or the equivalent of more than 8 million people—said that problems with our election system were a major factor in why they did not vote in this election. I would like to submit a copy of the Executive Summary of that report, which is being released today, for the record of this hearing.

Applying the survey findings to the Center for the Study of the American Electorate's estimated 23.2 million registered voters who did not cast a ballot, the MIT study suggests:

- Approximately three million voters (13% of registered nonvoters surveyed) did not cast a ballot because of a problem with their voter registration;
- Between two and three million voters (11%) did not vote because the lines were too long;
- More than two million voters (9%) could not find where to vote;
- Approximately two million voters (8%) requested but did not receive an absentee ballot;
- Almost two million voters (7%) did not vote because they did not have the proper ID.

These numbers are not cumulative; most voters cited a combination of reasons for not voting. In many cases, voters gave a variety of reasons that have nothing to do with how we administer our elections, such as that they did not like the candidates, were too busy or were ill. However, 13%—or the equivalent of three million people—cited reasons solely related to navigating our election system as major factors in why they did not vote.

Overall, these numbers are consistent with those cited by Harvard Professor Stephen Ansolabehere before the Senate Rules Committee earlier this month indicating that between four to six million voters may not have cast a ballot because they encountered a problem in navigating our election system.

I think it is important to examine both the factors that contributed to our overall smooth experience on Election Day and the factors that contributed to problems for voters and nonvoters alike.

What Worked

- **Better voting information.** Clearly, better voting information was one of the successes of the 2008 election. More voters than ever had access to information sources that answered the key questions “*Am I registered or how do I register?*”, “*Where do I vote?*” and “*What’s on the ballot?*” However, the MIT study suggests that 2% of voters, or roughly 2.6 million people, still had difficulty finding their polling place and another 2.1 million did not vote at least in part because they did not know where to vote. Moreover, a PCS report released in October 2008 entitled *Being Online is Not Enough* revealed that many states have significant work to do in making election information available online. At the Pew Center on the States, we were pleased to provide a solution and assist with the availability of official voting information online by partnering with state and local election officials, the League of Women Voters and Google on the Voting Information Project (<http://votinginfo.org>). Our vision is to take advantage of the power of the Internet to get accurate and up-to-date information to voters through whatever portal they turn to and trust, whether that is a political campaign or a voter advocacy group or their favorite blog or search engine. Ten states (Iowa, Kansas, Maryland, Minnesota, Missouri, Montana, North Carolina, North Dakota, Ohio and Virginia) and the nation’s largest county (Los Angeles County, California) adopted the VIP “format” in 2008 and we are working toward wider adoption in 2009 and beyond.
- **Early and out-of-precinct voting.** Early voting was another key factor in the success of Election Day 2008. Election officials were very successful, with support from the political campaigns, voter advocacy organizations and institutions such as the Election Assistance Commission, in urging voters to vote early or by mail to ease the pressure and get voters out of line on Election Day and into their election office early so that problems could be resolved. In fact, early voting was so successful that according to the new MIT survey, 8% of those who cast ballots during early voting reported lines of more than an hour - twice as many as on Election Day.

However, early and other “non-precinct place” voting is not currently available nationwide nor is there a consensus on whether it is a long-term remedy for some of the issues confronting our election system. Consequently, at the Pew Center on the States, we are focusing not on whether states should implement

early voting or vote by mail, but on how jurisdictions do so, examining why some experiments in expanding access for voters to cast a ballot outside of their traditional polling place have succeeded while others have failed and how some jurisdictions have implemented reforms in a cost-effective manner or even reduced spending while at the same time improving service to their voters, while others have struggled with rising costs. Our research—much of which we will be releasing in the near future—is studying what factors have led to success and what factors have led to failure so that election officials can learn from the example of others who have innovated in this area.

What Needs Work

The biggest problems that emerged in the 2008 election were the result of a combination of high voter demand and aspects of our election system that have changed very little in decades.

- **Voter registration.** Problems with voter registration rightfully captured the most attention in the 2008 election. Our current voter registration rolls are rife with errors, including duplicate and invalid registrations primarily resulting from voters who recently relocated or are deceased. Despite technological advances in other aspects of the election system, voter registration data is most often handwritten, collected on paper forms and manually keyed into databases. As a result of these outdated practices, the system is highly susceptible to human error. Compounding the problem, election offices are frequently flooded with registration forms at the end of an election cycle—including from outside “third-party groups” whose activities were controversial during the 2008 campaign—when resources are already strained.

Results of the MIT survey suggest that roughly three million registered voters did not cast a ballot at least in part because of a problem with their voter registration. In addition, two million registered voters who went to the polls also encountered a problem with their registration. The problems were largely concentrated among younger voters and people who have recently moved. Among those who had lived in their current residence less than a year, one in four cited a problem with their voter registration as a major factor in why they did not vote.

These challenges stem from a registration system that is badly in need of modernization. Part of this is the unfinished business of the National Voter Registration Act and the Help America Vote Act, as we find that statewide voter registration systems have not fully lived up to their federally mandated

requirements and information from other government agencies is not being adequately tapped to update voter files in many states. Our voter registration system should not only be accurate but efficient and cost-effective.

But we can and should do more than simply comply with existing federal law. States are taking the lead in identifying opportunities for reform, as Secretaries of State Robin Carnahan of Missouri and Trey Grayson of Kentucky—a Democrat and a Republican—highlighted in a recent editorial in *Roll Call*, a copy of which I would like to submit for the hearing record. Many of your staff witnessed this energy firsthand last year, when Pew hosted a nationwide conference where one election official after another highlighted their ideas for reform and expressed frustration with the barriers that prevent them from automating and improving their voter registration process. Doing so will require a coordinated effort among states to identify tools and best practices and may benefit from assistance from the federal government. At the Pew Center on the States, we are studying cutting-edge efforts to innovate by commissioning a range of rigorous case studies on initiatives underway, such as Minnesota's new portable registration program using the National Change of Address information from the U.S. Postal Service and online voter registration opportunities in Arizona and Washington. Our goal is to field test reforms in a real-world environment to answer technical questions and develop a structured process of dialogue among states to plan and design a more modern registration system.

- **Military and Overseas Voters.** Many state and local election officials go above and beyond to serve their military and overseas voters, including sending ballots by FedEx, e-mail and fax and using creative means to get in touch with overseas voters to update their address information.

Extraordinary efforts are required to serve military and overseas voters because state laws are stacked against them. *No Time to Vote*, a PCS report released in January, found that one-half of states do not provide enough time in their process for military personnel stationed overseas to cast a ballot by mail. A recent survey from the Overseas Vote Foundation, which receives funding from the Pew Charitable Trusts, found that 22 percent of overseas voters did not receive their ballots for the 2008 general election, and nearly 40 percent of those who did received them after the middle of October, making it very difficult for them to return their ballot in time to be counted. The problems facing military and overseas voters are not dissimilar from the challenges we face at home, where voter registration rolls are not able to keep up with a highly mobile population and citizens too often struggle to find the

information they need to navigate the system.

At the Pew Center on the States, we are supporting both short- and long-term solutions to serving military and overseas voters. In the short term, we funded the Overseas Vote Foundation's development of a software tool for putting Federal Write-in Absentee Ballots (FWABs) into the hands of military and overseas voters, which resulted in a substantial number of voters being able to cast their ballot at least for federal offices in this election. However, research suggests that less than half of voters are aware that they have the right to use an FWAB and neither are some election officials. Even if used properly, it cannot be used in most states to register to vote or to cast a ballot in any but federal races.

To properly address some of the long-term structural problems facing military and overseas voters, we have initiated and are supporting an effort by the Uniform Law Commission to study the feasibility of a uniform state law for the handling of military and overseas ballots. A model law is currently being considered by a drafting committee and will come before the Uniform Law Commission for a first reading this July. This law is likely to include provisions for standardizing dates for delivery of absentee ballots and to allow states to use new technology to transmit ballots and other election materials to voters abroad so they have time to return them.

We are also supporting the Alliance for Military and Overseas Voting Rights, a new group of more than 20 military and veterans service organizations, overseas citizen groups and international business associations that have joined forces to improve the military and overseas voting experience.

With that look back and update on our activities looking forward, I would like to leave you with three observations:

1. **We have no meaningful way to assess election performance.** Our election system, by and large, rose to the challenge of the presidential election in 2008 in the sense that many of the dire predictions of failure did not come to pass. However, while we know there were problems, we continue to lack a meaningful way to assess the performance of our election system. Without consistent data collection and established performance measures, this field is driven by anecdotes that can be too easily manipulated for impassioned arguments and partisan self-interest. How do we judge success and failure? Is it simply by whether the problems are widespread enough to affect the outcome, or can we develop a

more reliable metric that state and local officials can use to benchmark their own efforts? Yale Law Professor Heather Gerken's new book, *The Democracy Index*, proposes using data about elections to compare the performance of state and local election systems and thus provide an evidence base for reform. We have been approached by state and local election officials with ideas for how to apply the idea of the Democracy Index in their own jurisdictions, and we look forward to developing that concept further in the months ahead. We were pleased to see Congress make \$10 million available for state-based pilots in data collection and analysis in the field of election administration, and we are hopeful that the results of that effort—and similar efforts under consideration across the nation—will begin to make available sorely-needed data for ongoing assessments of our election system.

2. **Creativity loves constraint.** In this fiscal environment, every corner of the private and the public sector is asking itself how to do more with less. We are constrained by budget, we are constrained by personnel, we are constrained by time and we are constrained by the technology and other tools that are available to us in election administration. However, if every problem is an opportunity, a tighter fiscal environment enables states to address inefficiencies in their systems. I would expect to see more states in the next few years experiment with ways to wring the inefficiencies out of their election systems—sometimes by doing old things a new way (such as experiments with early voting and election day vote centers) or by reclaiming resources by halting costly and ineffective practices (such as by modernizing aspects of the voter registration system or reducing the expense of calls to election offices by more widely disseminating voting information online). We will be monitoring these developments and working with jurisdictions to learn from their successes and failures along the way.

3. **Partnership with election officials, among federal, state and local governments and with the private sector is critical.** Too often, election reforms have failed to achieve their goals because we have viewed state and local officials as an obstacle to be overcome rather than as professionals to work with to improve the process. And since effective reform happens from the ground up, not from the federal government down, it is important for any dialogue on federal legislation to work through a partnership with state and local governments in contemplating the proper federal role in reform. Similarly, it is important to work with the private sector as much of systems innovation will require partnership with companies who have encountered—and in some cases overcome—the problems facing election officials today.

In conclusion, my colleagues and I at the Pew Center on the States stand prepared to work with you to chart the path forward on election administration. Our agenda is government effectiveness and evidence-based policy based on sound, empirical data. Americans deserve an election system that is accurate, secure and convenient and that is efficient and cost-effective as well.

We look forward to working with the subcommittee on all of these issues. Thank you and I look forward to answering any of your questions.

Ms. LOFGREN. Thank you very much for your testimony, and for the testimony of you all. We have about 7 minutes until the vote is called, so I will turn to Mr. Harper for his questions.

Mr. HARPER. Thank you, Madam Chair. We will make it quick because I know we have to go vote.

Mr. Chapin, your numbers that you stated, 3 million that had problems or couldn't vote because of registration problems, or 2 million because of other problems, are those actual figures, or are those extrapolations that were done?

Mr. CHAPIN. Those were extrapolations done from the survey findings to the estimated number of nonvoters.

Mr. HARPER. I wish we had time to go into that on the numbers and those statistics and those things, because, as you know, 69 percent of all statistics are made up on the spot—or 64 percent, or whatever it is. Anyway, looking at all those numbers is an ongoing issue.

I would say personally I do support the sovereignty of the tribes, so that is something we are willing to look at. We want to make sure that we do something that is fair and provides safeguards that are in there.

The biggest problem that I see is in the area of military voting, because military personnel cut across all racial lines, all areas, all segments of our society. And the fact we had a rather dismal record of making sure the military voters get that opportunity to vote who particularly may be overseas, whether that is the time lag or the delivery lag, whatever it may be, that is something that we can't have happen again. And I think it will go towards the goal that you have to make sure that all citizens have the opportunity to vote. We can't make every citizen vote, but we can give them that opportunity. It is a privilege and a responsibility. But the military is another area.

One question I would have, Ms. Campbell, on voter ID—and I know we are on a very short time, so I will ask a quick question—I do believe that voter ID is an acceptable way to prevent voter fraud that we might have in different regards. And one thing that you had indicated in the materials is about AARP, I believe you said, estimated that in Georgia that maybe 36 percent of those over the age of 75 couldn't have those requirements. And I think some States have addressed that by excluding those over a certain age. That has been one way to address that.

Driver's license problems. You know, my son has special needs, so he can't drive, but he has a State photo ID. So when I have a chance for him to fly or fly with me, I have his photo ID. It was very easy to get it. Maybe there is a way there, "voter ID light." Do you think that is something in conjunction that could work?

Ms. CAMPBELL. I think part of it is there is no standards, and a lot of this was done, laws were passed. Not necessarily all the facts are there. So the challenges when our elected officials create legislation that is not based on facts all the time, it is problematic for all of us.

Mr. HARPER. Ms. Campbell, would you be willing to look at all issues?

Ms. CAMPBELL. Oh, we look at all issues. Definitely. Madam Chair, we have a survey that we did on voter experiences, and once

that is finalized, I would like to see if that can be entered for the record as well.

Ms. LOFGREN. We would love to see the report.

Mr. HARPER. Madam Chair, I ask unanimous consent to submit the following documents for the record: One, a U.S. Census Bureau table about voter turnout; two, a collection of voter fraud articles and court documents; and three, a 2007 study by the Institute of Public Policy on voter identification laws.

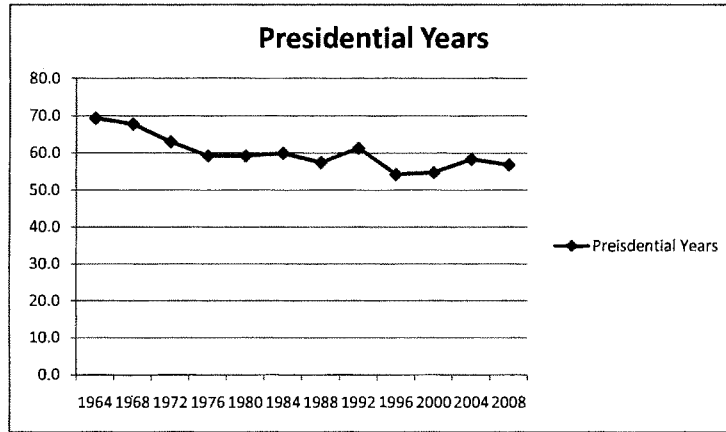
Ms. LOFGREN. Without objection, those items will be made a part of record.

[The information follows:]

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Turnout in U.S. elections as percentage of voting-age population

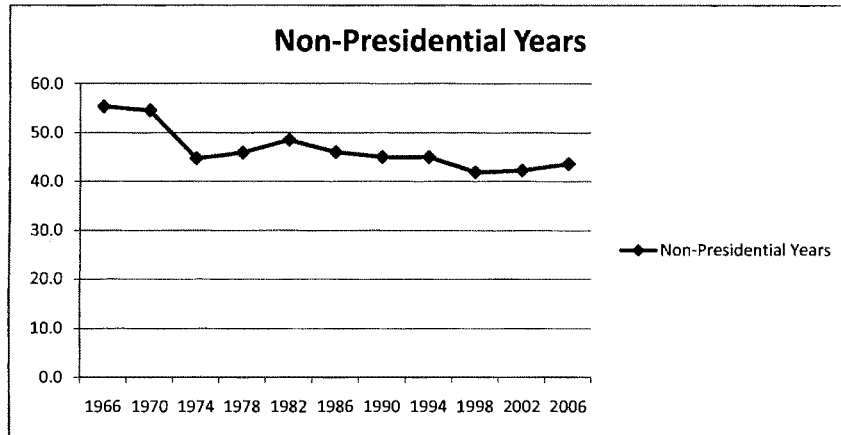
1964	69.3
1968	67.8
1972	63.0
1976	59.2
1980	59.2
1984	59.9
1988	57.4
1992	61.3
1996	54.2
2000	54.7
2004	58.3
2008	56.8



Sources: 1964 - 2004 U.S. Census Bureau
2008 http://elections.gmu.edu/Turnout_2008G.html

Turnout in U.S. elections as percentage of voting-age population

1966	55.4
1970	54.6
1974	44.7
1978	45.9
1982	48.5
1986	46.0
1990	45.0
1994	45.0
1998	41.9
2002	42.3
2006	43.6



Source: U.S. Census Bureau

Vote Fraud / Other Incidents Documented

2008 Election

Four New York Democrats, and nine other people connected with the Vote From Home PAC, all registered to vote in Ohio using the same 3-bedroom house in Columbus as their address. Most of them requested ballots and voted, even though they were not permanent Ohio residents as required by state law.

Gotham-To-Ohio Vote Scam Eyed, New York Post, October 20, 2008

A man repeatedly registered to vote at someone else's address and cast a ballot using an illegitimate registration in Cuyahoga County, Ohio.

Bogus Voter Booted Amid Probe of ACORN – 4,000 of Left-Wing Group's Sign-Ups are Shady, New York Post, October 14, 2008

A campaign consultant for U.S. Rep. John Hall (D-N.Y.) was fired from the campaign after she registered to vote in Franklin County, Ohio even though she lived in New Paltz, New York. Her stated address in Ohio was the headquarters of Vote today Ohio.

Hall Adviser Fired Over Vote Registration Queries, Poughkeepsie Journal, October 30, 2008

A Connecticut man who got "caught up in the excitement of the election" while visiting his sister in Cincinnati cast a ballot there during the Ohio's "golden week" when it was possible to register and vote at the same time.

Connecticut Man Admits He Voted Early In Ohio, The Cincinnati Enquirer, December 30, 2008

A woman was charged with election fraud for falsifying multiple voter registration forms in Milwaukee.

Criminal Complaint, Milwaukee County Circuit Court, March 6, 2009

A man was charged with voting illegally and providing false information to an election official when he voted even though he was a convicted felon who had not completed his term of imprisonment.

Criminal Complaint, Milwaukee County Circuit Court, March 18, 2009

In 10 Minneapolis precincts, 81 more ballots were counted in the U.S. Senate recount than there were voters on rosters or casting absentee ballots.

Prior Elections

A man was sentenced for voting in both Appleton, Wisconsin and also in Eau Claire, Wisconsin in 2004.

Man Sentenced for Voting Twice, The Capital Times & Wisconsin State Journal, January 11, 2005

A man voted in a New Hampshire election even though he was in the state to work on a political campaign, was living with the state Democratic party chair during that time, and returned to his home state of South Dakota after the election.

Wetrosky Found, Andrew Cline Blog, New Hampshire Union Leader, May 10, 2006
(<http://blogs.unionleader.com/andrew-cline/?p=310>)

A Newark, NJ campaign worker was indicted for unsealing absentee ballots and changing the votes on them after he picked them up from voters.

Newark Campaign Worker Is Indicted On Election-Fraud Charges, The Star-Ledger,
March 23, 2009

NEW YORK POST

GOTHAM-TO-OHIO VOTE SCAM EYED

By JEANE MacINTOSH

October 20, 2008 --

Four well-heeled New York Democrats are under investigation by an Ohio prosecutor for setting up a temporary home in the swing state - where two have already cast their ballots - just so that their votes will be counted there, The Post has learned.

The targets of the probe - including the daughter and son-in-law of a New York City real-estate titan, a former New York Sun reporter and a Bank of New York Mellon executive - are connected to Vote From Home, a Manhattan-based political action committee set up to get voters to the polls in Ohio, where residents are allowed to cast ballots 29 days before Election Day, investigators said.

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The New Yorkers and nine other members from across the country are accused of packing themselves into a modest three-bedroom house in Columbus, waiting 30 days - and then registering, even though the Buckeye State is not their permanent residence.

Under Ohio law, a person who comes to the state for "temporary purposes only," without the intention of making it the "permanent place of abode" is not considered a resident. New permanent residents must live in Ohio 30 days before registering.

Four group members, including two of the New Yorkers, have already cast ballots, and six others requested absentee ballots from the county elections board.

Franklin County, Ohio, prosecutor Ron O'Brien launched the investigation after student reporters at palestra.net, a Fox News affiliate, discovered the mass registration effort at the home in a working-class neighborhood on Brownlee Avenue.

"Our board of elections referred 13 suspicious registrations to us, all from people with out-of-state addresses, all of whom claim to be living in a three-bedroom house in Columbus," O'Brien said Friday.

Vote From Home is registered to the East 82nd Street brownstone of Heather Halstead, daughter of Halstead Properties founder Clark Halstead Jr. She and her husband, NYU grad Marc Gustafson, are among those under scrutiny.

A subsequent Post review of election-board and other records found the New Yorkers involved are:

* Joel Speyer, 39, a New York CPA who lives in Brooklyn and works for Mellon bank here. He owns the Brownlee Avenue house and rented it to Vote From Home in June for an undisclosed period for \$2,500, Federal Election Commission papers show. Speyer is a registered New York voter and cast a ballot in February's primary. He re-registered in Ohio Sept. 1, and last week voted absentee.

* Halstead, 34, and Gustafson, 31, both longtime New York voters. Halstead last cast a ballot in the state's February primary. Gustafson voted in Manhattan in 2007. Both requested Ohio absentee ballots.

* Daniel Hemel, 23, a Harvard grad and former Sun reporter from Scarsdale, Westchester County. He registered to vote in Ohio Oct. 1, casting a ballot the same day. Hemel later returned to Oxford University in England, where he and other Vote From Home workers attend as Marshall Scholars.

* Also under investigation are three daughters - Jennifer, 20, Tania, 21, and Michael Anne, 24 - of Brooklyn resident David R. Kyle. He is CEO of a firm that raises money for schools in India and is one of two major financial backers of the PAC. The three women, whom records show most recently lived in the Washington, DC, area and Connecticut, have requested absentee ballots.

The Brownlee 13 also includes a Cornell University grad from Los Angeles and a Marshall Scholar from Arizona who have both cast their ballots.

"We've done nothing wrong," Halstead told The Post Friday when contacted at her New York apartment. "It's a nonissue. It's all been settled."

Not according to O'Brien. While he is "willing to give them the benefit of the doubt," he said he is still probing the group's "intent surrounding the registrations."

"I think they mistakenly believed that by residing here 30 days, they met the residency requirement for voting - and perhaps they felt that casting a vote in a battleground state would be more effective than wherever they came from," O'Brien said.

He said the investigation will look at "surrounding facts" - including whether the new voters have applied for Ohio licenses, changed their car registrations, or signed leases.

Adele Shank, a lawyer who represents all in the group except Hemel, said she has "no reason to believe" that her clients registered in Ohio in order to vote in a swing state.

Halstead, Shank said, is in New York only "for a short trip" and "plans to return to Ohio."

Shank said her clients "thought they had met the residency requirement.

"They did not have the [election] code in front of them when they registered, and there was no disclosure of it on the application," she said.

<http://www.nypost.com/php/friendly/print.php?url=http://www...>

On its Web site, the PAC - which includes many Ivy Leaguers and Rhodes, Truman and Fulbright scholars - boasts of its "extensive experience with political organizing, election administration and Democratic politics."

Hemel did not respond to a request for comment.

Voter fraud is a felony in Ohio, punishable by up to a year in jail. The Vote From Home members have previously registered as Democrats. In Ohio, they registered as "unaffiliated."

jeane.macintosh@nypost.com

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News

BOGUS VOTER BOOTED AMID PROBE OF ACORN - 4,000 OF LEFT-WING GROUP'S SIGN-UPS ARE SHADY

JEANE MacINTOSH in Cleveland and MAGGIE HABERMAN in New York

729 words

14 October 2008

New York Post

B

English

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Investigators probing **ACORN** have learned that an Ohio man registered to vote several times and cast a bogus ballot with a fake address, officials said yesterday, as they revealed that nearly 4,000 registration applications supplied by the left-leaning activist group were suspect.

The vote of **Darnell Nash**, one of four people subpoenaed in a Cuyahoga County probe of **ACORN**'s voter-registration activities, was cancelled and his case was turned over to local prosecutors and law enforcement, Board of Elections officials said yesterday.

Nash had registered to vote repeatedly from an address that belonged to a legitimately registered voter, officials said during a hearing at which the subpoenaed voters were to testify.

Board officials had contacted Nash this summer, questioned his address and told him to stop repeat registering.

But still, he breezed into Ohio election offices - the state allows early voting for president - reregistered with a fake address and cast a paper ballot, officials said.

"He came in on 9/30 and Mr. Nash again registered to vote at [someone else's] address, and he cast a ballot," said board official Jane Platten.

Nash did not turn up for the hearing.

The Post reported last week on the Cleveland-area probe and the subpoenas, which were sent out to four people - including two voters who said they were hounded by **ACORN** workers to register over and over, even when they warned they'd already done so.

It's the latest issue in the probe of **ACORN**'s registering voters in Ohio, one of at least nine states where officials are investigating similar reports of phony sign-ups by the group.

At the same time, officials said, some 5 percent, or 3,650, of the 73,000 total registration cards turned in by **ACORN** in the Cleveland area from its Project Vote initiative to sign up low-income voters were "questionable," Platten said.

There were "egregious acts of registering multiple times," said Platten. "The extent of it is beyond the resources of this board."

Nash's case and three others were turned over to authorities yesterday, said Ryan Miday, a spokesman for prosecutor Bill Masson.

"We will consider presenting it to a grand jury," Miday said.

A member of the board said if necessary, the FBI or federal prosecutors could be brought in for assistance.

Still, members of the bipartisan board downplayed any voter fraud.

And Platten insisted officials with **ACORN** have offered "any and all" help in probing the questionable activities. Katy Gall, the Ohio state director for **ACORN**, said her group is cooperating fully with the investigation.

She added that her group has fired anyone who was found soliciting duplicate registrations.

ACORN, whose political arm has endorsed Democratic nominee Barack Obama, has signed up more than 1.3 million voters for this cycle.

ACORN adviser Scott Levenson said, "If one of the 13,000 [people] we hired is potentially a bad apple in the bunch, we encourage the authorities to prosecute, as appropriate, anyone that did the wrong thing. We discipline [and] we fire workers who [abuse their position]. . . . We encourage prosecutors to follow suit."

He also denied suggestions that the group pays canvassers by the number of names they sign up, and that they have quotas.

Also yesterday:

- Two of the four subpoenaed voters, Freddie Johnson and Christopher Barkley, met privately with sheriff's deputies and described what they'd told The Post about being hounded by **ACORN** workers. Barkley testified at the hearing that some of the registration cards listing his name weren't filled out by him.

- In an e-mail to supporters, John McCain's running mate, Sarah Palin, slammed "the left-wing activist group **ACORN**" and suggested, "We can't allow leftist groups like **ACORN** to steal this election."

Vote early, vote often

Yesterday's developments in the Ohio investigation into **ACORN** included:

- Cleveland-area man **Darnell Nash**, a multiple voter registrant, may have committed voter fraud by casting a ballot using a phony address.
- Officials turned over four cases of possible registration fraud to prosecutors, and said all others will also be referred.

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<http://integrate.factiva.com/en/search/article.asp>

* Some 3,650 registrations filed by **ACORN** were deemed "questionable."
How The Post has covered the story.
Document NYPO000026081014e4ae00025

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MID-HUDSON; B

Hall adviser fired over vote registration queries

STAFF

319 words

30 October 2008

Poughkeepsie Journal

1

English

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Hall adviser fired over vote registration queries

A consultant working the election campaign for U.S. Rep. John Hall, D-Dover, had her contract terminated over reports linking her to alleged voter registration improprieties.

Amy Little, who served as consultant for Hall in his race against Republican challenger Kieran Michael Lalor, left the campaign Tuesday.

Susan Spear, Hall's campaign director, said Little left the campaign after a posting on a blog by an associate professor of psychology at Grove City College in Pennsylvania mentioned Little was one of a group of about 150 people with sketchy residences who are registered to vote in Franklin County, Ohio.

"We called her to find out what the facts were and based on our conversation, her contract terminated," Spear said.

Current records show Little residing in New Paltz, but according to the blog, <http://wtrhockmorton.com>, Little is registered to vote in Ohio.

Little is residing in the headquarters of **Vote Today Ohio**, a grassroots group that supports Barack Obama.

"The VTO program is designed to help voters avoid a repeat of the notorious long lines, broken machines, and GOP intimidation faced by hundreds of thousands of disenfranchised Ohioans in 2004," reads a line from one of the group's press releases.

Pam Kapoor, a spokeswoman for **Vote Today Ohio**, said Little was part of a group of five or six people who had been living at the headquarters for the past three months. She said it wasn't uncommon, calling the news "much ado about nothing."

Prior to serving as a consultant with Hall's campaign, Little served as Hall's campaign manager in 2006.

"In this campaign, she was simply playing a small consulting role - basically to provide institutional memory from the 2006 campaign," Spear said.

The Journal was unable to reach Franklin County officials Wednesday night.

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Conn. man admits he voted early in Ohio

Advertisement

Updated: Tuesday, 30 Dec 2008, 6:12 AM EST
Published : Tuesday, 30 Dec 2008, 6:12 AM EST

Cincinnati (AP) - A Connecticut man has admitted that he did not live in Ohio when he cast an early ballot for the presidential election in Cincinnati.

Kevin Duffy, of Manchester, Conn., pleaded guilty in Hamilton County Common Pleas Court on Monday to attempted false voter registration.

The 24-year-old's attorney says Duffy got "caught up" in the excitement of the election while visiting his sister in Cincinnati.

He cast his ballot Oct. 4 during a weeklong period during which new voters could register and immediately cast a ballot.

Duffy later told county elections officials not to count his vote.

He was sentenced to one year of probation, a \$1,000 fine and 250 hours of community service. He also agreed to cooperate with an investigation of alleged improper voting in the county.

Information from: The Cincinnati Enquirer
(<http://news.cincinnati.com/article/20081230/NEWS0107/812300322/1055/NEWS>)

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**CIRCUIT COURT
CRIMINAL DIVISION**

STATE OF WISCONSIN MILWAUKEE COUNTY

CRIMINAL COMPLAINT

STATE OF WISCONSIN

DA Case No.:2009ML003532

Plaintiff,

vs.

Complaining Witness:

Mitchell G. Ward

Lewis, Latoya T
2917 North 13th Street
Milwaukee, WI 53206
DOB: 01/06/1990

Court Case No.:

Defendant,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

Count 1: ELECTION FRAUD - FALSELY PROCURING VOTER REGISTRATION

The above-named defendant on or about June 15, 2008, at 200 East Wells Street, City of Milwaukee, Milwaukee County, Wisconsin, did intentionally and falsely procure voter registration, contrary to sec. 12.13(1)(b), 12.60(1)(a) and 939.50(3)(i) Wis. Stats.

Upon conviction for this offense, a Class I Felony, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both.

Complainant states that he is a City of Milwaukee Police Detective and bases his complaint upon the following:

City of Milwaukee Election Commission Executive Director Sue Edman states that the defendant Latoya Lewis served as a Special Registration Deputy for the City of Milwaukee. According to records of the City of Milwaukee Election Commission, Lewis served as a Special Registration Deputy for the time period of April 2008 until she was removed in July 2008 "due to suspicion of voter registration fraud."

In the course of his investigation, complainant states he has reviewed Voter Registration Applications (Forms EB-131) completed in the name of "Ray Anderson" DOB 03/02/1957. No less than eight (8) such forms were completed and turned in for processing, including multiple forms signed by the defendant Latoya Lewis. Specifically, Latoya Lewis submitted a Voter Registration Application form in the name of "Ray Anderson" on both June 5th, 2008 and June 17th, 2008.

On October 22nd, 2008, complainant spoke with Ray Anderson. Anderson told complainant that, while he did register to vote, he did not complete the forms signed by Lewis and dated June 5th and June 17th, 2008.

On February 3, 2008, complainant states that he spoke with the defendant Latoya Lewis at her current residence located at 2917 North 13th Street, Milwaukee. Lewis told complainant that she and her mother, Latessa Lewis, were employed by ACORN from March 8, 2008 to

August 8, 2008. Lewis stated she was hired to register new voters and was expected to turn in twenty applications per day. During the course of the interview, complainant states he showed the defendant several voter registration applications that she had prepared and submitted. Lewis acknowledged that she filled out these forms and that she also signed them.

During the course of the interview, Lewis stated, "I will admit that I probably did one or two," referring to fraudulent voter registration forms. Lewis acknowledged that she had submitted some "bogus" forms on occasion to meet her daily quota. Lewis also told complainant that she would re-register a friend if she needed more applications to turn in.

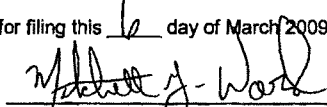
During the interview, complainant states that he asked Lewis how many "bogus" forms she had submitted. The defendant estimated that ten to fifteen of her forms were fraudulent.

Complainant states that he knows that all Voter Registration Application forms for the City of Milwaukee are processed at the City Election Commission, 200 East Wells Street, Milwaukee.

****End of Complaint****

Subscribed and sworn to before me and approved for filing this 16 day of March 2009.


Assistant District Attorney Bruce J. Landgraf


Complainant Witness

BJLlbi

-- Felony Complaint --

Wisconsin Statutes §§6.02(1) and 6.03(1)(b) provide:

6.02(1) Every U.S. citizen age 18 or older who has resided in an election district or ward for 10 days before any election where the citizen offers to vote is an eligible elector.

* * *

6.03(1) The following persons shall not be allowed to vote in any election and any attempt to vote shall be rejected:

* * *

(b) Any person convicted of treason, felony or bribery, unless the person's right to vote is restored through a pardon or under s. 304.078 (3).

Wisconsin Statutes §304.078(3) provides:

304.078(3) If a person is disqualified from voting under s. 6.03 (1) (b), his or her right to vote is restored when he or she completes the term of imprisonment or probation for the crime that led to the disqualification. The department or, if the person is sentenced to a county jail or house of correction, the jailer shall inform the person in writing at the time his or her right to vote is restored under this subsection.

Morris Is a Felon

Based upon his review of certified copies of circuit court records, attached to this complaint and incorporated herein by reference, complainant states the defendant Lavelle Morris was convicted of the felony offense of Attempted First Degree Intentional Homicide on November 30, 1996 in Milwaukee County Case No. 06CF006014 (aka F-966014). Complainant further states that on March 14, 1997 the defendant was sentenced to a term of sixteen years imprisonment for the Attempted First Degree Intentional Homicide conviction. Complainant states that based upon a review of these records and based upon the statements the defendant has made to him, the defendant Morris had not yet completed his felony sentence as of November 4, 2008 and was not eligible to vote on that date.

The DOC Advised Morris – At Least Twice - that, as a Felon, He Could Not Vote

The information contained in this section of the complaint is based upon my interview of Department of Corrections Probation/Parole Agent Helen Dammair. Ms Dammair states that she supervised Mr. Morris at the time of this incident on November 4, 2008.

Ms. Dammair produced records from Morris's file, including a Form DOC-10 (rev. 1/02), Rules of Community Supervision. Complainant states that he has reviewed these records and Item 13 provides:

You shall not, as a convicted felon, and until you have successfully completed the terms and conditions of your sentence, vote in any federal, state or local election as outlined in Wisconsin Statutes s.6.03(1)(b).

This form is signed by the defendant Lavelle Morris. His signature appears above the words - in bolded print - "I have received a copy of these rules." The form is dated October 18, 2006.

Ms. Dammair stated that she had herself warned Mr. Morris as part of her duties as a DOC officer that - as a felon on active community supervision - he was not eligible to vote. Specifically, Dammair produced a copy of Form DOC-2352 / CR-218 (6/2006) from Mr. Morris' files. That form is entitled Ineligible Voting Notice and Acknowledgement. Under the bold-faced and capitalized word "Notice," the form provides:

This notice is to inform you that under Wisconsin State Statute §6.03(1)(b) you are ineligible to vote in any election until your civil rights are restored.

Your civil rights will be restored when the department has determined that you have satisfied all sentences and terms of probation on all felony cases and you are absolutely discharged from the Wisconsin Department of Corrections. This will occur when you have completed all of your felony sentences, including any terms of parole, extended supervision or probation.

This form was also signed by the defendant Lavelle Morris. It is dated October 27, 2006.

Morris Voted in the November 2008 Election

The information contained in this section of the complaint is based upon my review of records of the City of Milwaukee Election Commission which records were part of a complaint made by Deputy Director of the Election Commission, Neil Albrecht. Complainant has reviewed copies of election records for the City of Milwaukee, Aldermanic District 1, Ward 17, specifically a Form EB-131 Voter Registration Form. Complainant knows that this record is held by the commission in the normal course of its business. Complainant knows that electors for Ward 17 cast ballots at the Rufus King High School, 1801 North Olive Street, Milwaukee, Wisconsin.

Complainant states that according to the record entitled Voter Registration Application, the Form EB-131 described above, the defendant Lavelle Morris cast a ballot as Voter #743 at Ward 17 on November 4, 2008.

Complainant states that he spoke to the defendant on February 22, 2009. At that time, Lavelle Morris said that he did in fact vote in the November 2008 election.

Morris Misrepresented his Supervision Status to Poll Workers

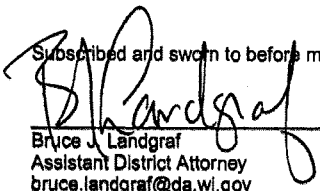
Complainant states that he has examined a copy of the Voter Registration Application that was produced by City Election Commission. Complainant states that the signature of "Lavelle Morris" appears on this document. Immediately above the Lavelle Morris signature, the following appears:

I certify that I am a qualified elector, a U.S. citizen, at least 18 years old, having resided at the above residential address for at least ten days immediately preceding this election, not currently serving a sentence including probation or parole for a felony conviction, and not otherwise disqualified from voting. I certify that all statements on this form are true and correct.

(Emphasis added). A circle next to this statement is checked so as to signify that the foregoing was read. This form was presented to Election Official Hazel Carter, as signified by Carter's signature on the Voter Registration Application. The defendant Morris acknowledged his signature to complainant on this form at the time of his interview on February 22, 2009.

****End of Complaint****

Subscribed and sworn to before me and approved for filing this 18 day of March, 2009.


 Bruce J. Landgraf
 Assistant District Attorney
bruce.landgraf@da.wi.gov
 State Bar No. 1009407
 BJL/bl


 Complaining Witness

-- Felony Complaint --

2008 MINNESOTA/ ELECTION DAY REGISTRATION STATE

Approximately 3 million votes cast

292,510 Absentee Ballots Cast
12,168 Rejected Absentee Ballots**10 MINNEAPOLIS PRECINCTS - NUMBER OF VOTES COUNTED EXCEEDED THE NUMBER OF PERSONS VOTING.**

<u>Persons Voting on Election Day</u> (Based on Rosters and Accepted Absentee Ballots)	<u>Ballots counted during Recount</u>
2857	2873
2923	2936
2079	2087
1996	2004
1849	1865
1712	1718
1193	1197
2102	2104
2214	2217
1916	1921

132 Ballots missing from Minneapolis Precinct (3-1)/132 more votes counted on election night than ballots found during recount.

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Dow Jones Factiva

LOCAL/WISCONSIN

MAN SENTENCED FOR VOTING TWICE

State Journal staff, wires

145 words

11 January 2005

The Capital Times & Wisconsin State Journal

FIRST

B3

English

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APPLETON

A man accused of voting twice in last spring's election, once in **Appleton** and once in Eau Claire, had a felony charge of voter fraud reduced to a misdemeanor in a plea deal and was given probation Monday.

Michael Howard, 20, of **Appleton**, received one year of probation and was ordered to do 150 hours of community service by Outagamie County Circuit Judge Dee Dyer.

The judge said the conviction for making a false statement on a voter registration form would be expunged from Howard's record once he completes his probation.

Assistant District Attorney John Daniels told the judge that the facts justified the lesser charge. Authorities said Howard voted in the nonpartisan election last April in **Appleton** by absentee ballot and in person in Eau Claire, where he attends college.

Document XWST000020050112e11b0003f

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1/25/2009 4:44 PM

Drew Cline

Wetrosky found

Wednesday May 10th 2006, 7:26 am

Filed under: [Blog Posts](#)

A lot of people have wondered where former Bob Baines campaign manager Geoff Wetrosky wound up after voting in the Nov. 8 election. Wetrosky is from South Dakota and had lived in state Democratic Party Chairman Kathy Sullivan's Manchester home from April through November of last year. He voted Nov. 8 by signing an affidavit stating his intention to become a Manchester resident. By the end of the month he had gone back to South Dakota.

Sullivan said Wetrosky was just going home for the holidays and would be back. He did return for the funeral of Baines' sister, and to go hiking, but he never moved to New Hampshire. In February he moved from South Dakota to Boston, where he now works as state field director for [Massachusetts Victory '06](#), a Democratic political group.

What's the big deal? Well, whatever his intention, Wetrosky was allowed to vote in last fall's election though he was never a New Hampshire resident. Regardless of whether he changed his mind or exploited the system, his story reveals how easy it is for non-residents to vote here.

Wetrosky also was found on election night with numerous Republican campaign signs in the trunk of his car. He said they had been illegally placed on public land. Manchester police agreed and never pressed charges. They also never pressed charges regarding his vote. The only record they have of him is an Aug. 8 car accident, which means no police report was filed over the sign removal or the vote.

I talked with Wetrosky by phone yesterday. I asked him about the whole controversy surrounding his vote and the signs and his current whereabouts.

"I'm not hiding from anyone, I think it's much ado about nothing," he said. "I had every intention of coming back, but the other side unfortunately...." He trailed off there.



About Andrew Cline

Cline has been editorial page editor of the New Hampshire Union Leader since October of 2001. His writing has appeared in more than 100 newspapers and magazines, including The Wall Street Journal, The Washington Post, and National Review.

Write Andrew at ac@unionleader.com

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Wetrosky said he does not like to be the center of attention. "It seemed if I came back to New Hampshire I would've been in the spotlight no matter what."

"I planned on coming back, I had actually kept my stuff in storage in Manchester," he said. But in January he changed his mind, he said.

I lived in New Hampshire from the beginning of April to the end of November. I actually didn't vote in the primary election because I wasn't sure I was staying. Come the general election, I had every intention to stay in New Hampshire. I went home for the holidays and left my things in storage. I guess in January it became pretty clear that I didn't want to return to New Hampshire and that's when I started looking for jobs elsewhere."

The Coalition of New Hampshire Taxpayers and state GOP had suggested Wetrosky disappeared and accused him of voter fraud. He said he didn't want to return to that kind of atmosphere, and he dismissed those accusations.

"I went to Mayor Baines' sister's funeral. I haven't been hiding. I broke my finger hiking in New Hampshire, and I had surgery at Elliot. By no means am I a missing person."

And so he isn't. But he did get to cast a vote in Manchester without being a resident, in other words, without having to live with the consequences of that vote.

No matter whether one believes that Wetrosky changed his mind or intended to vote fraudulently, this incident should disturb anyone who believes in upholding the integrity of the voting process. At the very least, shouldn't we make sure that those who vote in New Hampshire are actually New Hampshire residents?

1 Comment »

1. Drew Cline's opinions are always based upon disclosed facts.

Comment by Katy — May 10, 2006 @ 12:41 pm

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Say It!

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Newark campaign worker is indicted on election-fraud charges

Posted by [mrispoli](#) March 23, 2009 21:03PM

A Newark campaign worker was indicted today for changing votes on absentee ballots he collected during New Jersey's 2007 legislative election.

Antonio Santana, 58, allegedly unsealed three ballots and changed the votes to Democratic candidates. The forgery was discovered by the voters, all members of the same family, when their ballots were accidentally returned by the Post Office.



Blair K. Murray/The Star-LedgerSen. Teresa Ruiz, right, takes the oath of office from Senate President Richard Codey in 2008. A campaign worker for Ruiz was indicted today for changing absentee ballots to favor Ruiz.

"Election fraud is a serious crime," Attorney General Anne Milgram said in a statement. "We will not tolerate any attempts to unlawfully manipulate elections in New Jersey."

Santana, who solicited absentee ballots on behalf of state Sen. Teresa Ruiz (D-Essex) during the campaign, was charged with forgery, election fraud, absentee ballot fraud and tampering with public records.

One of Ruiz's opponents, Newark City Councilman Luis Quintana, had complained during the election that her campaign was tampering with absentee ballots, although the Attorney General's office said it did not find any irregularities at the time.

Milgram spokesman David Wald would not comment on whether more investigations were ongoing, but said Ruiz and her staff cooperated with the investigation.

Ruiz could not be reached for comment. She trounced Quintana and former Assemblyman William Payne (D-Essex) -- both Democrats who ran as independents -- in the election, winning 57.6 percent of the vote.

The Effects of Photographic
Identification on Voter
Turnout in Indiana:
A County-Level Analysis

Jeffrey Milyo

Report 10-2007
Revised December 2007

*A publication from:
Institute of Public Policy
University of Missouri
137 Middlebush Hall
Columbia, MO 65211*



Abstract:

I examine the change in voter turnout across Indiana counties before and after the implementation of photo ID requirements. Overall, statewide turnout increased by about two percentage points after photo ID; further, there is no consistent evidence that counties that have higher percentages of minority, poor, elderly or less-educated population suffer any reduction in voter turnout relative to other counties. In fact, the estimated effect of photo ID on turnout is positive for counties with a greater percentage of minorities or families in poverty. The only consistent and frequently statistically significant impact of photo ID in Indiana is to increase voter turnout in counties with a greater percentage of Democrats relative to other counties. These findings run counter to some recent and prominent concerns that have been raised about voter identification reforms; however, these results are consistent with both existing theory on voter behavior and the most recent and reliable empirical evidence on the effects of voter identification requirements on turnout.



The Effects of Photographic Identification on Voter Turnout in Indiana: A County-Level Analysis

Jeffrey Milyo

1. Introduction

This study evaluates the effects of photographic voter identification requirements implemented in Indiana prior to the 2006 general election. Previous studies have examined the effects of voter identification laws more generally, but none of these separately analyzes the effects of so-called “mandatory photo ID” (hereafter simply, “photo ID”) on turnout in Indiana.¹ Nevertheless, the existing scholarly literature on voter identification does strongly suggest that photo ID requirements are likely to have only a negligible impact on overall voter turnout; further, previous studies indicate that photo ID is unlikely to reduce the relative participation of minorities (e.g., Alvarez et al. 2007 and Mycoff et al. 2007). Given that these lessons from social science research run counter to the conventional wisdom, at least that espoused in some quarters,² I first review the most recent and relevant literature on the effects of voter identification on turnout, then present the findings from my empirical analysis of turnout in Indiana.

The change in voter turnout from the 2002 to 2006 general elections provides a nearly ideal natural experiment for estimating the effects of photo ID on voter turnout across the 92 counties in Indiana. Both years were midterm election years and in neither year was there a major contested statewide race (i.e., for governor or U.S. Senate); however, 2006 was the first general election year in which Indiana’s photo ID law was actually implemented. I exploit this natural experiment to identify the effects of photo ID on turnout in counties with a greater percentage of minority, poor, elderly, or less educated populations.

I examine a variety of models of voter turnout and control for the influence of several other factors that may influence turnout. Overall, voter turnout

in Indiana increased about two percentage points from 2002 to 2006; however, in counties with greater percentages of minority or poor voters, turnout increased by even more, although this increase is not statistically significant. For counties with greater percentages of elderly or less educated voters, results are more mixed, but not consistently significant or negative. The only consistent and frequently significant effect of voter ID that I find is a positive effect on turnout in counties with a greater percentage of Democrat-leaning voters.

2. Voter ID and Turnout: Lessons from the Social Science Literature

The public debate over photo identification requirements for voters has been marked by oft-repeated concerns about the possible dramatic and detrimental effects of state voter identification requirements on voter turnout. The political rhetoric has become so superheated that recent attempts to reform voter identification laws have been met with explicit accusations of racism on the part of reformers, dire warnings of a coming “disfranchisement,” and assertions that such reforms, though popular across party lines, are a “thinly veiled” attempt to prevent Democrats from voting.

In contrast, political theory suggests that the effects of voter identification laws on voter turnout are ambiguous. Such reforms increase the effort required to vote for some persons without proper identification (at least one time, anyway). Of course, some of these persons may be eligible voters and others will be ineligible voters. However, voter identification reforms may also instill greater confidence in the electoral process among eligible voters, making them more willing to participate in elections. Consequently, the actual impact of voter identification on turnout is an



empirical question; and even if turnout decreases with voter identification laws, it is by no means apparent that it is eligible voters that are being affected.

Until very recently, there were no systematic statistical studies of the effects of photo ID requirements for voting, although it has long been understood that many other countries both require such identification and experience higher rates of turnout than in the U.S. Studies of voter turnout across countries have instead focused on voter registration, the frequency of elections, non-compulsory voting, and single-member districts (as opposed to proportional representation) as reasons that turnout in the U.S. is low relative to other developed democracies (Powell 1986 and Blaise 2006). The fact that such cross country studies do not even entertain the possibility that photo ID requirements reduce turnout is itself informative about the long-standing opinion of the political science profession regarding the relative unimportance of such laws for turnout.

In contrast, numerous studies analyze the effects of voting institutions other than voter identification on turnout. In general, these studies find at best very modest effects of post-registration laws such as time off work for voting, opening polls early or keeping polls open late, mailing sample ballots, etc. (Primo, et al. 2007). This is because voter registration is a relatively high hurdle compared to these post-registration requirements; adding or removing some marginal costs of voting beyond registration has virtually no observable effect on turnout. Applying these lessons to voter identification, it is highly unlikely that anyone sufficiently motivated to register to vote, inform themselves about the current election issues, and transport themselves to a polling place will then be deterred by the incremental requirement of presenting proper identification at the polls.

In fact, there is an even more fundamental reason to expect that the impact voter identification requirements on turnout are likely to be negligible. This is because very few eligible voters lack official identification and presumably even fewer (if any) lack the capacity to produce sufficient identification should they have a need and inclination to do so.³ Finally, the ability to cast a provisional ballot reduces further the potential for a legitimate voter to be disenfranchised, even when that person lacks proper identification.

On this point, Ansolabehere (2007) notes that in a recent national survey with 36,500 respondents, only 23 persons self-reported that they were not permitted to cast a regular ballot at the polls in 2006 because of identification problems. Further, it is not clear how many of these 23 persons cast a provisional ballot, although it appears that most did;⁴ nor is it ascertainable from the survey whether any of these persons were actually eligible to vote, or whether they were honestly reporting problems at the polls.⁵ It is nonetheless apparent that recent claims of a coming “disenfranchisement” are nothing more than irresponsible and ignorant exaggerations (e.g., Schulz 2007).

On the other hand, the widespread popularity of voter identification requirements suggests that the general public is indeed concerned about vote dilution from ineligible votes.⁶ Lott (2006) has argued that confidence in the fairness of elections translates directly into higher voter turnout; such an effect, if it existed, might also reasonably be expected to be most pronounced for groups that tend to have less trust in the efficacy American democracy (e.g., racial and ethnic minorities, the poor and the less educated).

In fact, scholars of American politics generally agree that voter turnout is determined largely by idiosyncratic factors, such as an individual's intrinsic value of voting (i.e., does the individual feel a duty to vote) as opposed to political institutions (Matsusaka and Palda 1999; Mycoff et al., 2007).⁷ For this reason, factors that influence trust and confidence in the integrity of the electoral process are generally thought to be important determinants of an individual's decision to vote (Putnam 2000).⁸ For all these reasons, it is theoretically plausible that photo identification requirements actually increase voter turnout. Consequently, there exists a long-standing political science literature that does not support recent assertions that photo ID requirements have dramatic and detrimental effects on turnout.

Recent empirical studies of state voter identification laws

In the wake of recent legislation implementing voter identification reforms in the states, a flurry of new empirical studies have appeared that more directly address the question of how state voter identification laws impact voter turnout. Unfortunately, the two



studies that have received the most coverage in the press (Eagleton 2006 and Vercellotti and Anderson 2006; hereafter, the “Rutgers studies”) are fatally flawed on several counts.⁹ For example, several authors note that these studies examine only a single cross-section of turnout data from 2004, so cannot properly estimate the treatment effect of state voter identification laws; nor can these studies properly estimate the effects of mandatory photo ID requirements (Alvarez, et al 2007, Mycoff, et al 2007 and Muhlhausen and Sikich 2007). Further, the Rutgers studies miscode several state identification laws (Mycoff, et al. 2007 and Muhlhausen and Sikich 2007). Finally, the findings reported in the Rutgers studies are not robust to reasonable changes in their statistical model (Alvarez, et al. 2007 and Muhlhausen and Sikich 2007).

The flawed Rutgers studies are also the only systematic studies of voter identification for which the authors conclude that ID laws have strong or consistently negative consequences for voter turnout overall, and especially for minorities. However, even ignoring the methodological problems with the Rutgers studies, the authors do an additional disservice to the public debate by mischaracterizing their own findings. For example, taken at face value, the results presented in the Rutgers studies imply that the most strict forms of voter identification laws examined in their data (voluntary photo ID) are associated with higher voter turnout among Black, Hispanic and Asian minorities than are the next most strict category of identification laws that they examine (non-photo ID). Further, the Rutgers studies also find that voluntary photo ID requirements yield no difference in overall turnout compared to non-photo ID requirements. The authors of the Rutgers studies fail to note any of these findings; this is a serious error that leads them to make conclusions that are not supported by their own evidence.

In contrast to the Rutgers studies, more recent studies stand out for both their methodological rigor and the fact that they examine voter turnout through the 2006 general elections (Alvarez, et al. 2007 and Mycoff, et al 2007). However, both of these studies are work in progress, so results must be interpreted with care.

Mycoff et al. (2007) examine the effects of voter identification laws on state level voter turnout, as well as individual-level self-reported voter

turnout from the National Election Studies (a large national survey that is conducted each election year). The authors examine turnout from 2000 to 2006 using a random-effects model; they find that voter ID laws are not significantly related to turnout in either the aggregate state data or the individual level data. The individual-level analysis in Mycoff et al. is a particularly valuable innovation, since it allows the researchers to more confidently discuss the impacts of voter identification on minorities, the poor, the elderly, etc. However, the original analysis in Mycoff et al. does not examine these differential effects, nor do the authors separately investigate the effects of photo ID apart from other voter identification requirements.

More recently, however, Mycoff et al. have analyzed the effects of mandatory photo ID on individual level turnout after controlling for state fixed effects. In this most recent analysis, Mycoff et al. cannot reject the null hypothesis that the within state effects of photo ID on overall turnout are zero; likewise, the null of zero effect cannot be rejected for turnout across race, ethnicity, income or age categories.¹⁰ Overall, Mycoff et al. (2007) find that idiosyncratic factors, such as an individual’s interest in politics, are far more important determinants of turnout than are institutional factors like voter identification.

The most recently available study of the effects of voter identification on voter turnout is by Alvarez, et al. (2007); these authors also examine the effects of voter identification on both state-level turnout and individual level turnout (from the Current Population Survey). Alvarez et al. control for state fixed effects in their analysis, but they fail to control for the presence and competitiveness of statewide races in the different states and years in their study. This unfortunate oversight should be corrected in future iterations of the study, but for now this shortcoming undermines the usefulness of the authors’ findings. Ignoring this methodological problem, Alvarez et al. (2007) report that voter ID laws are associated with higher (albeit not significant) voter turnout in the analysis of state-level turnout from 2000-2006. The individual-level analysis suggests that voter identification requirements have a modest negative impact on overall turnout, no differential impacts by race or ethnicity and a slightly more negative impact on elderly or poor voters.



The results reported in Alvarez et al. (2007) also suggest that there is no significant change in voter turnout for any population subgroup when comparing the effects of mandatory photo ID laws to voluntary photo ID, although the authors do not conduct a formal test of this hypothesis. However, it is unclear at this point how sensitive the estimates reported by Alvarez et al. will be to the inclusion of controls for the presence and competitiveness of statewide races. Consequently, the recent and on-going study by Mycoff et al. (2007) remains the most reliable and thorough systematic evaluation of the effects of photo ID laws on voter turnout to date.

In this review, I have demonstrated that both theory and the best evidence to date strongly suggest that the effects of photo ID on overall turnout are likely to be very modest (and may even be positive). Further, the best analyses of the differential impact of photo ID indicate no deleterious effects on minorities, the poor, or the elderly. In the next section, I demonstrate that these conclusions are borne out in the county-level election returns for Indiana.

3. Data and Methods

The subsequent empirical analysis examines the effects of photographic identification requirements on county-level turnout in Indiana. I analyze the change in voter turnout in the general midterm elections of 2002 and 2006; these elections offer a nearly ideal natural experiment for identifying the effects of photo ID on turnout. This is because there were no other major changes in Indiana election laws during this time period, so the impact of photo ID will not be confounded with other changes in state election administration. Further, because some demographic groups tend to have higher turnout in presidential election years, it is appropriate to compare turnout in the two most recent midterm elections. Finally, these two midterm elections are also relatively comparable since there were no major contested statewide races in either year.¹¹ Even so, I also check the whether the resulting estimates are sensitive to the inclusion of additional midterm and/or presidential election years; to preview: they are not.

I measure voter turnout as the percent of voting age population (VAP) in each election year; VAP is estimated by the U.S. Census as of July 1st of the

election year.¹² This measure is commonly employed in studies of voter turnout in aggregate data, since voter registration data is not of a consistent quality across time or jurisdiction. However, voting age population estimates including non-citizens and other persons that are not eligible to vote. While this is more problematic for studies of turnout in states with larger populations of ineligible voters, it is less likely to be a concern in a state like Indiana. Further, to the extent that the number of non-citizens is growing over time, and is disproportionately of Hispanic ethnicity, this has the effect of understating overall turnout in 2006, especially in areas with higher Hispanic populations.

For this reason, I also measure voter turnout as the percentage of the estimated number of citizens of voting age (CVAP) in each year. However, reliable estimates of CVAP at the county-level are not readily available, so I generated my own estimate based upon U.S. Census counts of non-citizens in 2000. In order to estimate CVAP by county in each year, I first calculate the ratio of citizens of voting age population to all the total voting age population for each county in 2000 from Census data. I then multiply the estimated VAP for each county and year by this ratio. However, the question of whether voter turnout should be measured as a percentage of VAP or CVAP is not surprisingly a non-issue in the present context; the correlation between the two measures is better than 98% for the time periods examined in this study.

In order to measure the overall effect of photo ID on voter turnout across the 92 Indiana counties, I estimate an ordinary least squares regression controlling for county-fixed effects and year effects. The county fixed-effects account for factors such as demographic differences across counties, while the year effects account for the different composition of state races in each election year. However, there has only been one general election in Indiana post-photo ID, so it is not possible to separately identify the overall effects of photo-ID on voter turnout absent additional assumptions. For this reason, the present analysis focuses on the effects of photo ID on different groups of eligible voters.

I evaluate claims about the relative effects of voter ID on racial and ethnic minorities, the poor, the elderly, persons without a high school diploma and Democrats by estimating the effects of photo ID on



turnout in counties with greater percentages of those groups as a percent county population. However, these demographic variables do not vary over time, since they are taken from the 2000 U.S. Census. This means that it is not possible to control for county-fixed effects when estimating the effects of photo ID on these particular demographic groups. For this reason, I account for differences in the demographic composition of counties by including control variables for per capita income and the percent of county population by several categories, including: age, education, ethnicity, female labor force participation, military status, non-citizens, party, poverty, race, and rural status (see Appendix). I also check the sensitivity of results when this list of control variables is pared down to just age, education, ethnicity, income and race.

Despite the plethora of county-level control variables described above, it is possible that there remain some unobserved county-level phenomena that may bias the estimated effects of photo ID on turnout in some unknown way. For this reason, I also examine the effects of photo ID on the within-county change in voter turnout since the most recent general election (i.e., the change in voter turnout from 2004 to 2006 compared to the change from 2000 to 2002). This alternative model effectively purges voter turnout of the county-specific factors mentioned above and so provides an important check on the estimates obtained from the basic model. Finally, because repeated observations at the county-level over time are not necessarily independent observations, I also control for clustering of standard errors by county in every regression model.

While most authors examine the effects of voter identification on voter turnout, some (e.g., Alvarez et al. 2007) look at the effects on the natural logarithm of voter turnout (i.e. "log turnout"); for this reason, I use both of these measures in my analysis. Therefore, in the next section I present estimates for four basic statistical models, where the dependent variable is i) turnout, ii) log turnout, iii) change in turnout, and iv) change in log turnout. I also discuss the sensitivity of these results to different measures of turnout, time periods or sets of control variables; for the most part, the key findings are quite robust to these alternative specifications.

4. Results

Voter turnout as a percentage of VAP in Indiana was about 2 percentage points higher in 2006 compared to 2002. This increase in turnout was fairly uniform across all counties; the mean within-in county change in turnout was +1.76% ($p < .001$). However, it is not possible to discern how much of this increase in turnout is attributable solely to the effects of photo ID; this is because there was also an uncompetitive Senate race in 2006. For example, the presence of a U.S. Senate election in 2006 might have led to an increase in turnout above what it would have been otherwise. On the other hand, the fact that there was no Democrat candidate in the 2006 Senate race might have led to lower turnout than otherwise. In fact, my examination of historical Senate election data does indeed suggest that state voter turnout tends to be lower when there is an uncompetitive Senate election at the top of the state ticket, all else constant. Assuming that this phenomenon occurred in 2006 in Indiana, then the photo ID likely led to an even greater increase in voter turnout than the 2% observed in the raw data.

Even so, I prefer to err on the side of caution in this report, so I focus only on the differential impact of photo ID across Indiana counties. In contrast to the situation for overall turnout in 2006, there is no a priori reason to believe that the uncompetitive 2006 Senate election influenced voter turnout in some counties more than others. Consequently, the effects of photo ID on turnout across counties with differing populations of minority, poor, low education, elderly voters, or Democrat voters can be identified and estimated in the available election data.

In Table 1A, I report the estimated effects of photo ID on both turnout and the change in turnout for counties with higher proportions of minority population. The table is divided into two panels; one for each model. For example, the results in the top panel of the table under column one indicate that photo ID increased voter turnout in counties with higher percentage of black population, albeit this estimate is not statistically significant ($t=1.23$). However, the estimated magnitude of this effect is quite large; for each percentage point increase in black population in a county, voter turnout increases by 0.1 percentage points. Looking to the bottom panel of Table 1A under the same column, the estimated effect



of photo ID on the change in turnout for counties with a higher percentage of Black population is also positive, nearly identical in magnitude, although again not statistically distinguishable from zero ($t=0.59$).

Moving to column two of Table 1A, the estimated effect of photo ID on voter turnout (top panel) for counties with larger Hispanic populations is negative, but much smaller in magnitude than that for Black population and also statistically insignificant. However, the impact of voter ID on the change in voter turnout for counties with greater Hispanic population is positive (even more so than for Black population), but once again not significantly different from zero (bottom panel).

In column three, I report the estimated effects of photo ID for both the Black and Hispanic variables; this model exhibits a similar pattern as when the variables are estimated separately. In all but one case the estimated effect of photo ID on turnout is positive for counties with more Black or Hispanic population. However, in no case are these variables individually or jointly significant.

The final column of Table 1A reports the effects of photo ID on turnout in counties with higher total minority population (non-white and/or Hispanic). The estimates are identical for both turnout and the change in turnout models. For each one percentage point increase in minority population, county turnout increases by 0.7 percentage points after the implementation of photo ID. Again, these effects are imprecisely estimated, so the null hypothesis of a zero differential effect of voter ID on turnout in counties with higher minority populations cannot be rejected.

My analysis of the effects of photo ID on turnout by race and ethnicity continues with an examination of the impact on both the log of turnout and the change in the log of turnout. The results of this estimation are reported in Table 1B; however, because this is a non-linear model, the coefficients do not have a similarly straightforward interpretation as before. For example, the point estimate of .003 for %Black in the top panel under column one of Table 1B has the following interpretation: for each percentage point increase in Black population in a county, voter turnout increases by .003 times voter turnout in 2002. For example, given a county-wide voter turnout rate of 30% in 2002, the implementation of photo ID is associated with a .09 percentage point increase in 2006

turnout for each percentage point of black population (or a nearly identical effect as was observed in Table 1A).

Given the complexity of interpreting the estimates in Table 1B, and the fact that none of these estimates are significantly different from zero (either individually, or in the case of column three, jointly), I will only note that the pattern of qualitative results obtained in the log models of turnout is very similar to that seen in Table 1A. In fact, the only substantive difference is that the effect of photo ID on Hispanic population is uniformly more positive.

To this point, there is no evidence that photo ID requirements in Indiana reduced voter turnout, either overall, or in counties with relatively larger racial or ethnic minority populations. Re-estimating these models for the three most recent midterm elections (1998, 2002 and 2006) yields a similar pattern of results, with one exception: the effect of photo ID on counties with more Hispanic population is consistently positive. Similarly, including presidential election years, along with additional controls for the differing turnout tendencies in midterm versus presidential election years, likewise produces nearly identical results. Finally, substituting citizen voting age population (CVAP) for VAP in any of the models discussed above has the effect of making the estimated effects of photo ID on Hispanic population positive, but otherwise yields no appreciable difference.

The analysis above is repeated for other demographic groups in Tables 2A and 2B. Specifically, I examine the effects of photo ID on turnout in counties with higher percentages of families below the poverty line (%Poverty), persons with less than a high school degree (%No High School) education, and persons over 65 years of age (%Elderly). These demographic variables are never statistically significant in the turnout models shown in panel one of Table 2A, although both the percent of county population in poverty or elderly approach statistical significance ($p<.15$). The effect of photo ID on turnout in counties with more poor families is positive, while the effect on turnout in counties with more elderly population is negative. However, these effects are largely attenuated for the change in turnout, and especially so for the percentage elderly (bottom panel of Table 2B). The effect of photo ID on turnout in counties with relatively fewer high school graduates exhibits a similar



pattern; it is negative and insignificant in panel one, but closer to zero and less precisely estimated in panel two. Further, these three demographic variables are jointly insignificant in both models. Finally, all of the race, ethnicity and demographic variables examined to this point are also not jointly significant when they are all simultaneously included in these turnout models.

As was the case for the race and ethnicity variables, the same general pattern of qualitative effects are observed in the log turnout and change in log turnout models (Table 2B); in addition, the demographic variables (poverty, no high school and elderly) are not jointly significant, nor is the combination of these demographic variables with the race and ethnicity variables examined in Table 1A and 1B. Re-estimating these four models for additional years, and/or substituting CVAP for VAP likewise yields no major changes, although the estimated effects of photo ID on counties with more elderly or low-education population become more positive and less precisely estimated.

The final variable examined is the extent of Democrat voting preferences in a county; this is measured using a common proxy in the political science literature, the county vote percentage for the Democrat presidential candidate in 2004 (John Kerry). The results for this variable are found in column four of Tables 2A and 2B. In all but one case, the effect of voter ID on turnout in highly Democrat-leaning counties is statistically significant or marginally so ($p < .10$ or better). In every case examined in Tables 2A and 2B, photo ID is associated with higher turnout in counties with a greater share of Democrat leaning voters. The magnitude of this estimated effect is about 0.1 percentage points higher voter turnout in 2006 per percentage point increase in John Kerry's 2004 vote percentage in the county. [This result holds up even when the model is estimated using additional election years or citizen voting age population, as above.]

I have also estimated all of the models described above with a more sparse set of control variables, only including controls for age, education, ethnicity, income, and race. However, the choice of these control variables does not yield any notable changes in the pattern of results discussed here.

As a final sensitivity check, all of the models above have been estimated without the adjustment for

clustering of observations at the county level. This does not affect the estimated coefficients in these models but in general will affect the standard errors of the estimates. The effect of the cluster-adjustment to standard errors is to make some of the key estimates described above more precise; without the cluster-adjustment, none of the coefficients on percent elderly or percent poor remain even marginally statistically significant (i.e., $p > .10$ in every case). The only coefficient estimates that remain statistically significant without the cluster-adjustment are those for the percent Democrat in the county.

5. Discussion

Given the context of the existing research on voter turnout, my findings for Indiana are completely unsurprising. Despite the attention-grabbing and often strident claims that voter identification is the modern version of the poll tax and the like, nothing could be further from the truth. Existing theory and evidence from decades of social science research do not support the contention that photo ID requirements are likely to have a large and detrimental impact on turnout; nor does the previous empirical evidence find any significant impact of photo identification on racial or ethnic minorities. Further, the best previous evidence to date also finds no significant impact of photo ID on the poor or the elderly.

In this study, I exploit the existence of a natural experiment on the impact of photo ID: the change in turnout between the 2002 and 2006 midterm elections in Indiana. My analysis is novel not only for its focus on the effects of photo ID in Indiana, but because I subject my findings to a battery of sensitivity checks. This is also the first study to analyze the differential impact of photo ID requirements on turnout among more Democrat-leaning voters.

The findings that emerge from my analysis are that photo ID is associated with: i) an overall county-level turnout increase of almost two percentage points, ii) an insignificant increase in relative turnout for counties with a greater percentage of minority and poor population, iii) no consistent or significant impact on relative turnout in counties with a greater percentage of less educated or elderly voters, and iv) a significant relative increase in turnout for counties with a higher percentage of Democrat voters.



- 1 The term "mandatory" is a misnomer, since voters without proper photo ID are still allowed to cast a provisional ballot at the polls.
- 2 For example, see the recent brief for certiorari submitted to the U.S. Supreme Court by the Indiana Democratic Party and Marion County Democratic Central Committee (*Indian Democratic Party, et al. v. Todd Rokita, et al.*).
- 3 Hood and Bullock (2007) argue that about 5% of registered voter names in Georgia do not have a valid driver's license or state identification card; however, the authors make no attempt to investigate how many of the registered voter names are actually attached to eligible voters. This is a rather egregious error, since it is well known that voter registration lists overstate, sometimes quite dramatically, the number of valid eligible voters due to duplicate, erroneous, out-dated and even fraudulent registrations. For example, in Indiana, the number of registered voters exceeds the number of voters that report being registered by more than 40% (Schulz 2007).
- 4 Ansolabehere (2007) does not explicitly report how many of the 23 persons with voter identification issues cast provisional ballots, although it would appear to be nearly all of them, since elsewhere he writes: "an almost immeasurably small number of people who tried to vote were excluded because of identification requirements or questions with their qualifications;" also, Ansolabehere notes that only three persons did not vote because of any problems with their voter registration.
- 5 Given the bitter partisan debate over voter identification, it would not be surprising if a handful of respondents chose to exaggerate their experience at the polls; in light of this, it is quite amazing that so few respondents self-report problems voting.
- 6 Ansolabehere (2007) reports that large majorities support voter identification reforms, including 70% of Blacks, 78% of Hispanics and 67% of all Democrats; in fact, persons who were asked to show identification when voting in 2006 were even more supportive of voter identification requirements than other respondents.
- 7 Also, see Primo and Milyo 2006a,b on the effects of political institutions on citizen trust and voter turnout.
- 8 For example, influential evidence on the importance of the intrinsic value of voting comes from field experiments in which those individuals that receive reminders about their civic duty to vote are more likely to do so (Gerber and Green 2000). Further evidence comes from Ansolabehere, et al (1999); they argue that negative campaign advertising reduces voter turnout primarily because of its detrimental effect on public trust in the political process.
- 9 In fact, the two studies are nearly identical, as Vercellotti and Anderson were part of the research team that produced the Eagleton (2006) report.
- 10 Personal communication with Jason Mycoff (November 9, 2007).
- 11 There was not a gubernatorial or U.S. Senate election in Indiana in 2002. In 2006, there was a U.S. Senate race in which Richard Lugar, a Republican, was not opposed by a Democrat; Lugar defeated his closest opponent, a Libertarian candidate, by 87.3% to 12.6% of the total vote.
- 12 All data employed in this study were provided by Polidata (www.Polidata.org).

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Table 1A: Effects of Photo ID by Race and Ethnicity
(County Turnout in 2002 and 2006)

	(1)	(2)	(3)	(4)
<i>Panel One: % Voting Age Pop. (%VAP)</i>				
%Black*PhotoID	0.10 (1.23)		0.12 (1.44)	
%Hispanic*PhotoID		-0.03 (0.21)	-0.15 (0.97)	
%Minority*PhotoID				0.07 (1.27)
<i>Panel Two: Change in % Voting Age Pop.</i>				
%Black*PhotoID	0.09 (0.59)		0.08 (0.45)	
%Hispanic*PhotoID		0.13 (0.83)	0.06 (0.28)	
%Minority*PhotoID				0.07 (0.72)
<p>NOTES: Absolute values of t-statistics in parentheses (adjusted for clustering by counties). The estimated effects of photo ID interacted with percent Black and Hispanic are also not jointly significant in either panel above. All models include controls for year and characteristics of county population, including: age, education, ethnicity, female labor force participation, income per capita, military status, non-citizens, party, poverty, race, and rural status.</p>				



	(1)	(2)	(3)	(4)
Table 1B: Effects of Photo ID by Race and Ethnicity (Natural Logarithm of County Turnout in 2002 and 2006)				
<i>Panel One: Log of % Voting Age Pop. (%VAP)</i>				
%Black*PhotoID	.003 (1.42)		.004 (1.50)	
%Hispanic*PhotoID		.000 (0.08)	-.003 (0.82)	
%Minority*PhotoID				.002 (1.55)
<i>Panel Two: Change in Log of % Voting Age Pop.</i>				
%Black*PhotoID	.002 (0.67)		.002 (0.58)	
%Hispanic*PhotoID		.002 (0.55)	-.000 (0.00)	
%Minority*PhotoID				.002 (0.82)
NOTES: Absolute values of t-statistics in parentheses (adjusted for clustering by counties). The estimated effects of photo ID interacted with percent Black and Hispanic are also not jointly significant in either panel above. All models include controls for year and characteristics of county population, including: age, education, ethnicity, female labor force participation, income per capita, military status, non-citizens, party, poverty, race, and rural status.				



**Table 2A: Effects of Photo ID by Poverty, Education, Age, and Party
(County Turnout in 2002 and 2006)**

	(1)	(2)	(3)	(4)
<i>Panel One: % Voting Age Pop. (%VAP)</i>				
%Poverty*PhotoID	0.29 (1.67)			
%NoHighSchool*PhotoID		-0.08 (1.25)		
%Elderly*PhotoID			-0.36 (1.89)	
%Democrat*PhotoID				0.10 (2.22)
<i>Panel Two: Change in % Voting Age Pop.</i>				
%Poverty*PhotoID	0.17 (0.98)			
%NoHighSchool*PhotoID		-0.01 (0.11)		
%Elderly*PhotoID			-0.08 (0.41)	
%Democrat*PhotoID				0.11 (1.59)
<p>NOTES: Absolute values of t-statistics in parentheses (adjusted for clustering by counties). The estimated effects of photo ID interacted with percent poverty, no high school degree and elderly are also not jointly significant in either panel above. All models include controls for year and characteristics of county population, including: age, education, ethnicity, female labor force participation, income per capita, military status, non-citizens, party, poverty, race, and rural status.</p>				



Table 2B: Effects of Photo ID by Poverty, Education, Age, and Party
(Natural Logarithm of County Turnout in 2002 and 2006)

	(1)	(2)	(3)	(4)
<i>Panel One: Log of % Voting Age Pop. (%VAP)</i>				
%Poverty*PhotoID	.007			
	(1.56)			
%NoHighSchool*PhotoID		-.003		
		(1.60)		
%Elderly*PhotoID			-.011	
			(2.08)	
%Democrat*PhotoID				.003
				(2.28)
<i>Panel Two: Change in Log of % Voting Age Pop.</i>				
%Poverty*PhotoID	.004			
	(0.88)			
%NoHighSchool*PhotoID		-.001		
		(1.05)		
%Elderly*PhotoID			-.005	
			(0.99)	
%Democrat*PhotoID				.003
				(1.87)

NOTES: Absolute values of t-statistics in parentheses (adjusted for clustering by counties). The estimated effects of photo ID interacted with percent poverty, no high school degree and elderly are also not jointly significant in either panel above. All models include controls for year and characteristics of county population, including: age, education, ethnicity, female labor force participation, income per capita, military status, non-citizens, party, poverty, race, and rural status.



APPENDIX :

The following county-level census variables are included as controls in the statistical analysis:

Percent non-Hispanic Black
Percent Hispanic
Percent non-white and/or Hispanic

Natural logarithm of per-capita income
Percent of families in poverty

Percent without a high school degree (omitted category)
Percent with at most a high school degree
Percent with some college education
Percent with college degree
Percent with post-graduate education

Percent age less than 5 years (omitted category)
Percent age between 5 and 17 years
Percent age between 19 and 24 years
Percent age between 25 and 44 years
Percent age between 45 and 64 years
Percent age 65 or more

Percent voting for John Kerry in 2004 (of those casting votes in 2004)

Percent active military
Percent female labor force participation
Percent non-citizens
Percent retired military
Percent rural

Jeffrey Milyo is a professor in the Truman School of Public Affairs and the department of economics at the University of Missouri; he is also the Hanna Family Scholar in the Center for Applied Economics at the University of Kansas School of Business and a Senior Fellow at the Cato Institute in Washington, D.C. Comments are welcome; please contact the author at: milyoj@missouri.edu.

Suggested Citation

Milyo, Jeffrey. (2007). "The Effects of Photographic Identification on Voter Turnout in Indiana: A County-Level Analysis." Report 10-2007. Retrieved [Month Day, Year], from University of Missouri Columbia, Institute of Public Policy Web site: <http://www.truman.missouri.edu/ipp/products>

Institute of Public Policy
137 Middlebush
University of Missouri
Columbia, MO 65211
<http://www.truman.missouri.edu/ipp>



Ms. LOFGREN. And the gentleman yields back.

I will be very quick. First let me say the testimony has been very helpful, and I appreciate it very much. There are things to follow up with from here.

I would just like to say, Ms. Bohnee, that your testimony reminded me of a field hearing—it wasn't much of a field hearing, honestly—that I attended in New Mexico several years ago. And the individual who testified from the Navajo Nation went through why the photo ID issue wouldn't work. He said, okay, we don't have driver's licenses, and we don't have birth certificates, and, by the way, 80 percent of the tribe refuses to have their picture taken because they think it steals their soul. And so basically you are saying the Navajos are not going to be permitted to vote. And it just became so stark to me in that testimony what had been done.

So I think the idea that a tribal ID is not given the stature it should. It a very problematic thing, and I would look forward to working with the gentleman. We have got to fix that.

Clearly we have to deal with overseas voters, most especially military, but not just military. We have other Americans who are doing the country's bidding. Whether it is an AID or the awards bidding on a mission, we need to find a way for those people to be able to participate. I am confident that we can do that.

So again, we will hold this record open for 5 days. If there are additional questions, we will get them to you and ask in that case that you respond as promptly as possible. We look forward to additional information.

[The information follows:]

ROBERT A. BRADY, PENNSYLVANIA
CHAIRMAN

Congress of the United States
House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION
1309 Longworth House Office Building
Washington, D.C. 20515-8157
(202) 225-2061
www.house.gov/cha

DANIEL E. LUNGREN, CALIFORNIA
RANKING MINORITY MEMBER

April 6, 2009

Ms. Melanie Campbell
Executive Director
National Coalition of Black Civic Participation
1900 L Street, NW, Suite 700
Washington, DC 20036

Dear Ms. Campbell:

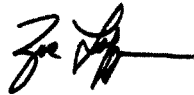
Thank you for testifying during the March 26, 2009 Committee on House Administration, Subcommittee on Elections, hearing on the "2008 Elections: What Went Right & What Went Wrong." The Subcommittee requests your response to additional questions that will be made part of the hearing record. Please provide your responses to the Committee by April 27, 2009.

1. In light of your voter registration verification and voter preparation public awareness campaign, are you aware of any voters registered by NCBCP who were unable to vote on Election Day? What happened to these voters? What can be done to ensure that people are not disenfranchised in the future?
2. You mentioned that many in the civic engagement community would like to be out of the voter registration business and recommend universal registration as an alternative. What are some of your thoughts on what a universal registration system should look like?
3. Were voters disenfranchised in 2008 because of restrictive ID requirements?
4. In your written statement, you argued that voter purges present one of the most pressing problems for our voting system. Yet the written testimony of another witness, Mr. Chapin, stated that one of the most pressing problems of our voting registration system is that the "rolls are rife with errors, including duplicate and invalid registrations primarily resulting from voters who recently relocated or are deceased." Do states have a responsibility to keep voter rolls current, or should names be kept on the voter rolls indefinitely regardless of the changes election officials become aware of?
5. Non-partisan election monitoring certainly plays a role in making sure elections run smoothly. At the same time, with the growing need for educated and experienced poll workers, has your organization considered recruiting and sending volunteers to work with local election offices to assist in the administration of elections?

6. What impact do you believe early voting had on the administration of the 2008 general elections?

Thank you and I look forward to your responses.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zoe Lofgren', with a long horizontal flourish extending to the right.

Zoe Lofgren
Chair, Subcommittee on Elections

ROBERT A. BRADY, PENNSYLVANIA
CHAIRMAN

Congress of the United States
House of Representatives
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DANIEL E. LOFGREN, CALIFORNIA
RANKING MINORITY MEMBER

April 6, 2009

Ms. Patty Ferguson Bohnee
Native Vote Election Protection Coordinator
National Congress of American Indians
1301 Connecticut Ave, N.W., Suite 200
Washington, D.C. 20036

Dear Ms. Bohnee:

Thank you for testifying during the March 26, 2009 Committee on House Administration, Subcommittee on Elections, hearing on the "2008 Elections: What Went Right & What Went Wrong." The Subcommittee requests your response to additional questions that will be made part of the hearing record. Please provide your responses to the Committee by April 27, 2009.

1. What problems do Native Americans face in receiving translation services? Are there states that do not provide adequate numbers of translated ballots? Are there enough translators? Do states permit friends or family to assist voters who may need translation help?
2. Some states have overly burdensome restrictions on mobile populations. What do you recommend states do to assist those citizens who may be highly mobile?
3. Non-partisan election monitoring certainly plays a role in making sure elections run smoothly. At the same time, with the growing need for educated and experienced poll workers, has your organization considered recruiting and sending volunteers to work with local election offices to assist in the administration of elections?
4. What impact do you believe early voting had on the administration of the 2008 general elections?

Thank you and I look forward to your responses.

Sincerely,



Zoe Lofgren
Chair, Subcommittee on Elections

NATIONAL CONGRESS OF AMERICAN INDIANS



April 27, 2009

U.S. House of Representatives
 Committee on House Administration
 Subcommittee on Elections
 The Honorable Zoe Lofgren
 1309 Longworth House Office Building
 Washington, D.C. 20515-6157

Dear Representative Lofgren,

The National Congress of American Indians (NCAI) is truly grateful for the opportunity to contribute to the testimony heard at the Committee on House Administration, Subcommittee on Elections hearing, "2008 Elections: What Went Right & What Went Wrong," held on March 26, 2009. Thank you for requesting additional information from the NCAI Native Vote Initiative regarding the 2008 elections in Indian Country. Responses to your questions follow.

1. What problems do Native Americans face in receiving translation services? Are there states that do not provide adequate numbers of translated ballots? Are there enough translators? Do states permit friends or family to assist voters who may need translation help?

Language has been a significant barrier to voting for Native Americans. The language minority provisions of the Voting Rights Act ("VRA") protect Native Americans who speak English as a second language.¹ The 2000 Census data reported that 21.4 percent of Natives are Limited English Proficient ("LEP"). The language assistance provisions of Sections 203 and 4(f)(4) of the Voting Rights Act require that covered jurisdictions provide translation assistance through each stage of the electoral process and require the following:

- All election information in English must be in the minority language so that all citizens will have an effective opportunity to register, learn the details of the elections, and cast a free and effective ballot.
- Registration or voting notices, forms, instructions, assistance, or other materials of information relating to the electoral process, including ballots, shall be provided in the language of the applicable minority group as well as in English.
- Jurisdictions in the following 17 states must provide American Indian and Alaska Native language assistance to voters: Alaska, Arizona, California, Colorado, Florida, Idaho, Louisiana, Mississippi, Montana, Nevada, Nebraska, New Mexico, North Dakota, Oregon, South Dakota, Texas, and Utah.

¹ VOTING RIGHTS ACT: SECTION 203—BILINGUAL ELECTION REQUIREMENTS (PART II): HEARING BEFORE THE SUBCOMM. ON THE CONSTITUTION OF THE COMM. ON THE JUDICIARY, 109th Cong. 4-5 (2005) (testimony of Jacqueline Johnson, National Congress of American Indians).

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EXECUTIVE DIRECTOR
 Jacqueline Johnson
 Tingit

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 1301 Connecticut Avenue, NW
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 Washington, DC 20036
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 202.466.7787 fax

Some states have never been in compliance with the language requirements. For example, the state of Alaska was under court order to comply during the 2008 elections based on a suit Alaska Native voters brought against the City of Bethel and the State of Alaska. This lawsuit resulted from the State of Alaska's failure to comply with the language assistance provisions for nearly thirty years. In granting the preliminary injunction, the District of Alaska found that the State of Alaska failed to provide translators, failed to provide information about elections in the Yu'pik language prior to elections, and failed to require poll worker training to ensure translation of ballots.²

Due to the lack of compliance, Section 203 litigation regarding minority language assistance has led to consent decrees where covered jurisdictions agree to provide bilingual voting materials and translators to assist at polling sites.³ These lawsuits have resulted in language assistance programs in certain jurisdictions, but not all jurisdictions are in compliance. Ineffective language assistance was reported for Native Americans in Arizona, South Dakota, New Mexico and Alaska. Other problems identified included:

- Lack of training as to how to translate a ballot;
- States assume that oral language assistance is sufficient at polls without thinking through technical terms on ballots and whether the American Indian or Alaska Native language is written; and
- Ballots are translated late in the process, which often prevents Native Americans from participating in early voting and/or preventing reviews of the ballots for accuracy.

Many Natives, especially elders, "speak English only as a second language."⁴ A 2006 House Committee Report found that Native Americans continue to experience hardships when attempting to vote, because of their limited ability to speak English and inability to read voter ballots.⁵ Eighty-eight jurisdictions in seventeen states are required to provide language assistance for American Indian languages.⁶

Although the Federal Observer Program has helped to uncover deficiencies and problems with compliance with the minority language provisions, the Program's effectiveness is dependent on sufficient staffing within Indian country. Alfred Yazzie, a consultant for the Department of Justice, witnessed how the lack of language assistance precludes Indian voters from casting meaningful ballots. He observed that when federal observers are not present,

² *Nick v. Bethel*, No. 3:07-cv-0098, slip op. at 7-8 (D. Alaska, June 30, 2008).

³ H.R. REP. NO. 109-478, at 59 (2006).

⁴ *Id.* at 46; THE CONTINUING NEED FOR SECTION 203'S PROVISIONS FOR LIMITED ENGLISH PROFICIENT VOTERS: HEARING BEFORE THE S. COMM. ON THE JUDICIARY, 109th Cong. 309 (2006) (Letter from Joe Garcia).

⁵ H.R. REP. NO. 109-478, at 45 (2006).

⁶ THE CONTINUING NEED FOR SECTION 203'S PROVISIONS FOR LIMITED ENGLISH PROFICIENT VOTERS: HEARING BEFORE THE S. COMM. ON THE JUDICIARY, 109th Cong. 309 (2006) (Letter from Joe Garcia).

officials incorrectly translate ballots and often failed to make assistance available to Native voters.⁷

Reports indicate some states may permit family members to assist their LEP relatives when voting, but more often this decision is left to the discretion of the individual poll worker. In this 2008 election, it was reported in New Mexico that a Native elder was allowed to vote but her son was not permitted to assist in translating the ballot. His mother only spoke Navajo, and her son asked the poll worker if he could assist her, but he was denied access. According to the incident report, the LEP elder was in the booth alone for approximately an hour attempting to vote without language assistance.

2. Some states have overly burdensome restrictions on mobile populations. What do you recommend states do to assist those citizens who may be highly mobile?

Some Indian reservations are large, rural areas that span across counties and even states. It is not uncommon for tribal members to relocate within these areas for employment, to visit family, or as part of their daily commute. In remote reservation areas where unemployment is high, some individuals may work "in town" during the week and return home on the weekends and holidays. An Indian voter may move from one part to another part of the reservation without consideration of changing their voter registration and only learn of voter ineligibility when they go to the nearest polls to vote. Due to disparities in education, housing, and transportation, some voters may find that there is not enough time or resources to locate transportation to get to the correct polling place on Election Day.

Modernizing the election system to recognize the daily facts of the life for tribal communities could lead to increased participation of all mobile voters. Revising current voting systems to allow upvoting to permit these voters in the incorrect precinct to vote for state-wide or federal elections would provide a meaningful opportunity for participation. Given the mechanisms in place that currently enable early voting and absentee voting, it seems likely that similar verifications can be used to verify the elector's registration prior to counting the ballot.

3. Non-partisan election monitoring certainly plays a role in making sure elections run smoothly. At the same time, with the growing need for educated and experienced poll workers, has your organization considered recruiting and sending volunteers to work with local election offices to assist in the administration of elections?

The NCAI Native Vote Initiative encourages tribal members throughout Indian Country to volunteer in all aspects of election process including serving as poll judges and poll workers. In jurisdictions where tribal members have served as poll workers, there have been improvements. Some states, however, have rejected attempts by the NCAI Native Vote team to assist as poll workers and continue to use non-natives as poll workers in reservation precincts. Given the unique political, social, and cultural status of Indian tribes, it is important to have non-partisan monitors at the poll who are culturally competent.

⁷ *Id.* at. 500-501 (statement of Alfred Yazzie).

Despite improvements, there are still many barriers to overcome. In 2004, Minnesota tribes sought to enjoin partisan poll watchers from the polls because partisan poll watchers create problems in Indian Country, including voter intimidation. There are documented problems throughout Indian Country of problems caused by partisan poll watchers. In Oklahoma during the 2008 Election, for example, partisan poll watchers advised voters to vote a straight party ballot. To address these types of issues, NCAI Native Vote continues to support recruitment of experienced poll workers who are sensitive and competent to work within tribal communities.

In addition to non-partisan monitors, NCAI finds it challenging to secure volunteers for our Election Protection efforts. The Election Protection portion of the NCAI's Native Vote initiative was a coordinated volunteer effort of a nationwide network of attorneys and trained volunteers. NCAI's Native Vote Election Protection Program ("NV-EPP") was the non-partisan legal component of the Native Vote 2008 initiative. The primary goals of the NV-EPP were to ensure that each state's voting laws were applied fairly to Native voters, that each Native voter who was eligible to vote was able to vote and have their vote fairly counted, and to provide general voting legal assistance to voters in Native communities. Limited funds are available to support these efforts, which primarily rely on volunteer recruitment.

4. What impact do you believe early voting had on the administration of the 2008 general elections?

Early voting was not fully extended to Indian Country in the 2008 elections. The result was a disparity of opportunities for reservation voters as compared to off-reservation voters. In New Mexico, it was reported that early voting sites were not utilized to the fullest extent based on technical difficulties, or in those reservations that were able to obtain early voting, the polling site was open for a single day.

Other large land based tribes in South Dakota and Arizona also lacked early voting opportunities. Early voting in these states was also limited in duration to a few days, mostly on weekends. In contrast, off-reservation voters had unlimited early voting available at polling locations throughout the election period.

Because of the large number of LEP American Indian voters, ballot translations need to be completed in a sufficient amount of time to allow LEP voters to participate in early voting. In some jurisdictions, however, these ballots are not translated until days before the election, preventing LEP voters from casting an early ballot.

In addition, states with voter identification requirements, such as Arizona, tout early voting as a manner in which to avoid the requirement, which ultimately further disenfranchises LEP voters. Arizona provides an example of the early voting disparities, which is illustrated by the higher number of off-reservation voters casting early ballots than on-reservation voters.

In Arizona, early voting is comprised of voting a ballot received by mail and voting at locations set up for early voting. Voting by mail is not an option for many reservation voters because of the (1) the disproportionate number of Native Americans lacking phone and

internet service; (2) lack of mail delivery to homes on the reservation; and (3) language translation assistance is not provided because the mailed ballots are in English. On the Navajo Reservation, for example, 62 percent of homes lack telephone service and there is no mail delivery to any home on the reservation. To request an early ballot to be delivered by mail, an individual must call, write, or request an early ballot in-person at the election office. These options are not realistic for LEP voters, who sometimes travel great distances to receive mail then often seek translation assistance to read their mail.

Review of Apache County, Arizona early voting locations indicates disparate access to early voting locations on-reservation as compared to off-reservation. Apache County is 11,218 square miles; and 66 percent (7,402 square miles) of this land is reservation land. 74 percent of the voting age population is Navajo. There are forty-five voting precincts located in Apache County, thirty-five of these precincts are located on the reservation. Of the approximately 45,000 registered voters in Apache County, nearly 35,000 are located on the Navajo Reservation. During the 2006 General Election, early voting on the reservation was held only at two locations from 10 a.m. to 3 p.m. for two days each for a total of twenty hours. In contrast, there were seven locations opened for forty-five hours for voters to cast early ballots off-reservation in Apache County. Only 9.8 percent of the on-reservation ballots were cast by early ballot as compared to 31.4 percent of the ballots cast at off-reservation precincts.

On behalf of NCAI's 2008 Native Vote Initiative and NV-EPP, thank you Representative Lofgren and the House Administration Committee, for the opportunity to testify and to answer the above questions concerning the 2008 Election and tribal communities.

Kind regards,

Ms. Patty Ferguson Bohnee
Native Vote Election Protection Coordinator for Arizona
National Congress of American Indians
1301 Connecticut Ave. N.W., Suite 200
Washington, DC 20036

ROBERT A. BRADY, PENNSYLVANIA
CHAIRMAN

Congress of the United States

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DANIEL E. LINGREN, CALIFORNIA
RANKING MINORITY MEMBER

April 6, 2009

Mr. Arturo Vargas
Executive Director
National Association of Latino Elected and Appointed Officials
1122 W. Washington Blvd., Third Floor
Los Angeles, California 90015


Dear Mr. Vargas:

Thank you for testifying during the March 26, 2009 Committee on House Administration, Subcommittee on Elections, hearing on the "2008 Elections: What Went Right & What Went Wrong." The Subcommittee requests your response to additional questions that will be made part of the hearing record. Please provide your responses to the Committee by April 27, 2009.

1. What more can election officials do to reach out to young and newly naturalized Latinos to encourage them to register to vote?
2. What steps can states and locals take to recruit bilingual poll workers?
3. Non-partisan election monitoring certainly plays a role in making sure elections run smoothly. At the same time, with the growing need for educated and experienced poll workers, has your organization considered recruiting and sending volunteers to work with local election offices to assist in the administration of elections?
4. What impact do you believe early voting had on the administration of the 2008 general elections?

Thank you and I look forward to your responses.

Sincerely,



Zoe Lofgren
Chair, Subcommittee on Elections



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Educational Fund

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Hon. Carlos Silva
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Assistant, League of Cities

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Hon. Nydia M. Velázquez
Member of Congress
Chair, Congressional Hispanic Caucus

Hon. Juan Zapata
Pastor, Santa Rosa Community

Executive Director
Arlene Vargas

† deceased

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April 27, 2009

The Honorable Zoe Lofgren
Chair, Subcommittee on Elections
Committee on House Administration
1309 Longworth House Office Building
Washington D.C. 20515

Dear Chair Lofgren:

Thank you again for the opportunity to testify during the March 26, 2009 Committee on House Administration Subcommittee on Elections hearing on "2008 Elections: What Went Right and What Went Wrong." On behalf of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, I am submitting the following responses to the Subcommittee's additional questions pertaining to the hearing:

I. What more can election officials do to reach out to young and newly-naturalized Latinos to encourage them to register to vote?

We believe that election and government officials should implement the following practices to promote voter registration among young and newly-naturalized Latinos:

- We can reach newly-naturalized Latinos immediately after they are sworn-in as U.S. citizens, when their enthusiasm for participation in our democracy is particularly high. We should provide newly-naturalized citizens with the opportunity to register to vote in conjunction with their naturalization swearing-in ceremonies. Every United States Citizenship and Immigration Services (USCIS) district office should include voter registration materials in the naturalization "welcome" package provided to new citizens at the ceremonies.

Each district should also provide non-profit, non-partisan organizations with an opportunity to register the newly-naturalized immediately following the swearing-in ceremony. There are several successful examples of this practice. In Los Angeles, the Los Angeles County

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1122 W. Washington Blvd., 3 rd Floor Los Angeles, CA 90015 Tel (213) 747-7606 Fax (213) 747-7664	600 Pennsylvania Ave. SE, Suite 230 Washington, DC 20003 Tel (202) 546-2536 Fax (202) 546-4121	1314 Texas Avenue, Suite 410 Houston, TX 77002 Tel (713) 228-6400 Fax (713) 228-0606	110 Wall Street, 16 th Floor New York, NY 10005 Tel (212) 480-1918 Fax (212) 480-1697
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The Honorable Zoe Lofgren
 April 27, 2009
 Page 2

Registrar partners with the non-profit Coalition for Humane Immigrant Rights of Los Angeles to offer voter registration as local swearing-in ceremonies, under an agreement with the federal courts who conduct the ceremonies. In Houston, the NALEO Educational Fund has worked with the League of Women Voters of Houston to register newly-naturalized citizens at swearing-ceremonies, registering over 22,000 in 2008.

- According to U.S. Census data on voting and registration, Latino naturalized citizens tend to have higher voter turnout rates than the Latino native-born in Presidential and Congressional elections. This is particularly the case in California and Florida. For example, in California during the 2004 Presidential election, the voter turnout rate of Latino naturalized citizens was 51.5%, compared to the 45.1% turnout of the Latino native-born. In Florida during the same election, the disparity was even greater – among Latino naturalized citizens, the turnout rate was 67.8% compared to 47.4% for the Latino native-born. While there are several factors that have contributed to this trend, one is the fact that naturalization promotion and education efforts in those states have been conducted in a context that heavily emphasizes the connection between U.S. citizenship and the right to vote. We believe that the materials and curricula used by public adult education providers and community-based organizations (CBOs) should provide information about the basics of electoral participation.
- Election officials should explore partnerships with non-profit, non-partisan organizations that focus on the civic engagement of Latino youth. Such organizations can provide valuable insights into strategies that might work to reach young potential voters, and opportunities to engage them through collaborative voter registration programs.
- Elections officials should also look to examples of successful efforts adopted by some states to reach potential youth voters. For example, in some states, young citizens receive a voter registration form and materials upon turning 18. Some jurisdictions conduct outreach programs with academic institutions, which have adopted civic participation curricula and hold in-class civic participation events.

II. What steps can states and locals take to recruit bilingual poll workers?

- State and local jurisdictions must work closely with CBOs who are familiar with the language needs of various communities to identify persons who can serve as bilingual pollworkers – potential bilingual pollworkers can be reached through community health, education or social service organizations, or churches, or civic organizations. In my testimony, I recommended that local jurisdictions establish Advisory Committees to bring together election officials with CBOs. These Committees can play an invaluable role in assisting election officials with their pollworker recruitment efforts.
- State and local jurisdictions should also reach out to ethnic media, who can include the need for bilingual pollworkers in their public service or public affairs programming.

Honorable Zoe Lofgren
April 27, 2009
Page 3

- Jurisdictions should also reach out to local businesses to promote providing employees with paid-time off to serve as pollworkers – particularly businesses that serve language minority customers. Similarly, jurisdictions should make efforts to obtain the assistance of certified bilingual federal employees to serve as pollworkers, as some are currently obtaining assistance from state and local government employees.
 - As the voting technology adopted by some jurisdictions becomes more complex, it is helpful to recruit bilingual youth, who are typically more comfortable with new technology, to serve as pollworkers. Jurisdictions should work with educational institutions to recruit these youth – for example, students could be given extra credit for serving at the polls. Because this may be the first experience at the polls for students, jurisdictions do need to ensure that they have good training. However, working as a pollworker also engages youth in the electoral process, and encourages greater civic participation.
- III. Non-partisan election monitoring certainly plays a role in making sure elections run smoothly. At the same time, with the growing need for educated and experienced poll workers, has your organization considered recruiting and sending volunteers to work with local election offices to assist in the administration of elections?

Non-partisan, non-profit organizations are often well-positioned to assist in the recruitment of volunteers to work with the administration of elections. However, such efforts can require significant resources, particularly in large jurisdictions with thousands of pollworkers. With support from the federal, state, or local governments, or election officials, non-profit organizations would be able to provide greater assistance to elections officials with these efforts.

- IV. What impact do you believe early voting had on the administration of the 2008 general elections?

Although it is too early to determine the role of early voting in terms of improving turnout, the increasing availability of early voting had an undoubtedly positive effect on the 2008 Election Day administration of elections. With record turnout in November 2008, the millions who voted early across the country would have added strain to the heavy workload demands at polling places on Election Day in many jurisdictions. Providing more opportunity for early voting in additional jurisdictions will serve both voters and election administration officials.

Should you have any questions about the foregoing responses, please contact me at 213-747-7606 or at avargas@naleo.org. I look forward to continuing our work together.

Sincerely,



Arturo Vargas
Executive Director

ROBERT A. BRADY, PENNSYLVANIA
CHAIRMAN

Congress of the United States
House of Representatives
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DANIEL E. LOFGREN, CALIFORNIA
RANKING MINORITY MEMBER

April 6, 2009

Mr. Eric Eversole
227 A Street NE
Washington, DC 20002

Dear Mr. Eversole:

Thank you for testifying during the March 26, 2009 Committee on House Administration, Subcommittee on Elections, hearing on the "2008 Elections: What Went Right & What Went Wrong." The Subcommittee requests your response to additional questions that will be made part of the hearing record. Please provide your responses to the Committee by April 27, 2009.

1. During your testimony you suggested designating military personnel offices as voter registration agencies. As you know, the Uniformed and Overseas Absentee Voting Act created the Federal Voting Assistance Program (FVAP) to work with and outreach to our military and overseas voters. The Committee has concerns about the FVAP. What do you think FVAP should be doing to improve participation rates?
2. During the 110th Congress Chairman Brady introduced H.R. 6625, the Veterans Voting Support Act, which required the Secretary of Veterans Affairs to permit facilities of the Department of Veterans Affairs to be designated as voter registration agencies. What are your thoughts about expanding voter registration to other arenas to ensure all veterans have the opportunities to exercise their right to vote?
3. Non-partisan election monitoring certainly plays a role in making sure elections run smoothly. At the same time, with the growing need for educated and experienced poll workers, has your organization considered recruiting and sending volunteers to work with local election offices to assist in the administration of elections?
4. What impact do you believe early voting had on the administration of the 2008 general elections?

Thank you and I look forward to your responses.

Sincerely,



Zoe Lofgren
Chair, Subcommittee on Elections

**Response of Eric Eversole to Subcommittee
Questions from the March 26, 2009 Hearing on
"2008 Elections: What Went Right & What Went Wrong"**

April 27, 2009

1. What do you think the Federal Voting Assistance Program ("FVAP") should be doing to improve participation rates?

The Committee's concerns regarding FVAP's voting assistance program are well founded and documented. After the 2004 presidential election, the Department of Defense (DoD) Inspector General found widespread problems with FVAP's program, noting that only 40 to 50 percent of military members received voting information.¹ The primary failure, according to the report, was FVAP's reliance "on a labor-intensive, DoD-wide infrastructure of part-time voting assistance officers [VAOs] at all echelons whose attention to voting is periodic, despite the program's perennial schedule."² The 2004 Report further found that it was "unreasonable to expect significant improvement in the FVAP as long as the key players – VAOs – are required to divert their attention away from mission-essential (primary) duties."³ Based on these findings, the Inspector General recommended that "senior leadership [at DoD] can expect significant improvement only if a radically different approach is applied."⁴

¹ DoD Inspector General, *Evaluation of the Voting Assistance Program*, Report No. IE-2005-001, at 22 (Mar. 31, 2005) (http://www.dodig.mil/inspections/IE/Reports/Final_VoterAssistanceProgram.pdf) (2004 Report).

² *Id.* at 25.

³ *Id.* at 25-26.

⁴ *Id.* at 26.

Unfortunately, FVAP has ignored this recommendation and little has changed since 2004. As was the case in 2004, the Inspector General conducted a post-2006 election survey and found that only 40 percent of military members received voting information from FVAP.⁵ The report further found that only 33 percent of military voters knew about the Federal Post Card Application—that is, the federal form that allows a military voter to register and request an absentee ballot in a single application.⁶ Not surprisingly, given the small percentage of military voters that received assistance from FVAP, only 22 percent of the military voted in the 2006 federal election.⁷ The available data for the 2008 presidential election paints a similar picture for that election.⁸

To the extent that Congress wants to ensure that military voters have an opportunity to vote, it must legislate the different approach FVAP has been unwilling to implement. This different approach, however, is not “radical.” Like many state agencies, as well as military recruiting offices, that have been designated as voter registration agencies under the National Voter Registration Act (NVRA), the DoD should provide voting-related information and materials at locations where military members already receive administrative support or social services from the military. DoD already staffs these offices with experts that understand the nuances of completing federal forms; the

⁵ DoD Inspector General, *Evaluation of the Voting Assistance Program*, Report No. IE-2007-004, at 6 (Mar. 31, 2007) (<http://www.dodig.mil/inspections/IE/Reports/2007FederalVotingAssistanceProgram-IE-2008-002.pdf>); see also H. Con. Res. 388, 110th Congress (2008).

⁶ *Id.*

⁷ Defense Manpower Data Center, *Human Resources Strategic Assessment Program, 2006 Survey Results on Voting Assistance Among Military members and DoD Civilian Employees*, Survey Note No. 20007-010, Table 1 (May 7, 2007).

⁸ As noted in my testimony on March 26, 2009, official data is still being collected by the Election Assistance Commission. However, early data shows that only a small percent of military voters requested an absentee ballot. For example, in California only 17.4 percent of the 227,064 eligible military voters requested an absentee ballot. The percentage was 19.3 percent in Maryland, 23.6 percent in Missouri, 18 percent in Nebraska, and 26.9 percent in Minnesota.

addition of one more form will not greatly burden their efforts. It will, however, dramatically improve FVAP's voting assistance program and will provide consistent, year-round distribution of voting materials.

In my March 26 testimony, I suggested that military pay and personnel offices—e.g., Navy Personnel Support Detachment or Army Military Personnel Service Center—should be designated as voter registration agencies under the NVRA. The DoD also should consider providing registration services at its Defense Enrollment Eligibility Reporting System (DEERS) offices, where military members and dependents receive their ID cards and sign up for other benefits. Ultimately, DoD or each service Secretary should have some flexibility in designating the DoD offices that are best suited to provide voting related services and those offices should be designated as voter registration agencies.

2. What are your thoughts about expanding voter registration to other arenas to ensure all veterans have the opportunity to exercise their right to vote?

There is no question, as noted in H.R. 6625, that veterans “have performed a great service to, and risked the greatest sacrifice in the name of, our country, and should be supported by the people and the Government of the United States.” Likewise, the Department of Veterans Affairs (VA) should make every effort to ensure that these voters have a reasonable opportunity to complete a voter registration application and an absentee ballot request. This is especially true for those veterans who are confined to VA facilities and may have limited access to off-campus voter registration services. The VA should be providing these services to its patients and residents.

That being said, Congress must exercise caution when requiring federal or state agencies to open its doors to third party, non-governmental organizations. No other voter registration agency under the NVRA has an obligation to open its doors to third party voter organizations. Nor is such a requirement necessary if VA facilities are

designated as voter registration agencies. Ultimately, the VA has a special obligation to care for and protect its members from partisan political influence or other unlawful solicitations. That protection must remain paramount.

3. Has your organization considered recruiting and sending volunteers to work with local election offices to assist in the administration of elections?

Currently, I do not have an organization and, thus, do not have any plans to recruit or send volunteers to work with local election officials.

4. What impact do you believe early voting had on the administration of the 2008 general elections?

Without comprehensive data, it is premature to conclude what, if any, impact early voting had on the 2008 election. However, I do share many of the concerns expressed by Representative Artur Davis during the March 26, 2009 hearing. Based on my experience, early voting does appear to favor the candidate who has the most money to spend on television or get out the vote efforts. In many cases, that will benefit incumbents who generally have more funding and are better organized.

In addition, it is not clear that the significant monetary costs of early voting, as well as the manpower burdens created by early voting (i.e., finding and training poll workers), are justified in all states or local jurisdictions. While early voting can eliminate long lines on Election Day, not all jurisdictions experience long lines. Nor is it clear, as Mr. George Gilbert noted during the hearing, that early voting increases voter turn-out. Ultimately, early voting seems to be a question best left to state and local election officials who are in a position to weigh the costs and benefits of early voting, as it relates to their jurisdiction, and make a determination regarding the best use of their limited resources.

ROBERT A. BRADY, PENNSYLVANIA
CHAIRMAN

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DANIEL E. LUNGREN, CALIFORNIA
RANKING MINORITY MEMBER

April 6, 2009

Mr. Doug Chapin
Director of Election Initiatives
Pew Center on the States
901 E St. NW, 10th Floor
Washington, DC 20004

Dear Mr. Chapin:

Thank you for testifying during the March 26, 2009 Committee on House Administration, Subcommittee on Elections, hearing on the "2008 Elections: What Went Right & What Went Wrong." The Subcommittee requests your response to additional questions that will be made part of the hearing record. Please provide your responses to the Committee by April 27, 2009.

1. How can the EAC work with Pew to expand its voting information clearinghouse function?
2. How can states use technology and the internet to improve the registration process?
3. How can federal government agencies better assist states with the registration process?
4. How can the federal government and states improve outreach and assistance to military and overseas voters?
5. Non-partisan election monitoring certainly plays a role in making sure elections run smoothly. At the same time, with the growing need for educated and experienced poll workers, has your organization considered recruiting and sending volunteers to work with local election offices to assist in the administration of elections?
6. What impact do you believe early voting had on the administration of the 2008 general elections?

Thank you and I look forward to your responses.

Sincerely,



Zoe Lofgren
Chair, Subcommittee on Elections



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May 4, 2009

The Honorable Zoe Lofgren
 Chair, Subcommittee on Elections
 Committee on House Administration
 U.S. House of Representatives
 1309 Longworth House Office Building
 Washington DC 20515-6157

Dear Chairwoman Lofgren:

On behalf of all my colleagues at the Pew Center on the States, I thank you for the opportunity to offer answers for the record of the Subcommittee hearing held on March 26 to look back at the 2008 election. The Subcommittee's questions are reproduced below followed by my answers.

1. How can the EAC work with Pew to expand its voting information clearinghouse function?

Good data leads to better management. Unfortunately, one of the most concerning issues facing election officials today is a material lack of reliable, evidence-based data throughout the field of election administration. Columbia Law Professor Nate Persily recently highlighted the magnitude of the problem in testimony before the U.S. Senate Committee on Rules and Administration: "We do not really know how many voters are registered or even how many, in fact, voted in 2008."

Data provides the context and counterpoints for the forces that influence decision-making. Without tested and comparable data, election officials are left with an empty tool box to meaningfully assess the performance and success of elections.

In 2008, the Pew Center on the States hosted *Data for Democracy*, a conference on how states and federal election agencies can improve the electoral process through metrics and measurements. In the compendium to the conference, Pew directly addressed the EAC's performance as an election information clearinghouse. Pew found that the annual Election Day Survey collected by the EAC holds the potential to be an invaluable data resource for the elections community. If the survey were disseminated on a timely basis, and if all states made an effort to respond as fully as possible, it would be possible to compare the number of registered voters, the number of voters removed from the rolls, compliance with NVRA, accessibility to the ballot by UOCAVA voters, levels of early and absentee voting and implementation of provisional voting laws.

Sadly, the EAC survey is far from reaching its potential. Pew found that non-response rates by states on key sections of the survey are so high that using the survey in any comparative context is impossible. While the EAC should not be blamed for states that failed to collect and return data, some degree of fault lies directly with the EAC for fundamental design flaws in the survey itself. For instance, the survey was set up to analyze election data at the county level, yet in New England, as well as several Midwestern states including Michigan, Wisconsin and Minnesota, the elections are administered at the township level. The EAC has begun to address these problems, but more must be done to rectify them.

From voter registration to poll worker efficiency to election audits, every aspect of election administration would directly benefit from further research and additional data. By performing its duty as an election information clearinghouse more diligently, the EAC would take a positive step toward filling the data void and ending the “age of the anecdote” in election administration.

The EAC should look to organizations like Pew for assistance in crafting the methodology and metrics for collecting and gauging election data. Armed with better data, election officials will be far better equipped to review election procedures, craft best practices and improve the efficiency of American elections.

2. *How can states use technology and the Internet to improve the registration process?*

The voter registration process in America is outdated and in need of modernization. As it exists today—a voter-initiated, largely paper-based system—voter registration is not only cumbersome for the voter, but costly and inefficient for election officials. In an age in which Americans do much of our banking and shopping electronically, it is amazing that we still rely on a paper system for registering to vote.

Current technology affords a few ways to update our elections systems. Online registration, especially for military and overseas voters, can alleviate some of the daunting obstacles of the registration process for both voters and election administrators. By eliminating paper forms and allowing the voters to directly key in their own information, online voter registration reduces the administrative burden on election officials, allowing them to refocus the time, energy and funds on other critical areas of the election system.

Pew is currently working with experts from the University of Washington to assess the implementation, operation and use of the online voter registration systems in Arizona and Washington State where these reforms have already been implemented. We hope to share the results of this study during the summer of 2009, when the final report is due to be released.

In addition, states already have databases that contain much of the information needed to fill a voter’s file, and they should be able to utilize these existing databases—such as the DMV lists—to populate or scrub voter registration lists to ensure that they are accurate and up to date. Canada has a system that appears to serve Canadian citizens well—it automatically populates the voter lists and updates records using existing databases, successfully capturing approximately 93 percent of all eligible voters.

American election officials have expressed a great desire to update these systems. Currently, voter registration data is most often handwritten, collected on paper forms and manually keyed into databases making it highly susceptible to human error. Compounding the problem, election officials are frequently flooded with registration forms at the end of an election cycle—including from outside “third party groups”—at a time when resources are already strained. In a recent editorial in *Roll Call*, Secretaries of State Trey Grayson from Kentucky and Robin Carnahan from Missouri cautioned that fundamental flaws in the voter registration system put “tremendous pressures on election workers, leading to delays and errors, despite everyone’s best efforts” (“Voter Registration System Needs to Be Modernized,” *Roll Call*, March 10, 2009).

Technological improvements for our election system are not limited to registration improvements. Voters are increasingly turning to the Internet for election-related information. In a 2008 report, the Pew Research Center for the People and Press found that 66 percent of Internet users go to government Web sites for information (*Social Networking and Online Videos Take Off: Internet’s Broader Role in Campaign 2008*).

States should take advantage of Web traffic to make it easy for voters to find essential voter information such as if they are registered, how to register, where to vote and which candidates and issues are on the ballot. In *Being Online is Not Enough*, a comprehensive report on state election Web sites released in October of 2008, Pew recommended several measures states could take to improve their election Web sites. These recommendations

included cleaning up homepage design—removing historical data, grouping content by audience-type, placing key content in the body of the page, etc.—as well as incorporating an online registration verification tool, currently in use in only half of states' Web sites. By creating Web sites that are easy to find and easy to use, election administrators will find the Internet to be a potent tool in addressing voter needs.

3. *How can federal government agencies better assist states with the registration process?*

In addition to promoting better use of technology to modernize the voter registration systems, federal government agencies with oversight of election administration, namely the EAC, have the potential to be the leading data resource to states on the issues surrounding the creation and maintenance of state voter rolls and voter registration practices. By retooling its Election Day Survey, the EAC could provide election administrators with invaluable data to identify systemic problems and improve the registration process.

4. *How can the federal government and states improve outreach and assistance to military and overseas voters?*

An estimated six million Americans living overseas and in the military face extraordinary obstacles to participating in the electoral process. In 2006, 85.8 percent of absentee ballots requested by the general population were cast, while only 26.6 percent of ballots requested by Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters were cast. Difficulties getting mail to remote areas of the world often leave UOCAVA voters with no time and no option to vote. Military and overseas voters want to vote, but are forced to navigate a confusing and failure-prone system in order to exercise that right.

In *No Time To Vote*, a comprehensive report released in January of this year, The Pew Center on the States found that in half the states, rules, regulations and deadlines for military voting are so complex and restrictive that it is exceptionally difficult for military voters to get their ballots cast in time to be counted. In the report, Pew calculated the amount of time it takes for overseas military voters and election officials to complete each step of the absentee voting process in each of the 50 states and the District of Columbia. Taking that time frame, Pew then determined if all the steps could be completed in time for that state's election deadlines. The results were troubling. Twenty-five states and the District of Columbia send out their absentee ballots after the date necessary for military voters to meet all of the required deadlines.

The Pew Center on the States supports common sense solutions that can ensure that the election system achieves optimal accuracy, convenience and security for voters at home and abroad:

- Harness twenty-first century technology to make voting more convenient for military and overseas voters:
 - The Pew Center on the States has partnered with the Overseas Vote Foundation (OVF) to develop an online tool that allows military and overseas voters to complete the Federal Write-in Absentee Ballot (FWAB) more easily and with fewer errors. The new FWAB tool (available at www.overseasvotefoundation.org) provides an immediate solution for registered voters whose ballot is late or lost in transit. In 2008, the FWAB tool made voting easier for nearly 10,000 overseas voters.
- Develop uniform state laws to promote best practices and consistency across the states:
 - The Uniform Law Commission is widely hailed as an example of states working together, without federal action, to implement uniform laws for the improvement of commerce and civil law. The Commission, in cooperation with PCS, is currently drafting a uniform state law on military and overseas voting, which could be ready for states to consider adopting as early as 2011. Details are at www.nccusl.org.

- Further policy recommendations for states:
 - Expand the use of the Federal Write-in Absentee Ballot, a back-up measure when military voters do not receive their ballots in time
 - Allow election materials to be transmitted electronically
 - Building at least 45 days into the process for ballots to travel between voters and election offices
 - Eliminating a requirement that military voters have their completed ballots notarized or witnessed before returning them

Public support for reform is overwhelming. A bipartisan Tarrance/Lake poll conducted in the fall of 2008 found that 96 percent of Americans believe it is important that military and overseas voters have the opportunity to participate in U.S. elections and have their votes counted; and nearly two-thirds of Americans think the system for these voters is not serving them well.

5. *Non-partisan election monitoring certainly plays a role in making sure elections run smoothly. At the same time, with the growing need for educated and experienced poll workers, has your organization considered recruiting and sending volunteers to work with local election officials to assist in the administration of elections?*

Poll workers stand on the front-line of a working democracy. They are the “street level bureaucrats” of our voting system, as well as the face of the system to the voting public.

Few with experience in election administration will underestimate the importance of a well-trained and experienced class of poll workers. There is a recurring issue throughout the field of election administration—a lack of verifiable and comparable data—that applies to poll workers perhaps even more than other areas of election administration. There is little data on who poll workers are, how they are hired and trained, how much they are paid and how all of these attributes affect their efficiency and effectiveness. A reliable and comprehensive study of best practices and critiques for poll workers simply does not exist.

Pew has commissioned a poll worker performance management needs assessment from experts at the University of Missouri-St. Louis to help election administrators prioritize and tackle the wide diversity of challenges facing our nation’s poll workers. Early data from the study indicates that while recruiting more poll workers is critical for many jurisdictions, especially larger jurisdictions, simply adding more poll workers is not the only answer. Pew hopes to share further information when the final report is released later this year.

As yet, Pew has not engaged in direct efforts to recruit volunteers or poll workers. The scope of our work is focused on supporting research that examines the problems most pressing to election administrators. Through pilot projects focused on the key challenges facing poll workers, Pew hopes to produce tested and applicable information regarding what problems are most persistent and troubling for poll workers, and recommendations for reducing their effects.

6. *What impact do you believe early voting had on the administration of the 2008 general election?*

Early voting was the big story of 2008. Paul Gronke, director of the Early Voting Information Center at Reed College, estimates that more than 30 percent of the electorate, over 40 million voters, cast their ballots prior to Election Day in the 2008 general election. In addition, according to the post-election survey conducted for Pew by the Massachusetts Institute of Technology (and entered into the record of the subcommittee at the hearing), in 14 states more than 20 percent of votes were cast via absentee ballot and in 17 states more than 20 percent of voters cast their ballot using early voting.

Many of the 18 states that currently do not have early voting—either early in-person voting or no-excuse absentee balloting—are considering these reforms in the current legislative session.

Unfortunately, empirical data on the effects of early voting on election administrative is scarce. Anecdotal reports from 2008 suggest that early voting reduced lines on Election Day by shifting the burden to early voting centers, some of which reported waiting times in excess of 8 hours, but without data, this remains speculation. Best practices, cost analyses and the scope of the administrative burdens of early voting are not fully known. Indeed, it may be that the unique character of the 2008 election would render the impacts of early voting in 2008 unlikely to be duplicated in subsequent elections.

Early voting offers voters convenience and flexibility, something voters clearly enjoy. The MIT survey found that the majority of individuals who voted absentee said they did so because it was convenient. In the absence of evidence-based data on the effects of early voting, election administrators face a daunting task of offering a service voters seem to overwhelmingly favor without the benefit of any standards or uniform procedures.

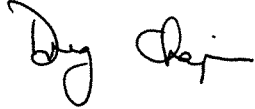
Before the 2008 general election, Pew commissioned seven research projects studying the impact of early voting on the administration of the 2008 election. These studies—ranging from research on the comparative error rates between traditional voting and early voting to a survey of the changing legal landscape—are currently underway and will dramatically increase our understanding of how early voting affects and has been affected by the way local election administrators do their job.

Voters clearly like early voting and public demand for expanded early voting opportunities will only increase in coming years. In the next eight months, Pew plans on unveiling these early voting research projects in an effort to provide increased guidance to states considering its adoption.

In closing, I thank the Subcommittee once again for the opportunity to present further testimony for the written record. The Pew Center on the States stands ready to assist in any way we can the Subcommittee with its continued study of the nation's election system.

If you have any further questions, please contact me at 202-552-2113 or at dchapin@pewtrusts.org.

Sincerely,



Doug Chapin
Director, Election Initiatives
The Pew Center on the States

cc: Sue Urahn – Managing Director, The Pew Center on the States

Ms. LOFGREN. And I will just say this: People don't realize that the witnesses who come here are volunteers. They are here just to help inform the United States House of Representatives so we can make good decisions and make a better country. We really do appreciate your service in that regard today.

We thank you, and this hearing is adjourned.

[Whereupon, at 11:38 a.m., the subcommittee was adjourned.]

[The information follows:]

MEDIA RELEASE

FOR IMMEDIATE RELEASE:
Thursday, March 19, 2009

FOR MORE INFORMATION, CONTACT:
Glenn Magpantay, Staff Att’y, 917.439.3158
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Asian American Voters Face Discrimination in the 2008 Election
New Report Presented to Congress

Washington, D.C. ... The Asian American Legal Defense and Education Fund (AALDEF), a 35-year old civil rights organization, today presented Congress with a new report detailing obstacles faced by Asian American voters in eleven states and the District of Columbia in the November 2008 Presidential Elections. The report was delivered at a hearing of the U.S. House of Representatives Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties on “Lessons Learned from the 2008 Election.”

AALDEF’s report, *Asian American Access to Democracy in the 2008 Elections*, documents violations of the Voting Rights Act and Help America Vote Act (HAVA) and other incidents of anti-Asian voter disenfranchisement from 52 cities across the country. The report is available online at www.aaldef.org.

On Nov. 4, 2008, AALDEF monitored 229 poll sites in 11 states - New York, New Jersey, Massachusetts, Pennsylvania, Michigan, Illinois, Texas, Nevada, Louisiana, Virginia, Maryland, and the District of Columbia - and conducted a multilingual exit poll of 16,665 Asian American voters. AALDEF received more than 800 complaints of voting barriers, which are described in the report.

AALDEF executive director Margaret Fung said, “In the 2008 elections, Asian Americans faced an array of barriers that prevented them from exercising their right to vote.” Some of the problems encountered by Asian American voters include the following:

- Language assistance, such as interpreters or translated voting materials, if any, was far from adequate. Some poll workers were completely unaware of their legal responsibilities or outright refused to make language assistance available to voters.

For example, at a poll site near Chinatown, NY, only one interpreter was available to assist hundreds of Chinese American voters. A poll site in Dorchester, MA was missing legally required Vietnamese provisional ballots. Boston only had partially translated ballots where candidates’ names were not transliterated into Chinese. Chinese voters had difficulty identifying their candidates of choice. Philadelphia voluntarily provided a language line for poll workers to get on-the-spot assistance for voters. However, during the Presidential Primary Election, poll workers did not know it existed, did not know how to access the line, or the line was overwhelmed and constantly busy.

- more -

- Some poll workers were rude, hostile, and made racist remarks. For example, poll workers in New York said they didn't trust Asian American voters and denied them the right to vote and described them as "terrorists." A Sikh voter was made to vote by provisional ballot because a poll worker said there were too many Sikh voters and she couldn't figure out which one the voter was.
- Voters' names were missing from or had other errors in voter roll books, often due to faulty processing or mishandling of voter registration forms. Many were simply turned away.
- Although HAVA requires that these voters be offered provisional ballots, poll workers denied voters this right. In Lowell, MA, voters were told to go to City Hall. In Chinatown, Philadelphia, PA poll workers would not distribute provisional ballots because there were too few. Voters were turned away and unable to vote.
- Poll workers made improper and excessive demands for identification, misapplying HAVA's ID requirements. These demands often were made only of Asian American voters in violation of the Voting Rights Act. Some states that required all voters to provide identification only applied identification checks to Asian American voters; white voters were exempted.

AALDEF sent complaint letters to local election officials that detailed these voting obstacles and offered recommendations for improvements. AALDEF staff attorney Glenn D. Magpantay said, "Vigorous enforcement of the Voting Rights Act is still very much needed." Copies of the complaint letters were sent to the Voting Section of the U.S. Department of Justice for further investigation.

AALDEF also made other recommendations to the House Subcommittee during the hearing, calling for legislation to allow for universal voter registration and amendments to HAVA to clarify that voting by provisional ballot should also be used to correct errors and omissions in voters' registrations, as was recommended by the Carter/Ford National Commission on Federal Election Reform.

In addition, AALDEF will call on the United States Supreme Court to uphold Section 5 of the Voting Rights Act. On April 29, 2009, the U.S. Supreme Court will hear oral arguments in a challenge to the constitutionality of the enforcement provisions in *Northwest Austin Municipal Utility District One v. Holder*. AALDEF will be submitting an *amicus* brief to the Court later this month, detailing results from its poll monitoring efforts over the years. AALDEF's brief will show how Asian Americans continue to face voting discrimination and how Section 5 is necessary and proper to protect the fundamental right to vote.

In the 2004 Presidential Election, AALDEF polled 10,789 Asian American voters in eight states. Detailed results from AALDEF's 2008 multilingual exit poll will be announced soon. The co-sponsors listed below worked with AALDEF to mobilize 1,500 attorneys, law students, and community volunteers to participate in the 2008 election monitoring effort.

* * *

The Asian American Legal Defense and Education Fund (AALDEF), founded in 1974, is a national organization that protects and promotes the civil rights of Asian Americans. By combining litigation, advocacy, education, and organizing, AALDEF works with Asian American communities across the country to secure human rights for all.

AALDEF ASIAN AMERICAN ELECTION PROTECTION 2008 CO-SPONSORSNational Co-Sponsors:

Asian Pacific Islander American Vote
 Asian Pacific American Labor Alliance
 Lawyers Committee for Civil Rights
 National Asian Pacific American Bar Association
 National Asian Pacific American Women's Forum
 National Korean American Service and Education Consortium
 North American South Asian Bar Association
 Organization of Chinese Americans
 South Asian Americans Leading Together

Local Chapters:

APIA Vote - Michigan
 APIA Vote - Pennsylvania
 APIA Vote - Nevada
 OCA: Greater Washington DC
 OCA: Northern Virginia
 OCA: New Jersey
 OCA: Greater Houston
 OCA: Greater Philadelphia
 OCA: Greater Chicago
 OCA: Detroit/ACA
 OCA: Eastern Virginia

Local Co-Sponsors:

ACCESS – MI
 Asian American LEAD – DC
 Asian American Society of Central Virginia
 Asian Community Development Corporation of Boston
 Asian Pacific American Agenda Coalition – MA
 Cambodian Association of Greater Philadelphia – PA
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March 25, 2009

Committee on House Administration
 Subcommittee on Elections
 1310 Longworth House Office Building
 Washington DC 20515

Dear Member of the Subcommittee:¹

Thank you for the opportunity to submit comments on the record for the Committee's hearing on 26 March 2009, "*The 2008 Election: A look back on what went right and wrong*".

I would like to comment on the role of incident reporting.

Background

On Election Day, I volunteered as a Voting Systems Expert with the Election Protection Coalition (EPC), a large election protection effort consisting of over 100 non-profit organizations. EPC fielded around 100,000 voting incident phone calls and mobilized legal response teams on the ground in more than a dozen states. While the focus of EPC's efforts was immediate—assisting voters personally as well as coordinating responses at the local and state level to minimize chances for disenfranchisement—incident-based data collection has become an increasingly important part of the operation.

I spent some time after the election examining the voting technology-related incident reports captured by EPC's OurVoteLive (OVL) tool. The OVL tool provided call center volunteers with a structured interview form to capture voter-reported data directly into a large incident database that could then be called up by other EPC personnel at command centers and in the field.² My

¹I have a split affiliation as a postdoctoral researcher between UC Berkeley and Princeton University. Please use the Princeton address for postal mail.

²See: <http://www.ourvotelive.org/>. The OVL database was publicly available on Election Day but data was

opening in the entire state was 7:17am, hardly a significant delay. While many jurisdictions have data like this available either internally or externally for analysis, reports from the field provide the real data around which analysts can construct hypotheses for investigations.

Contingency Planning is Vital, Although Poorly Understood by Voters

A surprising and curious feature of the OVL data was the uniformly unenthusiastic, and occasionally downright suspicious, attitude voters had towards back-up and contingency plans.

Given the complexity of administering elections regardless of the choice in voting technologies, there are many places where a single failure can turn into a bottleneck. Wise election administrators devise contingency plans such that voting may continue. For example, many precinct-based optical scan systems have an "auxiliary bin" that can function as a ballot box when the scanner malfunctions. Instead of placing their ballots into the scanner normally, voters place their ballots in this auxiliary bin, for later counting and/or scanning.

A lack of contingency planning can be especially hard on voters. Data captured by the OVL system show a few cases where voters had no recourse but to wait for lengthy periods in the face of machine malfunction (often coupled with poor resource allocation). On the contrary, other types of voting systems, notably central-count and precinct-count optical scanners, permit "parallelization" of the voting process; voters can fill out the paper ballots without needed to monopolize the voting technology used for casting their ballot. Even here, though, we see room for improvement as voters were often seriously concerned about missing or inadequate privacy protections provided during contingency plan voting.

The OVL data shows a surprising amount of suspicion and rejection by voters of standard contingency plans. Voters are worried that their votes will not count, or will count differently, if they use the alternative method for casting their ballot. In a few cases, voters left without casting their ballots, hopefully to return at another time later in the day. In a number of cases, voters reported refusing to leave the precinct and waiting to cast their ballot when the normal voting method would be returned to service.

This is to say that voter reports bely some dis-ease with "difference" in the context of voting—i.e., voters believe changes in the voting process and method are suspicious and that these differences could likely introduce inequality. This sensitivity to differences in voting is remarkable given the variety of differences we tolerate in other areas of voting (i.e., across machines, practices, training, counting, auditing). It is clear that we need to think of methods for calming this dis-ease, either through voter education about contingencies or by making contingency planning more uniform so that voters expect two voting systems: the "plan A" voting system and the "plan B" system.

The Broken Promise of HAVA for Voters with Disabilities

A groundbreaking promise of the Help America Vote Act of 2002 was ending the second-class status of voters with disabilities. While most election jurisdictions now have voting systems in their polling places that disabled voters can use to cast their ballots with increased privacy and independence, the follow-through on this promise has been disappointing.

card activations by the pollbook system for use in Maryland's AccuVote-TS DRE voting systems.

The OVL data, as well as reports from disabled colleagues, show that disabled voters often arrive at their polling place to find voting systems that have not been set up and pollworkers who do not know how to use them. Voting for the disabled remains a primitive affair, taking 4-5 times as long as non-disabled voting, on systems that barely usable by their intended user base.

The amount of effort and time spent to date on designing and procuring voting systems for disabled voters should not fall victim to poor implementation and training. Incident reports and feedback from disabled voters in the field should be used in real-time to know where voters are having particular problems. Disabled voters should be especially encouraged to report problems they have voting, in detail. Note that supporting disabled voter incident reporting will require both outreach and reporting elements specifically designed for disabled voters. This might be expensive, especially for small jurisdictions, so state election directors, or possibly even a federal body like the EAC, should consider taking up this activity.

The best picture of what can go wrong on election day is provided by incident reports. Both election protection organizations and state election directors use incident reports to gather data on problems encountered in the field and to inform any possible short-term or long-term response. The EAC should consider the role that incident reporting and feedback can play in supporting election administration at the federal level.

Sincerely,

Joseph Lorenzo Hall

Biography

Joseph Lorenzo Hall recently graduated with his Ph.D. from the University of California, Berkeley School of Information working under information law professors Pamela Samuelson and Deirdre Mulligan. Hall started a postdoctoral research position at the Center for Information Technology Policy (CITP) at Princeton University this past Fall. Hall's academic focus is on mechanisms that promote transparency, as core functions of our government become digital. His Ph.D. thesis used electronic voting as a critical case study in digital transparency.⁵ Mr. Hall holds master's degrees in astrophysics and information systems from UC Berkeley and is a founding member of the National Science Foundation CyberTrust ACCURATE Center (A Center for Correct, Usable, Reliable, Auditable and Transparent Elections). He served as a voting technology, policy and law analyst on the teams that conducted the California Secretary of State's Top-To-Bottom Review of voting systems and Project EVEREST, Ohio's review of its voting systems.

⁵Joseph Lorenzo Hall. *Policy Mechanisms for Increasing Transparency in Electronic Voting*. A dissertation submitted to the Graduate Division of the University of California at Berkeley in partial fulfillment of the requirements for the degree of Doctor of Philosophy in Information Management and Systems, 2008. URL: <http://josephhall.org/papers/jhall-phd.pdf>.

Time-stamp: <2008-11-12 17:48:01 josephhall>

A Preliminary Analysis of OVL Voting Equipment Reports

Warning: This is a very long post.

Introduction

I've spent the past week looking over the voting equipment problems captured by the [Election Protection Coalition's 25 nationwide call centers](#) into the [Our Vote Live](#) database. There were around 1900 such incidents in the database, although that number is probably closer to 1700 taking into account duplicates.

Before I launch into the analysis, a few caveats:

- This is voter-reported data, which means it can be inaccurate.
- There has been no attempt to control for multiple reports from a single precinct.
- In many cases it is hard to tell what exactly happened as the incident reports were taken by mostly non-technical legal volunteers from mostly non-technical voters and volunteers in the field.
- Given the unbelievable popularity of the 1-866-OUR-VOTE hotline, OVL was unable to capture all incidents that people wanted to report.
- There are undoubtedly incidents that were not reported to the OVL hotline for a variety of reasons.

Bottom-line: This is useful for qualitative notions of what went wrong on election day.

While I've worked to make this post accessible to an audience that may not be familiar with the vagaries of voting technology, I just don't have enough time to explain everything. In that sense, I encourage you to ask questions (joehall@berkeley.edu) and I can amend this document to clarify as needed.

The Big Picture

Somewhere close to 85-90% of all voting equipment incident reports from the OVL database are very simple and report some combination of: broken equipment, long lines, and/or emergency ballots being handed out and/or auxiliary bins on optical scan systems being used (many optical scan systems have a bin incorporated into the design of the machine where ballots can be placed in the event the system ceases to function or the power remains out for hours). If we can do anything to improve the experience of the average voter facing a machine problem, it should be reduce the amount of time they spend in line.

Another curious feature of the data is the voters' uniformly negative attitudes toward contingency or back-up plans. Whenever the primary mode of voting is affected, whatever the contingency plan to keep people voting, it appears that voters are often upset and mistrustful. They seem to think that there is a possibility that their vote will not count if cast via a contingency plan. This is unfortunate as with any critical technical system, there should be a contingency plan in place that covers what to do if that system fails and how the system may continue or recover from that failure. For example, when an optical scanner goes down, the standard contingency plan is to place ballots in an auxiliary bin or container. Voters reported concerns with this kind of accommodation and were worried that their votes might not count. In a number of cases, voters refused to place their ballots into auxiliary bins and waited for hours before the scanner could be serviced or a new replacement scanner brought in. It's clear from this that we need to do a better job of educating voters

as to what to do and what to expect in case of emergencies.

Ok, enough of the big picture; now on with the details!

Broken Machines, Long Lines, Long Waits

As I said, the OVL database contains mostly complaints about broken machinery, long lines, long waits to vote and reports of emergency ballots being used instead of the normal mode of voting. These incidents are so numerous that it doesn't really make sense to say much more. However, there are some interesting features from these reports.

Machine breakdowns and poll book bottlenecks lead to some voters waiting in line for a long time. Machine breakdowns ranged from simple problems to reports like one where all 15 voting machines had stopped working in an Atlanta polling place (61728). In some cases, the registration process caused the bottleneck leading to long lines, including reports of only one pollbook for hundreds of voters in New York City (68936) and e-pollbook problems in Georgia and Maryland (48481, 86413). We have reports of people waiting in line for 3 hours in New Jersey (63356), 3.5 hours in Georgia (55674), 5 hours in Ohio (21500), 6 hours in Missouri (82785) and a poor voter who fainted due to exhaustion in NYC while waiting in line (83379). In many cases, long lines were exacerbated by voters insisting on feeding their own ballot into an optical scan machine, despite it taking a long time to service or replace the affected equipment (Ohio: 52729). In a number of cases, precincts began to run out of paper ballots (Virginia: 43073).

Problems with Emergency Ballots

Emergency ballots are paper ballots used in case the main voting equipment in a polling places ceases to function properly. They're typically placed in a sealed ballot box or in an auxiliary bin incorporated into the design of an optical scan system. Some jurisdictions in the past have not planned accordingly and either not provided enough emergency ballots, so that polling places run out, or not provided them at all. I was very encouraged to see that in most cases, emergency ballots were available. However, what I didn't count on was that voters consider voting via an emergency ballot to be fundamentally suspect; that is, most were worried that their vote wouldn't count if cast via emergency ballot. We also saw some confusion between provisional ballots and emergency ballots, cases where pollworkers were refusing to hand out emergency ballots and a number of complaints about decreased voter privacy when emergency ballots were being used.

Voters Uncomfortable with Using Emergency Ballots

Many voters seemed worried or uncomfortable casting emergency ballots. In New York City, a caller reported that people were leaving rather than casting emergency ballots (68315) and, as mentioned above, there is evidence that some people refused to leave until they could cast their ballot normally in the machine (Virginia: 43392, 45800). In one case from Ohio, a voter reported that one of his ballot pages wouldn't scan and that he was told by a pollworker to place his ballot in a folder labeled "Oh Crap" with his name, phone number and address on it (47805).

Other cases I noted (by no means is this list comprehensive): NY: 70990, 43538; OH: 46738, 48213; PA: 46490, 51811; FL: 56051, 67857; MO: 48184, 54810; IN: 44583; IL: 51008; AL: 64675; AZ: 52547, 60247, 92471; CA: 82036, 83252

Not Permitting Voters to Use Emergency Ballots

We saw cases in at least two states where poll workers were refusing to hand out emergency ballots despite significant machine failures. Despite a ruling in Pennsylvania that required emergency ballots to be given

our when 30% of machines in a precinct were down, OVL received a number of reports that pollworkers were not handing out emergency ballots (e.g., 45436, 45545). In one case a caller claimed that voters in line were "fighting with poll workers" over emergency ballots (46401). There were also reports of polling places in New York not offering emergency ballots (43072, 43116, 43152). We also had a number of cases from New Jersey where pollworkers were confusing provisional ballots with emergency ballots (e.g., 43302)

Privacy Concerns with Emergency Ballots

Numerous voters called in to say that the privacy afforded to them while filling out their ballot was severely impacted by emergency balloting procedures. A pollworker in California decided to take over the role of the broken optical scanner and manually review the marking of each ballot, presumably looking for overvotes and undervotes (57719). Voters in Ohio and Pennsylvania reported feeling very uncomfortable filling out their emergency ballots as others in the polling place could see how they voted (44091, 52199). Finally, the length of the lines in Michigan lead to a shortage of privacy sleeves, without which voters were not being allowed to cast their ballots (47325, 48018, 49671, 53785). (A privacy sleeve is essentially a legal-sized Manila envelope, about \$1 apiece at Staples.)

Problems with Disability Access Equipment

One of the big promises of the Help America Vote Act of 2002 (HAVA) was that voters with disabilities would finally be able to cast votes privately and independently. Unfortunately, while all jurisdictions in the US now have disabled access technology in their polling places (or some other accommodation), this promise has fallen short.

In many cases, the disability access equipment simply didn't work or was not set up properly on election day (AZ: 54531; CA: 82162, 82751, 93171; NY: 43261, 88576; MO: 84713; MN: 92806). Pollworkers frequently did not know how to use these systems (NY: 45978, 43372, 46992; MD: 49457). And despite laws like HAVA, we still see reports of basic accessibility problems such as building and polling place accessibility (51922, 84713, 88353), complicated ballots (85857) and voters with serious conditions such as walkers and diabetes having to wait in long lines (49457, 88512)... the diabetic left without voting, by the way.

One particular case warrants special attention (88483). In this case, a blind voter found that the machine was not working. When the voter brought this to the attention of the poll workers at her polling place, they "complained about trying to make machine operable when there was a line and no one else needed to use it." This is truly terrible: a poll worker complaining about doing their job and doing so in a way that appears intended to make the disabled voter feel guilty about how their disability affects the polling place. This pollworker at Long Lane Court in Delaware County, Pennsylvania should be ashamed.

Finally, in New York there was an interesting case where a voter of Haitian descent had trouble figuring out what was going on when the machines broke down due to language issues (92905). This case gives a hint at what voters with limited English proficiency face when things go wrong.

Machine Malfunctions, Fixes

In the realm of machine problems, the data shows a variety of interesting things, from questionable technical fixes to broken and unstable machinery to unexpected behavior from machines.

Improper Technical Fixes

The most serious cases concerning machine malfunction involved what I call improper technical fixes or inappropriate servicing of equipment. In South Carolina, individuals removed a voting machine from the polling place and took it out to a car to tinker with it (89533). In New York, there were three striking cases of inappropriate service. A man who used to be a poll worker or election technician, but was no longer, was resetting the lever machines in one precinct after each vote (55057). In another case, a police officer reportedly fixed a machine (70424). Finally, a voting machine needed to be "reset" and the pollworkers required one voter to "waste" their vote as it was reset with the voters ballot still activated but not cast (88142). In all of these cases, it is hard to tell if the person "fixing" the machines is an authorized agent of the state or local election official.

Possible Broken Lights/Buttons, Levers, Etc.

Voting machines, like all machines, break (in fact, another way of stating the 2nd Law of Thermodynamics is simply: "Everything breaks").

The OVL data has numerous reports of lights and buttons not working on machines in New Jersey and Pennsylvania (NJ: 46008, 56364, 59330, 85342, 87092; PA: 66514, 69144, 80924). In New York, we saw many reports of broken levers and broken lights that should be illuminating the lever ballot (NY: 61117, 62013, 46658, 43649, 45963, 84727). In one case, a voter tried to cast a write-in vote, but the write-in wasn't working; when the voter was allowed to use a different machine, she reports voting for someone else on the ballot because she was afraid that using the write-in slot on the machine would cause the new machine to break (70962).

Optical Scanners Not Incrementing Ballot Card Count

When a voter inserts an optical scan ballot into an optical scanner, usually a serial number counter increments to show that a new ballot has been scanned. In a number of cases---from Ohio, Virginia, Minnesota, Texas and North Carolina---we see reports of voters saying that the number did not increment when they inserted the ballot (OH: 70443, 84413; VA: 46089, 58330, 93670; MN: 67120; TX: 65937; NC: 59196, 61940). What might cause this? Typically, if a ballot page has an overvote or write-in, that page will be redirected (or "diverted") to a smaller, separate ballot box in the machine for ballots that need human inspection. Pollworkers usually have to manually hit an "override" switch to allow these ballots to be fed in and the counter does not increment in these cases. In many jurisdictions, these ballots are examined and then "remade" to correctly reflect the voter's intent (as long as they can tell what the voter intended to do).

Machine Stability

In a number of cases, machines appeared to be unstable or simply didn't work as they were supposed to. The data shows machines that keep rebooting (60554), frozen or hung machines (43698), machines that shut down (63059), machines that would work only after periodic shaking and kicking (43430), problems with networked eSlate voting machines (57580) and a machine where the optical scan memory card was not working with the machine it was suppose to work with (81997).

Ballot Navigation, Missing Races

We saw a number of issues with voters having difficulty understanding how to navigate a digital ballot, including "fleeing" voters, "premature" voters, missing races and issues with the user interface for voting machines.

fleeing voters" and "premature voters"

A "fleeing voter" is a voter who leaves a voting machine without having cast their voted ballot. A "premature voter" is one who accidentally casts their ballot (or has it cast for them) before they are finished voting their ballot. I have typically associated both of these kinds of voters with first-generation DRE voting systems like the Sequoia AVC Advantage and the Danaher ELECTronic 1242; both these systems have large "VOTE" buttons that are easily missed by some voters---"fleeing" voters---but that are activated and can be pressed anywhere during the voting session---"premature" voters.

We do see quite a few reports of fleeing and premature voters on these older systems (NJ: 57655, 65732; PA: 55416, 60873, 85533, 85950, 65711). However, we also see evidence of premature voting on a lever machine in NY (69990), premature voting on the ES&S iVotronic DRE in Ohio and Pennsylvania (61267, 82609, 55416), premature voting on the Sequoia AVC Edge DRE in Virginia (42934), a premature voter on the new ES&S DS200 system in Florida (49123) and a fleeing voter on the Sequoia AVC Edge II Plus in Chicago (53492).

UI Issues

In terms of reports of user-interface issues, we saw a few cases where the iVotronic interacted strangely or unexpectedly when voting a straight-party option (56027, 57497). There was confusion where a voter saw arrows next to her choices as well as the "VOTE" option (58627). In one case the voter reports hitting the "cast ballot" button and the machine responded that her vote was canceled (66279). Finally, in Washington DC, a voter reported that the review screen on a DRE had reported that he hadn't voted in all races, but when he went back in the ballot to check, he found that he had voted in all races (87927).

Missing Races

A seemingly abnormal amount of voters called in to report missing races off their ballot (e.g., 62077). In Virginia, these came in the form of ballots where the Presidential race was the only contest available (45852, 47895, 49416, 55472, 56160) and vice-versa---ballots where the Presidential race was the only race missing (45157, 45272, 48455, 49819, 53575, 55802, 57468). There were also reports of incomplete ballots where the presidential race was missing in Pennsylvania on the AVC Edge and iVotronic DREs respectively (59545, 63224).

Paper Record Problems

There were a number of problems reported with voter verified paper record (VVPR) printers, optical scan machines and bleeding pens.

In Ohio, three concerning problems with VVPR printers on the Premier AccuVote-TSx cropped up. Voters reported seeing blank paper when they went to check the VVPR (58266), a paper jam affecting 36/50 ballots (84679) and a problem where the last voter's VVPR was left exposed to the next voter (93742). In other states, voters reported a non-printing paper trail in Missouri and Illinois (88648, 90876) and a paper trail printer error in California (63150).

In Virginia, we saw problems reported with wet ballots gumming up the works of optical scan machines (92623, 90490). In one polling place in California, a voter reported their optical scan machine was "shredding" ballots (61864).

In a few cases, bad marking instruments were reportedly being used with optical scan ballots: felt-tip pens



Chairwoman Lofgren, Congressman McCarthy and Members of the Rules Committee, thank you for organizing this hearing. I am Jim Dickson, Vice-President of the American Association for People with Disabilities and chair of the National Disability Vote Coalition, which is made up of 36 national disability organizations. Founded on the fifth anniversary of the Americans with Disabilities Act, AAPD was created to bring together the diverse constituencies that make up the disability community to be a powerful force for change - politically, socially and economically.

Thanks to the leadership of the Congress, millions of disabled Americans were able to vote privately and independently in the last presidential election. There has been a lot of progress in making our nation's complex voting system accessible to Americans with disabilities. However, we still have a long way to go.

The single largest problem that Americans with disabilities faced on Election Day stems from inadequate poll worker training. (Attached to this testimony are a few specific examples which are emblematic of many more complaints that we have received.) The following is a list of the types of problems voters encountered that are all based on poor poll worker training.

- Poll workers actively discourage voting on the accessible machines. For example, one voter reports "I did eventually use the new machine but only after the poll workers spent about thirty minutes on the phone with the county office. By the way, the poll workers said the county response was that they could not be bothered with questions about the new machines." (Susan Stockburger, Systems Advocate, Independent Living, Inc.) A survey conducted in New York City reports "At poll sites all over the City, poll workers revealed that they had not received enough training, actively discouraged voters from using the BMDs and breached the right to privacy by watching voters use the BMD." (Center for Independence of the Disabled) A disability leader in Fairfax, Virginia reports that poll workers were told to discourage the use of the accessible voting machine.
- Poll workers do not know how to operate the accessible voting device. The National Federation of the Blind operated an Election Day hotline for problems and conducted a telephone survey of blind voters. They found that poll worker related problems were the major factor in either voters not being able to vote or having to experience serious delays before they could vote. In Ulster County, New York several people were told poll workers didn't know how to use equipment.
- Often poll workers can not find the earphones that are necessary to make the voting system accessible.
- In many places, election officials or poll workers insist that the accessible device can only be used by people with disabilities. This creates all kinds of problems. Many voters reported that because they lack a visible disability poll workers prevented them from using the accessible machine. "The election worker told me I couldn't use it because I

did not look disabled. I told her anyone could use it and how did she know if I was disabled or not. She said it was just for people who were blind, deaf, and were using wheelchairs. I told her that was wrong. Another worker said they were not well trained on how to set up the BMDs. The device was placed in an area that was not private and it was not turned on. Many people had problems in Broome County.” (Susan Ruff, Director of Advocacy, Southern Tier Independence Center, Binghamton, New York)

- California has put a policy in place that says if four or fewer votes are cast on the accessible device, those votes will not be counted.
- Most states have a policy in place that in case of long lines a voter with a disability may wait her turn while seated. Rarely are people in line informed of this policy, either by sign or announcement. One voter reports “I waited in line for nearly three hours... I have difficulty standing for long periods and my back was in severe pain from having stood that long.”
- Poll workers deciding someone isn’t capable of voting. People in Texas who are developmentally disabled, psychiatrically disabled or deaf were all discriminated against in the last election. In a few cases the protection and advocacy groups were able to successfully intervene.

Besides poor poll worker training there are still problems with accessibility. Regrettably there are still many polling places that are not wheelchair accessible. This is particularly frustrating after the government has spent hundreds of millions of dollars buying accessible voting machines which have been placed in inaccessible polling places.

- A survey conducted this summer in Columbus, Ohio found that considerably more than half of all polling places were not wheelchair accessible. In Somerville, Massachusetts the board of elections reported that all their polling places were accessible. The disability community surveyed every polling place in the city and found that out of 21 polling places, 15 were not accessible. What is particularly frustrating about many inaccessible polling places is that the inaccessibility is relatively inexpensive and easy to fix. “Most of the problems encountered were with parking issues, accessible routes, lack of signage, steps or “lips” at entry doors and ramps being blocked or being too steep.”(Maryann Donaldson, Architectural Modification Consultant, Resource Center for Accessible Living, Inc.) In New York City the disability community has been surveying polling places for nine years. Often after reporting a polling place inaccessible, it is still inaccessible for the next election. The report states “Below are the number of sites visited during each survey and the number of sites where access barriers were found:

November 2003	31 Sites Visited, 14 Sites or 42% with Barriers
March 2004	44 Sites Visited, 30 Sites or 68% with Barriers
September 2004	35 Sites Visited, 15 Sites or 43% with Barriers
November 2004	85 Sites Visited, 52 Sites or 61% with Barriers
November 2005	77 Sites Visited, 57 Sites or 74% with Barriers
November 2006	15 Sites Visited, 15 Sites or 100% with Barriers
November 2007	50 Sites Visited, 42 Sites or 84% with Barriers
February 2008	34 Sites Visited, 29 Sites or 85% with Barriers

September 2008	24 Sites Visited, 21 Sites or 87% with Barriers
November 2008	65 Sites Visited, 54 Sites or 83% with Barriers

Since 2003, CIDNY has conducted 460 site surveys, finding 329 with barriers, or 72% overall. We have visited 310 polling locations throughout New York City, surveying many locations several times over the years.” (Center for Independence of the Disabled, NY)

- In Terre Haute, Indiana accessibility was denied at an early voting site.
- In Tennessee, only 4 out of 38 counties had accessible sample ballots on their website.

Thanks to the foresight of the Committee on House Administration, the Government Accountability Office conducted a national survey on voting accessibility last November. I expect that the report, to be issued later this year, will show considerable progress has been made. I am certain that the report will corroborate the fact that with improved poll worker training many more voters will be able to vote privately and independently. Our country should be grateful to the millions of citizens who volunteer as poll workers. Unfortunately the training for poll workers in much of the country is inadequate on all points of election management, not just disability. Much of the country provides only two to four hours of training. Most of this training is lecture, not hands on or dialogue. This substandard poll worker training is a major factor challenging the general confidence in our elections system. A recent report from the University of Utah found that quality of the voter poll worker interaction is the most important factor in determining a voter’s confidence that her vote will be counted accurately. (Hall, Thad, J. Quin Monson, and Kelly D. Patterson. 2008. The human dimension of elections: How poll workers shape public confidence in elections. *Political Research Quarterly*.) AAPD urges this committee to conduct a hearing specifically on poll worker recruitment and training.

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Center for Independence of the Disabled, NY



PROMISES DELAYED...*AGAIN*

For New Yorkers with disabilities, voting equality remains out of reach



Voter who uses a wheelchair and has low vision tries to navigate the "accessible" pathway to the voting area at PS 53 in Manhattan.

CIDNY November 2008 Poll Site Accessibility Survey and Individual Voter Surveys

After nine elections documenting New York City's poor record of complying with accessibility standards, and a Department of Justice lawsuit directing New York to provide accessibility to voters with disabilities, voters went to the polls to cast their votes only to find that the promises of the 2002 Help America Vote Act (HAVA) were denied to them yet again.

November 4, 2008 was the first General Election with accessible voting machines in each polling site. With the anticipation of this historic presidential election, record turnout and the prospect of accessible voting machines, people with disabilities were looking forward to participating in person at their neighborhood polling sites. To assess the extent to which expectations for full voting equality were met, CIDNY collected surveys of individual voters, in addition to conducting the poll site accessibility surveys we have done during every election since 2003.

THE POLL WORKERS WERE NOT READY

Individual reports from voters confirmed the apprehension expressed in CIDNY's report on the September 9, 2008 primary: that New York spent millions of dollars on accessible voting machines, called Ballot Marking Devices (BMDs), but people with disabilities would not be able to use them due to ill prepared poll workers. At poll sites all over the City, poll workers revealed that they had not received enough training, actively discouraged voters from using the BMDs and breached the right to privacy by watching voters use the BMD. One BMD voter said, "There was such a lack of the accepted structure for voting. They weren't prepared to treat it the same as other forms of voting and respect this as an accommodation for people with disabilities. It has to be taken much more seriously as a way to really give people who feel they might be excluded the right to vote."

CIDNY poll site accessibility surveys were conducted in New York City in November 2003, March 2004, September 2004, November 2004, November 2005, November 2006, November 2007, February 2008, September 2008 and November 2008.

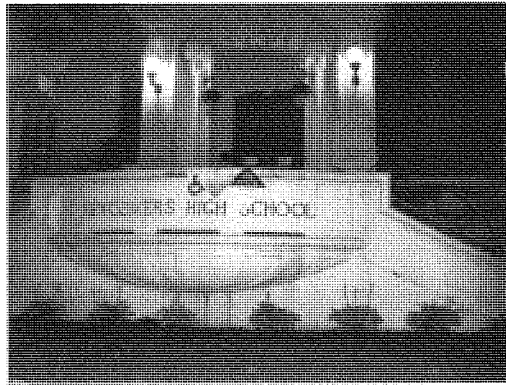
Below are the number of sites visited during each survey and the number of sites where access barriers were found:

November 2003	31 Sites Visited, 14 Sites or 42% with Barriers
March 2004	44 Sites Visited, 30 Sites or 68% with Barriers
September 2004	35 Sites Visited, 15 Sites or 43% with Barriers
November 2004	85 Sites Visited, 52 Sites or 61% with Barriers
November 2005	77 Sites Visited, 57 Sites or 74% with Barriers
November 2006	15 Sites Visited, 15 Sites or 100% with Barriers
November 2007	50 Sites Visited, 42 Sites or 84% with Barriers
February 2008	34 Sites Visited, 29 Sites or 85% with Barriers
September 2008	24 Sites Visited, 21 Sites or 87% with Barriers
November 2008	65 Sites Visited, 54 Sites or 83% with Barriers

Since 2003, CIDNY has conducted 460 site surveys, finding 329 with barriers, or 72% overall. We have visited 310 polling locations throughout New York City, surveying many locations several times over the years.

GETTING IN THE DOOR IS STILL A BARRIER

CIDNY also conducted accessibility surveys of 65 polling sites throughout the city. We found barriers to access at 54 or 83 percent of the sites. Many of these barriers are the same ones we have encountered during each of our nine previous election day surveys. Equally disheartening is the fact that the overwhelming majority of these barriers, such as poor signage and blocked pathways, require few resources to correct. We are still waiting for the day when people with disabilities can have confidence that when they go to their polling sites on Election Day, they will be able to find the accessible entrance and get to the voting machines.



Accessible Entrance?

This poll site at Newcomers High School in Queens shows an accessible sign on a stairway. Directions to the accessible entrance at this location were very confusing.

DOCUMENTING THE VOTING EXPERIENCE

"I have waited 40 years for the opportunity to vote privately and independently! I admit to being in tears as I put my ballot in my folder, so that nobody could see how I voted."

CIDNY collected 54 surveys from voters who documented their experiences. We also received numerous phone calls and emails from individuals who related their Election Day stories. Of all the people who reported using the BMD, the author of the above quote, while noting some glitches, gave the only emphatically positive response. The satisfaction conveyed in this quote represents what we expect to be the standard experience for voters with disabilities during an election. The following issues raised in survey responses must be addressed before truly accessible voting can become a reality. To view a complete summary of the Individual Voter Survey, including full narrative responses, go to www.cidny.org or click this link: [CIDNY November 2008 Individual Voter Survey Summary](#)

ACTIVE DISCOURAGEMENT BY POLL WORKERS

"She tried to convince me my vote would not be counted today if I used the BMD. I was convinced that neither she nor any of the staff had received any training in using the BMD, therefore, she was working hard to get me and any other disabled voters who might follow me, to use the general voting machines."
Voter

"I don't like the machine. I'm not encouraging any of my staff to encourage people to use it." Poll Site Supervisor

"I was given many dirty looks for asking to use the new machines." Voter

Several survey respondents wrote that poll workers should offer the BMD to people. Instead the opposite occurred. We heard repeatedly from individual surveys, emails and phone calls that poll workers tried to convince voters to steer clear of the BMD. Not having received adequate training, poll workers appeared to lack the confidence needed to introduce voters to the new accessible machine. A poll worker explained to a survey respondent that the training on the BMD was only twenty minutes long without an opportunity to touch the machine. However, there were examples of poll workers who rallied to help voters use the machine despite their discomfort, only to discover the extent to which their limited training hampered them. One person wrote that after he voted on the BMD the poll worker "didn't know what to do with the ballot."

"I had to question 8 poll workers [about the BMD] before one could direct me appropriately." Voter

Some voters were told that they could not use the BMD because no one at the polling site was trained. At times, the lack of knowledge extended to misinformation. One survey respondent quoted a poll worker who said, "BMD votes would not be counted on Election Day." Others reported hearing poll workers telling people that the BMD machines were for "handicapped only."

"The BMD was placed in the narrowest spot in the back of the auditorium. I had difficulty maneuvering to get myself directly in front of the screen so that I could operate the machine." Voter

Discouragement also came in the form of BMD placement. Among survey respondents who used the BMD, 41 percent said the machine was not easy to see when they came into the voting area. One person commented that he did not use the BMD because "it was located in a far corner." Ironically, a machine designed to be accessible for people with disabilities was often placed in ways that made access difficult for the very people it was meant to serve. A voter who attempted to use the BMD at a second polling site because the one at his designated polling place was not working wrote: "Neither of the BMD machines that I attempted to use was even located in a position that a person in a wheelchair could approach and cast a ballot. Both of the machines were situated so that using them was automatically going to be a production. In fact, the Joralemon Street BMD had supplies piled on top of it."

"I HAD NO PRIVACY"

The concept of the secret ballot is fundamental to the democratic process. BMDs have the potential to make voting by secret ballot a possibility for those who, using the lever machines would otherwise have to rely on help from another person. Due to poor implementation, however, many voters with disabilities were unable to enjoy the right to private voting during the November 4th election.

"A political party inspector at the polling place apparently was very interested in how the BMD worked, so much to the point that he walked over and started watching me cast my ballot." Voter

"I had no privacy . . . a woman stood in back of me demonstrating how to use the BMD, another stood on the side of the BMD watching me vote." Voter

"The poll worker ended up looking at my ballot to see whether anything had been printed... so my vote wasn't private any more, which defeated the whole purpose of the BMD!" Voter

"She [poll worker] watched every entry I marked on my 'private' ballot." Voter

"THOSE" PEOPLE

A clear theme that emerged from individual reports was an alarming lack of disability awareness among poll workers and an indisputable need for training. Since 2003, CIDNY has repeatedly brought this issue to the attention of the NYC Board of Elections. In addition to pointed incidents of disrespect, voter surveys revealed occasions when poll workers illegally asked someone if they had a disability. The following disturbing accounts represent a few of the complaints CIDNY received about poll workers who were uncomfortable interacting with people with disabilities.

"People working at the polling place were stammering around me, trying to physically move me around without asking, which is not only intimidating, it is illegal." Voter who is blind

"Throughout my entire experience voting on November 4, Board of Elections staff members continued to speak to my personal care worker, rather than directing comments and questions to me. At the very least, poll workers and BOE staff should be able to treat me with dignity and respect." Voter who is also a lawyer

"Some of the issues are with the machine itself but, more frustrating is the lack of sensitivity, respect or civility offered me and to my personal care assistant by the staff of the poll site . . . The first site coordinator refused to listen to me. It is my style to encourage people to ask me to repeat myself if they are having trouble with my speech. But this woman just refused to listen to me, even when I directly requested she do so . . . she wouldn't even look at me when I spoke." Voter

"NO ONE TOLD ME..."

A survey respondent who voted in his "senior/disabled building" wrote that he did not know that there was a BMD at his polling site. His statement reflects how little effort was made by the NYC Board of Elections to inform voters about the new voting machine. Sixty-seven percent of those who completed the survey said they did not receive any materials about the BMD from the New York City Board of Elections before the election. Among those who did receive materials, 25 percent said they found the material confusing and another 25 percent said it was not useful because it was not in an accessible format.

Continuing reports from voters with disabilities provide overwhelming evidence that the New York City Board of Elections has yet to provide adequate information about voting regulations, the new machines and other election related information. Suggestions regarding education outlets that have been continually brought to the Board of Elections from voters as well as from CIDNY and other community groups include:

- Education to voters by TV, radio, handouts, churches, temples, big sign boards in the halls of the voting areas;
- Clear and complete descriptions of voting procedures, changes in registration procedures and information on BMDs in accessible formats on the Board's website;
- Use of no or low-cost outreach including articles in local representatives' newsletters;
- Flyers and other information distributed at community events;
- Year around demonstrations of the BMD;
- Voter registration forms that have places to check off preferred methods of communication and include the full range of formats that people with disabilities use.

STILL STRUGGLING TO GET IN THE DOOR

The problems that have led CIDNY to monitor polling sites over the last five years were echoed by results from the individual voter surveys. Twenty voters out of 54 found barriers to access at their designated polling site.

Of those who found barriers:

- 40% said there were confusing or missing signs outside the polling site;
- 35% said there were items blocking access in the voting area;
- 20% had trouble finding the accessible entrance;
- 20% said that the interior path to voting was confusing.

Clearly, simple and inexpensive fixes could correct these barriers and prevent mobility, visually and cognitively impaired individuals from exhausting themselves trying to enter polling sites and access voting areas. These barriers reflect a general disregard for federally mandated accessibility standards and voting equality for people with disabilities.



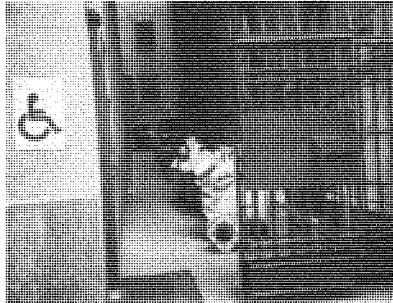
A voter who is a wheel chair user trying to navigate boxes, staff and inadequate signage to find his way from the accessible entrance to the voting area at PS 215 in Queens.

In addition to feedback from individuals about their experiences voting at their polling sites, CIDNY continued its polling site surveys, documenting accessibility at 65 polling sites throughout the City on November 4th. While we did note some improvements, such as door monitors stationed at most accessible entrances, we also found barriers at 83 percent of the 65 sites. Of the sites surveyed, 45 percent had entryway barriers, 45 percent had exterior signage barriers, 38 percent had ramp barriers and 41 percent had interior access barriers. To view a list of the polling sites surveyed and details about the barriers that were identified, go to www.cidny.org or click this link: [November 2008 Chart of Polling Sites](#)

DÉJÀ VU

We compared photos from our November 2008 surveys with photos from previous surveys, and chose examples where low or no-cost remedies would eliminate the barriers:

Some voters still have to make their way through garbage piles to get to the accessible entrance. A no-cost removal of the garbage would make this accessible pathway less hazardous and insulting for people who use wheelchairs, walkers or have vision impairments.

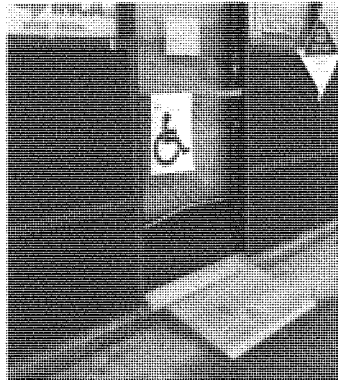


November 2007 at Baruch College on East 27th St



November 2008 at PS 150 in Queens

Temporary wooden ramps fail to meet the standards of the Americans with Disabilities Act (ADA). This problem could be remedied with a bevel at the doorway.

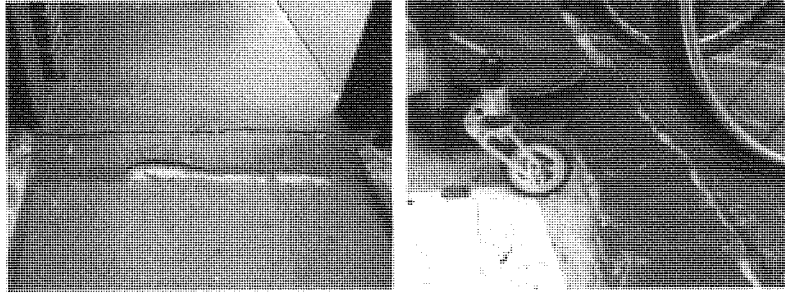


February 2008 at 29-21 21st Avenue, Astoria



November 2008 at 2200 Madison Avenue, Manhattan

This cracked segment at the top of the ramp at Madison Community Center in Far Rockaway also has a steep drop. It presents a tripping/falling hazard for those using wheelchairs or walkers, and people with visual impairments. Election Day 2007 (left) and Election Day 2008 (right), same spot.



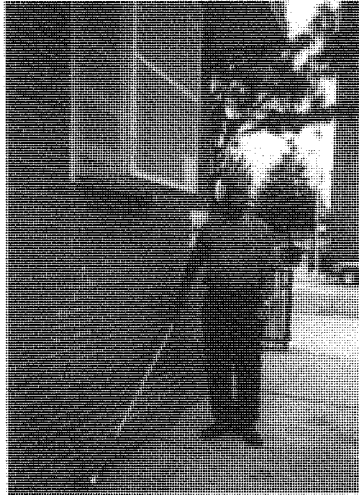
Cement blocks used to keep doors open create tripping hazards and cut into the doorway's clearance. For under \$100, a spring door closer with a "stay-open" mechanism could solve these problems.



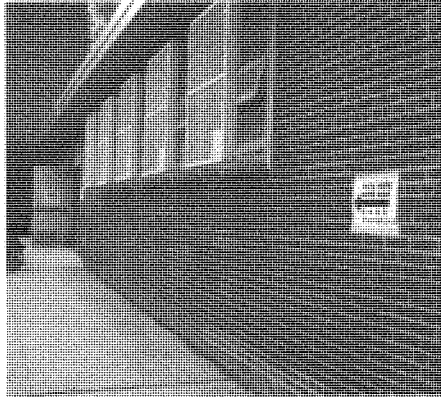
Nov 2007 at Far Rockaway High School

November 2008 at MS 333 in Far Rockaway

This hazard for people with visual impairments at PS 199 in Queens could easily be corrected with cones under the windows. At \$6.00 per cone (or \$30 for this site), voters who are blind or have low-vision could be assured that they would not risk a head injury while trying to access their voting site.



September 2008



November 2008

Since 2003, of the 329 sites with barriers, 201 sites had two or more barriers, and 83 sites had three or more barriers.

Of the 329 sites where CIDNY found barriers:

56% (185) had entryway barriers

57% (186) had signage barriers

38% (125) had ramp barriers

42% (138) had interior access barriers

People with Disabilities Still Off The Radar

Exactly one week after the election, at the November 11, 2008 NYC Board of Elections Commissioners Meeting, the members were in a self-congratulatory mood over what was felt to be a "remarkably successful election." The difficulties voters with disabilities experienced were 'off the radar'. The message sent was that the little investment required to make a huge difference to members of the disability community is not worth undertaking.

If the tally of ballots from BMDs is low, it will not be because people with disabilities did not try to use the new accessible machines. On the contrary, voters attempted to use the BMDs and were unable to because the Board of Elections was unprepared. The assertion that the BMDs are a waste because people with disabilities are uninterested is unfounded. As this report demonstrates, people with disabilities are not content to surrender their right to vote privately and independently.

The Board of Elections contends that it has not had the money to train poll workers on the BMDs. The Board has consistently cited the Mayor's refusal to provide more funds as an excuse for falling short on poll worker training. We believe that the Mayor and the Board of Elections should stop bickering and find a way to provide New Yorkers with trained poll workers on Election Day. Neither the Board nor the Mayor can abdicate their responsibilities to ensure truly equal access to all voters.

The Board has had more than five years to train poll workers on disability awareness and accessibility and prepare them for the accessible features on the new voting machines. They have had offers of help from CIDNY, other disability-related organizations and good government groups, who are willing to assist in poll worker training, communications strategies for educating voters, and recruiting new poll workers to increase the ranks of those who can operate the new machines. Yet the Board of Elections continues to delay implementing no or low-cost remedies to address accessibility, voter education and communication in accessible formats, and creative alternatives for recruiting new poll workers. We sincerely hope that the next time the Commissioners feel congratulations are in order, it will be because equal voting has become a reality for New Yorkers with disabilities.

CIDNY Poll Site Accessibility surveys were made possible by the dedication and hard work of CIDNY volunteers, staff and students from area colleges. Special thanks to the students and professor of Barnard College's Race, Ethnicity and Immigration in Urban America class.

We are grateful to all the voters who took the time to share their stories and complete our Individual Voter Survey.

For more information about polling site access in New York City and CIDNY's recommendations for removing barriers to voting, please visit our website at www.cidny.org.

MARYLAND

STATE BOARD OF ELECTIONS
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Linda H. Lamone
 Administrator
 Ross Goldstein
 Deputy Administrator

Date: March 27, 2009

To: Nikki Trella, Director, Election Reform

From: Rick Urps, Deputy Director, Election Reform

Re: Analysis of Audio Ballot Voting Unit Survey

Background

In order to assess the quality of the voting process using the audio ballot voting unit (Visually Impaired Ballot System (VIBS)), the Maryland State Board of Elections (SBE) created a survey and requested the assistance of voters with the completion of a survey. The intent is to use the information gathered from the survey responses to determine the voters' satisfaction with the VIBS and to assess the need for adjustments or changes to the VIBS and related processes.

A total of 426 voters were selected to receive the survey because, during the 2008 General Election, election judges issued them voter access cards for the VIBS. This information was captured during the check-in process prior to voting.

The survey was mailed on (or about) February 27, 2009. A pre-addressed, postage pre-paid envelope was enclosed for the voter to send the completed survey to SBE. The voters were also given the option to submit their responses via telephone to SBE. The deadline for responding to the survey was indicated on the survey form as March 20, 2009.

The survey consisted of 13 questions with "yes" or "no" answers. In addition, respondents were given the opportunity to provide comments on their experience using the VIBS and to provide suggestions for improvement.

Response Rate

A total of 149 responses were received from the list of 426 voters who were sent survey forms. This is a 35.0% response rate. From these responses:

- 143 are included in the data compilation (33.6% of total sent);
- 3 are excluded because the respondents did not attempt to complete the forms;
- 2 are excluded because the respondents indicated that they are deaf and are not visually impaired;
- 1 is excluded because the response indicates the voter is deceased.

A total of 13 survey requests were returned to SBE as undeliverable.

Summary of Survey Responses

Most respondents (78.3%) were aware of their option to use the VIBS unit prior to entering the polling place. Most respondents (83.8%) requested to use the VIBS when they checked in to vote. Most respondents (88.7%) did not try to use a touch screen voting unit prior to requesting an audio ballot.

While 29.4% of the respondents indicated that an election judge did not explain how to use the VIBS unit, this rate may be misleadingly high. Several respondents indicated that the judges didn't help them because they were already familiar with the units.

Of concern to several respondents (19.9%) was that the VIBS units were not set up and ready to use. In addition to the extra time needed to set up the units, several respondents indicated that election judges appeared poorly trained about how to set up the VIBS units and could not provide instructions.

Respondents indicate that the keypad was easy to use (96.4%) and the headphone was comfortable (97.8%). Most respondents (87.9%) indicated the sound quality was clear and was not playing too fast (95%).

Many respondents (24.3%) indicated that the sound was playing too slow. Perhaps these respondents did not know how to use the keypad to speed up the sound or the election judges did not explain how to do it. Or the respondents may have intended to comment on the system's vote review process that several respondents indicated was slow.

A significant percentage of respondents (30.3%) indicated that they asked for assistance before or while using the VIBS. Most respondents who asked for assistance (85%) indicated that they had no difficulty getting an election judge to help. Also, most respondents (84.6%) indicated that the election judge was helpful.

Most respondents (89.5%) indicated that there was an adequate level of privacy while they voted.

In addition, most respondents (96.9%) indicated that they thought their votes were accurately cast.

Respondent Comments and Suggestions

- Overwhelmingly, respondents were very pleased, to very enthusiastic, about their experience with the VIBS voting units. The respondents urged that the system be continued. Several respondents expressed their concern about the implementation of a new voting system and its impact on their ability to vote independently.
- Many respondents expressed their appreciation for the opportunity to vote independently.

- Privacy was an issue with some respondents because they were uncomfortable with proximity of other people. Some respondents suggest that the units be placed in a more secluded location.
- Some respondents indicated that the noise level from other voters and election judges was distracting and made the VIBS unit hard to hear. Respondents suggest that election judges be trained to be sensitive to the noise level in the polling place.
- Several respondents expressed frustration about the vote review process of the VIBS unit that required them to go through the entire process again. They suggested that the system allow them to review their votes only.
- Some respondents indicate that they would like to be able to go quickly to their selections without having to listen to all instructions, candidates' names, and ballot issue descriptions. These respondents indicated that they had already made their decisions prior to entering the polling place.
- Some respondents indicated that the VIBS units were not set up prior to their attempt to vote. Some indicated that the election judges appeared to be untrained about the VIBS units. They suggest that this issue be corrected through emphasis in judges' training. One respondent suggested that instructions for judges on how to set up the VIBS unit be posted on the unit.

Conclusions

The VIBS units performed well during the 2008 General Election.

Blind and visually impaired voters are very appreciative of the VIBS and are concerned about its availability in future elections.

Action Items

Election judges' training should place more emphasis on the VIBS unit to ensure that the election judges are knowledgeable about setting up and the use of the units. Perhaps post instructions for election judges on the VIBS unit.

Chief judges should make certain that the VIBS units are set up and ready prior to opening the polls.

Election judges should be trained to be sensitive to the amount of noise in the polling place when someone is using the VIBS.

Election judges should be trained to be sensitive to the voters' concern about privacy while the voters are using the VIBS units .

I have attached the survey form with responses to date. I have also attached a list of the actual comments and suggestions provided by respondents.

cc: Linda Lamone
Ross Goldstein

November 28, 2008

To: Jeff Dougan, Assistant Director, MOD

Michelle Tassinari, Director/Legal Counsel, MA Elections Dept.

Barry Rafkind, Co-Chair, Somerville Human Rights Commission

From: Eileen Feldman, Disability rights advocate, former chair, Somerville
Commission for Persons with DisAbilities

Jeff,

Thank you for your response to the inquiries from Barry and myself.

A sampling of Somerville polling sites were viewed during the Primary and Presidential Elections, 2008, and residents also reported problems they encountered to writer. [In addition, information was offered to city staff after 2006 polling site review- some information from that report included here, as may be relevant.]

Requests were made, in writing, for City ADA Coordinator and Elections Commissioner to evaluate all polling places prior to Election Day, but writer was informed that there were no issues to resolve. Notification was also provided to same staff, in writing, regarding various constituent complaints regarding AutoMARK machines during 9/16/08 Primary: the machines were not turned on, poll workers did not seem to know how to operate machines, ink not available, and headphones not available. Elections Commissioner responded that these problems were not evident to him during his inspection.

I contacted MOD Director for guidance in mid-October, no response.

Ward One, Precinct 1 (Capuano School): Constituent report: Door to accessible entrance was not capable of being operated without assistance.

Ward One, Precinct 2 (East Library): No van accessible parking space available. Interior not viewed; however, in 2006, an unobstructed path 36 inches wide was not available due to the crowded conditions.

Ward One, Precinct 3 plus Ward Four, Precinct 2 (Reilly-Brick Fire Station): Site inaccessible from designated HP space, from street, and from both ends of sidewalk because no continuous common surface. No level, smooth path to entrance. No van-accessible space. 4 Photos (11/4/08) follow:

Front ENTRANCE VIEW:



Sidewalk view from Walnut Street:



Sidewalk view towards polling entrance, from HP-designated spot:



Sidewalk terrain in front of entrance, side view::



Ward Two, Precinct 3: Viewed in 2006: No van-accessible parking provided.

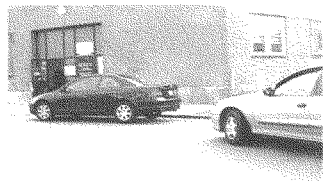
Ward Three, Precinct 2 (Cummings School): A parent reports that this school is not accessible; I have no further details.

Ward Four, Precinct 2 (Reilly Brick) see above.

Ward Four, Precinct 3 (Winter Hill Community School): Constituent report: Door not independently operable.

Ward Five, Precinct 1 (DPW): [In 2006, polling room was viewed and poll workers interviewed. The room was cramped (no interior accessible aisle available), down stairs (no accessible entrance), and no van-accessible space.] In 2008: no van-accessible parking space. Interior not viewed. Sidewalk path to entrance not a continuous common surface. Photos (11/4/08) below.

Entrance curbcut blocked by cars:



Non-continuous sidewalk to DPW entrance:



HP signage:



Ward Five, Precinct 2 (Browne School): A parent reports that this school has no wheelchair-accessible entrance. No further details available.

Ward Five, Precinct 3 (engine 7): 2 reports that ballots not made available at AutoMARK machine, and that that privacy sleeves were not provided once ballots were provided. One report that voter was not given option to vote independently, despite ability to do so. In addition, it was reported that poll workers talked about voters with disabilities as though they were invisible, even though they were standing right there (as in: "Do you think s/he'll need help?"). No van-accessible space.

Ward Six, Precinct 1 (Dilboy Post): "Accessible entrance" not independently accessible or by access code. No van-accessible space. Photos (11/4/08):

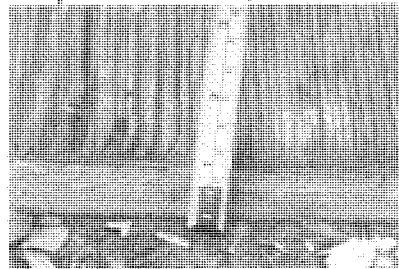
Main entrance (accessible entrance sign at bottom right of building):



Back entrance view- not independently accessible:



Ramp transition 1 inch, unbeveled:



Ward Six, Precinct 2 (Ciampa Manor): Constituent report: Entrance not capable of being operated without assistance. Exterior viewed by writer: No accessible entrance signage posted (main entrance includes gate less than 36 inches wide). No van-accessible parking. [In 2006, interior was viewed: main entrance led to a down stairs polling room and no accessible interior route available.]

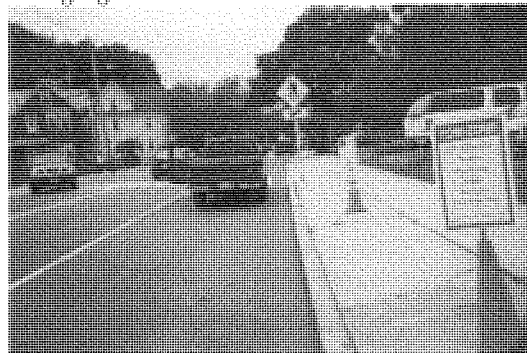
Ward Six, Precinct 3 (Chapel Street church): No van-accessible space.

Ward Seven, Precinct 1: (TAB building): Photos taken during Primary voting day, 9/16/08:

Van access denied:

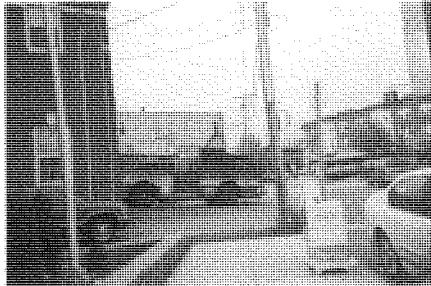


HP signage:



Ward Seven, Precinct 3 (Teele Square Fire Station): No accessible entrance offered. Sidewalks from all sides not continuous or unobstructed; width of sidewalk from curbscut obstructed, preventing 36 inch continuous path to entrance. No van-accessible space, no drop off available. [In 2006, poll workers interviewed and displayed significant antipathy towards voters with disabilities not voting absentee. Discarded voter materials and books covered the "disabled voters" table. No interior accessible route.] (11/4/08 photo on Somerville Journal website showed no accessible entrance again.)
4 Photos from primary voting day, 9/16/08 follow.

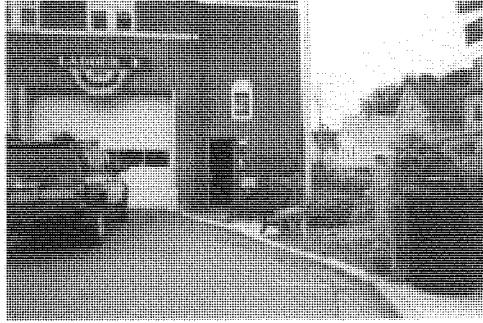
Sidewalk obstructed on all sides. This is approach from Holland Street.



Only available polling entrance:



No alternate accessible entrance provided:



HP Parking signage and sidewalk view:



CIDNY's November 4th 2008 Individual Voting Survey Summary

54 Voters took part in CIDNY's Individual Voter Survey on Election Day, November 4, 2008. Each voter was asked to fill out the surveys as soon after they voted as possible. What follows is a summary of the responses we received. CIDNY thanks SurveyMonkey.com for providing a data collection and survey analysis tool.

1. If you have a Disability, please check all that apply:		
Answer Options	Response Percent	Response Count
Physical	60.9%	28
Hearing	13.0%	6
Visual	23.9%	11
Cognitive	8.7%	4
Mental Health	10.9%	5
Comments		4
	answered question	46
	skipped question	8

2. How does your disability affect your ability to vote privately and independently? (Check all that apply)		
Answer Options	Response Percent	Response Count
Unable to turn levers without assistance	26.7%	12
Unable to reach levers	40.0%	18
Cannot see the candidates' names	26.7%	12
Hard to concentrate in booth	8.9%	4
Not enough light in booth	11.1%	5
Unsure if I voted for what I wanted	8.9%	4
Does not affect my ability to vote	37.8%	17
Comments		11
	answered question	45
	skipped question	9

3. Did you know there would be an accessible BMD (Ballot Marking Device) machine at this poll site?		
Answer Options	Response Percent	Response Count
Yes	72.2%	39
No	27.8%	15
	answered question	54
	skipped question	0

4. Did you receive any materials from the Board of Elections about the BMD before the election?		
Answer Options	Response Percent	Response Count
Yes	34.6%	18
No	67.3%	35
	answered question	52
	skipped question	2

5. If you answered yes to question 5, which best describes the materials:		
Answer Options	Response Percent	Response Count
It helped me understand the BMD	31.3%	5
I would have liked more information about how the machine works/addresses my needs	31.3%	5
I found the material confusing/unclear	25.0%	4
The mailing was not useful because it wasn't in an accessible format	25.0%	4
Comments		6
	answered question	16
	skipped question	38

Comment Text for #5:

1. I didn't pay it much attention, as it didn't apply to me.
2. it was too complicated. the lever machine is easier to understand & use.
3. it just mention that there would be a device
4. Didn't receive anything from BOE. A friend sent an article from Citizens Union, which was useful.
5. I don't remember what it said, it was before the primary
6. actually, I don't know if I received material because if I did and it wasn't in an accessible format I couldn't read it. I did receive such material that I knew about in the last election and it was inaccessible.

6. Did you use a BMD machine today?		
Answer Options	Response Percent	Response Count
Yes	54.9%	28
No	45.1%	23
Comments		23
	answered question	51
	skipped question	3

Comment Text for #6: If you did not use the BMD machine, why not?

1. Did not need to.
2. Did not see or ask for the BMD machine.
3. They said it wasn't working.
4. Since located in far corner. When questioned, was told that is where election people placed it - in unlighted far corner.
5. Don't need it.
6. I did not need it - I can ambulate with a cane.
7. There was none or nobody told me if there was one.
8. I place they were not
9. voted by absentee ballot
10. was not on
11. same as #6 answer
12. because it was broken
13. see comments
14. no need to
15. they never told me
16. no need
17. I had a personal assistant
18. Was inoperable despite attempts to repair it
19. Because the ballot is not counted until the end of the day (as said by an election official).
20. I tried to use it and the volume wasn't loud enough. Because I was only trying to hear the directions and not vote, I was able to skip it and go to the regular booths.
21. I didn't know there was one; poll workers didn't direct me to a BMD
22. Primary
23. The ballot did not fit in the machine

7. Did the BMD eliminate the barriers selected above?		
Answer Options	Response Percent	Response Count
Yes	36.2%	17
No	14.9%	7
Unsure	8.5%	4
Not Applicable	40.4%	19
	answered question	47
	skipped question	7

8. What was your previous method of voting?		
Answer Options	Response Percent	Response Count
Lever Machine	53.8%	28
Lever Machine with assistance	28.8%	15
BMD at special sites	9.6%	5
Absentee Ballot	5.8%	3
This is the first time I voted	0.0%	0
I haven't voted in years	1.9%	1
	answered question	52
	skipped question	2

9. Was the BMD an improvement over your previous manner of voting?		
Answer Options	Response Percent	Response Count
Yes	44.2%	19
No	41.9%	18
Unsure	9.3%	4
This is the first time I voted	4.7%	2
I haven't voted in years	0.0%	0
	answered question	43
	skipped question	11

10. Were you able to vote privately and independently?		
Answer Options	Response Percent	Response Count
Yes	70.0%	35
No	26.0%	13
Unsure	4.0%	2
	answered question	50
	skipped question	4

11. Were you able to vote within a reasonable amount of time?		
Answer Options	Response Percent	Response Count
Yes	74.5%	38
No	19.6%	10
Unsure	5.9%	3
	answered question	51
	skipped question	3

12. Based on your experience on Nov 4th, what is your preferred method of voting?		
Answer Options	Response Percent	Response Count
At my polling site with everyone else	90.4%	47
At home by absentee ballot	9.6%	5
	answered question	52
	skipped question	2

13. Have you used a BMD before, either in an election or at a public demonstration?		
Answer Options	Response Percent	Response Count
Yes	47.2%	25
No	52.8%	28
	answered question	53
	skipped question	1

14. Did you encounter any of the following when you voted? (Check all that apply)		
Answer Options	Response Percent	Response Count
Confusing/missing signs outside the poll site	40.0%	8
Hard to find accessible entrance	20.0%	4
Locked doors at accessible entrance	10.0%	2
Doors that were hard to open	10.0%	2
Doors/paths that were too narrow	15.0%	3
Problem Ramps	0.0%	0
Confusing path to voting	20.0%	4
Long path to voting	0.0%	0
Items blocking access in voting area	35.0%	7
	answered question	20
	skipped question	34

15. Was the BMD machine placed in the same area as the lever machines?		
Answer Options	Response Percent	Response Count
Yes	62.2%	28
No	37.8%	17
	answered question	45
	skipped question	9

16. Was the BMD machine easy to see when you came into the voting area?		
Answer Options	Response Percent	Response Count
Yes	53.7%	22
No	46.3%	19
	answered question	41
	skipped question	13

17. Was the area around the BMD clear so that you could access it easily?		
Answer Options	Response Percent	Response Count
Yes	66.7%	28
No	33.3%	14
	answered question	42
	skipped question	12

18. How would you rate your interactions with poll workers?		
Answer Options	Response Percent	Response Count
Positive	66.7%	34
Neutral	23.5%	12
Negative	9.8%	5
	answered question	51
	skipped question	3

19. How would you rate the information/instructions you received from the poll workers about the machines?		
Answer Options	Response Percent	Response Count
Positive	27.7%	13
Neutral	48.9%	23
Negative	23.4%	11
	answered question	47
	skipped question	7

20. How do you rate your overall experience voting on Nov 4th?		
Answer Options	Response Percent	Response Count
Positive	47.2%	25
Neutral	32.1%	17
Negative	20.8%	11
	answered question	53
	skipped question	1

21. Any suggestions on making improvements for the next election?	
Answer Options	Response Count
	39
answered question	39
skipped question	15

Any suggestions on making improvements for the next election?

Comment Text

1. Instructions on machine usage. Something available to reach touch screen. Less pressure required to press keypad buttons. Being given paper ballot to insert after signing in. Signage alerting everyone to BMD. Testing poll workers on their ability to use and instruct disabled individuals how to vote using the BMD.
2. The BMD should be more visible to voters who use them. I was actually informed in this year's prior election (when I asked) that BMDs were for the disabled only, even though I have 2 disabilities, which, however, are not readily visible.
3. The new machines or other devices, methods of voting. Can and must be more information on how to use and year around demonstrations of this device.
4. Only one person knew how to operate the machine. I had to wait 15-20 minutes. Everyone should know how to operate the BMD.
5. 1. More education to voters re: BMD by TV, radio, handouts, churches, temples. 2. Better training to staff and volunteers. Big sign boards in the halls. BMD at entrance. 3. Ballot paper should carry a face photo of candidate for fast identification of voters with difficulty.
6. Info should be sent out to all those affiliated with disabled rights organizations so people are aware of the BMDs.
7. People living in nursing homes should receive ballots that appear properly without stereotyping.
8. Have the BMD machines.
9. There wasn't the appropriate privacy or awareness about the machine and its use.
10. yes
11. No
12. Disability etiquette is needed and training with the BMD is absolutely necessary!
13. The BMD is too complicated. If it needs someone there to explain it to me, I would rather have someone assist me in the lever machine, which is legal. Also the BMD is electronic, which is able to be hacked. This machine is a big waste of tax money.
14. make sure the machines work
15. couldn't get headset loud enough - had to hold volume button down a long time, holding ear pieces to ears. When you vote once the name the contest, you have to arrow down - Senator, vote for 3 - if your using keyboard next contest, etc, repeats, doesn't go to ballot
16. train multiple poll workers on the whole range of the BMD. Make sure they can instruct voters clearly on how to use the BMD.
17. They should have more than one machine, one for the disabled and a line for the disabled

18. Ensure complete privacy at BMD, ensure proper working order of BMD, and ensure proper education of poll workers about BMD

19. BMD machines need to be rigorously maintained & consistent training required

20. Questions 19 and 20 are difficult to answer. The actual poll worker monitoring the BMD was VERY kind and helpful. However, the routine poll workers were unfamiliar with the BMD process. I had to question 8 poll workers before one could direct me appropriately.

21. The workers have to know how to interact with people with disabilities and know how to work the equipment.

22. Train the workers on the BMDs and identify the BMD and post signs about the BMD and suggest to workers that they offer the BMD to people

23. The poll workers at the specific electoral district need to be better trained on the procedures for someone to vote via the BMD (I am not referring to the poll worker who was assigned to and trained to operate the BMD)

24. I think they need more training. One person commented that they had only worked it once - I don't think she really felt confident with the BMD.

25. better trained poll-workers

26. The workers at the table where I signed in really didn't have much of a clue. They need more awareness coaching.

27. train all the employees in how to use the machine; give them a chance to try it (since it doesn't register votes, why not have every pollworker do a practice ballot?) and train pollworkers to use all the devices that come with the BMD.

28. Teach poll workers exactly what happens when the BMD vote happens. When it is counted.

29. the machines should be really accessible and not "sort of for some". The buttons should be more responsive or there need to be more levels of adjustment for the speech - we were only able to make it normal or fast, nothing in between and nothing slower (not that I needed that but some would). The pitch should be adjustable. The layout of the control buttons was OK for me as a braille reader as I could keep checking, but for someone who wasn't it would be hard to remember and there was no need to abbreviate the Braille, there should have been room for the whole word related to each control, and labels should have been in a standard relationship to the buttons (above or below or left or right) instead of the random arrangement used. There need to be options for someone who has more than one disability. Speech on the talking machines needs to be loud enough for someone who also has a hearing impairment and there also needs to be Braille output. It did not seem that I would have been able to use an alternate input method if I also need speech output. there needs to be the option for someone to use their own input/output device with full access for their needs via Bluetooth connection. People who have been working on real prototypes for universal design for years should be the ones paid to design the systems and not people who have no knowledge of what is needed. At least, I think that is what happened as when I went to a demo of a different machine, the people who had designed it knew nothing about the complex needs of blind and low vision users and didn't even know braille output was possible. Material about voting in general as well as accessible machines needs to be distributed in accessible formats. Which means both that voter registration forms need to have places to check off preferred methods of communication and the full range of formats that people use needs to be included, and that all parts of our government who send us mail need to keep that sort of information so that whichever branch is communicating with us about "anything" we will have access to it, including mailings by elected officials and people running for office. People running for office or sending other political material via the mail should be afforded a readily available method for mailing to people who need accessible forms of reading material. Email should be an included format. As a blind person it is assumed that recorded information or "reading things out loud" is good enough and I am not sure that most blind people really can process or remember a lot of information that way but I cannot. I don't even know if this information was available to sighted people, but I did my best and always do to try to find out exactly what I will be voting on ahead of time - including from the board of elections web site, and I am inevitably surprised by finding things on the ballot I didn't know would be there and thus with no way to research them. the information we get in an accessible format ahead of time (and at present the only accessible format is that which is available on-line) needs to be comprehensive. Web sites need to be fully accessible. The board of elections web site was not. Information available to voters on-line in pdf format, such as a candidates list on the board of elections web site, should also be available in plain text and html formats as, especially for someone using access technology that takes up ram, pdf files can be very large and thus only accessible to people with new computers with a lot of RAM. They are also not accessible to blind computer users who can't afford to have the most recent versions of screen readers using the most recent versions of all other software, or to blind computer users who don't have a decent level of technical ability as one needs to know to download the accessible version of the acrobat reader and be able to do that download and installation. It is inevitably going to be difficult for a blind person to find their way around a polling place. However, what wasn't done was to have someone at the front door to let people know where to go nor was there a clear place as there has been in the past inside the voting room. There used to be an

information table in the front and there wasn't this time. However, just as in the past, people who were there to offer help didn't know what to do. The one person who had been trained on the accessible machine had had training in guiding blind people and had been taught sighted guide technique. It would be better to offer training in communicating because if someone needs to take your arm they can tell you that if you are communicating but different people have different needs and communication has always and still is a problem. Except for that one trained person, people working at the polling place were stammering around me, trying to physically move me around without asking which is not only intimidating, it is illegal, , and haven't either this time or in the past been able to exchange direct back and forth information, perhaps because so much emphasis is placed on "technique" that they are trying to figure out a technique for moving someone rather than communicating with a person. An example of direct communication might be "I am a poll worker. This is an information area. Can I offer you any help. Instead of what I got which was someone reaching out for me, me stepping back, me not knowing this was someone who had purpose there and not just a neighbor, him saying "uh, do you know where you are going?" me saying "do you work here?" him saying "no. but, uh, we're here to help you." Then, instead of what I got which was him asking me what district I was in and me saying "is there supposed to be an accessible voting machine" and him saying." oh, ... oh.. yes, yes, I do think there is something like that, just wait, I'm going to find the person who is trained on that." All voters should just be told about the accessible machine since many who might make use of it wouldn't know which means people up front, who really should have had a table and not just been wandering around, all of them should know about the machine, tell people about it, and know exactly where to find people who know how to use them and there really should be more than one person who does. forms such as this survey should be fully accessible. There are problems with the radio buttons here and how they are done. If you don't know how to do that, someone should test them with at least the two most commonly used screen readers in the US. Edit fields like this one asking for suggestions should be designed to make it easier to edit your work. I needed to write this elsewhere and paste it in. Then the field wouldn't take my line breaks and I had to paste it in one line at a time. Very arduous. Make it easier. I could make other suggestions for disabilities other than blindness. I didn't even include low vision issues, but that is all I have time for right now. All in all, it didn't seem like any thought went into access, nor any real resource. At least not going to people who understand cross disability access or access at all.

30. Signage re BMD machine

31. more machines

32. include full instructions for the machine, inc. how to insert ballot

33. special poll worker for the BMD

34. Poll workers need more training on how to set up the BMDs and how to instruct individuals on how to use them. The BMDs need to be more thoroughly tested before being deployed for use in polling sites in order to lessen the chances of equipment malfunction.

35. Informed poll workers and compatible ballots.

36. SIGNAGE!

37. my polling site is small w/s machines & a BMD I dread next yr when we all use BMDs

38. I would like more directions on how to mark ballot or view all choices.

39. Would like and hope that my poling site to be accessible

22. Do you have any other comments you would like to make about your voting experience on Nov 4th?

Answer Options	Response Count
	38
answered question	38
skipped question	16

Do you have any other comments you would like to make about your voting experience on Nov 4th?

Comment Text

1. With the exception of the entry/exit door to the mini-school site remaining fully open (a first), there was nothing positive about my ability to vote independently. Herewith is a brief description of today's experience. I located my district sign-in table, once again in the hallway, with the booth immediately past the table, with

insufficient space between it and the wall to negotiate into with my wheelchair. Since my physical limitations don't allow for independent voting using the current setup, I had gone alone because I planned on using the ballot marking equipment on the site for the first time. I saw no such machine and there was no signage as a guide and so asked the woman manning the table where it was and where I should sign in. She directed me to the room where other district areas were set up. I noticed a metal object on wheels and surmised this might be the Ballot Marker device. When the nearest poll worker noticed me at the end of the line, I mouthed my request to use the machine and told her my district #, asking where I should sign in. She said to go back into the hallway and tell the worker there to have me sign in. I did and was handed a card, the one you give back after pulling the lever. In reading it, I saw that she had written a number on the line for Machine 1 and the printed line for the Ballot Marker was left blank. Back in the room with the Ballot Marker, I pointed out what I thought was an error. The poll worker had no idea what line should have been filled in. I inquired whether their training included the new machine and was told "You are the first person to use it." (It was now 2:30 pm.) I next had to request that the machine be pulled out, so that I had clearance to go behind it and face toward the screen. Next I asked whether it was set up for my district. "No, give me a minute to get the ballot." Perhaps four minutes later she returned with the long paper ballot, making four attempts to feed it into the machine so that it would screen in. The screen indicated I was ready to proceed, but pushing "Next" on the bottom of the screen didn't bring up the ballot, so I called the poll worker over to ask what I should do. She touched the "More" area on the upper part of the screen and it worked. However, I cannot raise up my arms and such reach requirements isn't a reasonable accommodation for me. She then explained that "You can vote for McCain on any party line you wish and that no matter who you are voting for, you don't need to vote for everyone." (I overheard similar directions being given by another poll worker to a first-time voter whose name was not in the register and so was being shown how to use an affidavit paper ballot.) To my amazement, as I navigated down the party listing for President/vice president candidates, moving the yellow bar via the down arrow on the affixed keypad, I noticed the oval next to McCain's name was filled in. At this point, I had made no selection, so I called the worker over. She said to start over and removed the paper ballot. On two tries after she pushed it in, she got an error message. I noticed that the ballot was hitting the right edge which raised it up a bit and asked her to let me try getting it in "really flat" and this worked. If I got to the bottom of the screen and pressed "Next" I got a screen that said I hadn't voted properly. It was only by struggling and leaning way over sideways was I able to have the strength to engage the bottom "Move" message on the screen and continue. Finally, I was ready to complete the process. (I lost track of when or why I called the worker back and she leaned her arm over the top and asked me to direct her finger (verbally) to the top "More" message so she could "assist" me in doing the right thing.) At any rate, a paper ballot emerged reflecting my vote. I was directed to fold it and go out and place it in the box at my district table. "It will be counted here tonight." When I got back to the exit door, a person in a manual wheelchair was being pushed by an assistant. They spoke Spanish to the worker at the door and as they were moving on, I asked the worker if she mentioned the Ballot Marker and she shouted something in Spanish, but they were too far along to have heard. My elapse time at P.S. 11 was one half hour. Had I taken my marked absentee ballot and placed it in the box, I would have been out in three minutes. Had I come with an assistant and used the inaccessible booth, I would have been out in three minutes, something I no longer want to be subjected to. For more years than I care to reveal, I have been active in obtaining independent voting rights for all persons with varying types of disabilities - public testimonies, written experiences and evaluations, site surveys following the Hill vs. New York City settlement agreement by Jane Stevens at Brooklyn Legal Services, testing numerous potential machines, responding to all the requests to the members of the major disability organizations. It is disgraceful to have been subjected to this voting experience. PLEASE SPEAK OUT LOUDER, CLEARER AND WITH AS MUCH EMPHASIS AS YOU CAN MUSTER, TO "FINALLY" HAVE THE LACK OF INDEPENDENT VOTING ACCESS SATISFACTORILY RESOLVED.

2. My voting experience was excellent. I accompanied a number of friends to my polling site and arrived at 6AM, and was astonished to see nearly 200 persons. Yet, once the doors opened to the polling site, I had completed my task in 15 minutes.

3. Today was a long wait. First, the machine (lever/old make) was broken. The regular poll workers were very patient and diligent to inform voters. There needs to be more experienced poll workers.

4. I had no privacy. Woman stood in back of me demonstrating how to use the BMD. another stood on the side of the BMD watching me vote.

5. These type of BMD should improve in design. Better tech is used in other parts of world. Young democracy in India, biggest is using electronic voting. Our machine should "touch sensitive" battery operated (stand by) types. I was given an impression that this machine is for the disabled persons. Since no one was there or knew how to operate, I called supervisor, who was hazy about the usage. The machine was placed in the same area as the lever machines but far away. The ware around the BMD was not easily accessible because chairs were stored by the side.

6. It was explained to me that the BMD was separated to give more space and privacy. Also, the outlet needed to plug it in was off to the side when one enters.

7. The poll workers cleared paths for me through the maze of tables and voters both to and from my election district. They were extremely helpful and kind, without being condescending. They are to be commended.

8. No stereotyping on people who live in nursing homes.

9. I vote in my senior/disabled building. There were no BMD machines.

10. The pollworkers need to understand how the machine works and the importance of such a machine for a voter with disabilities. They were friendly but limited in their understanding about the various ways that the machine served the needs of a person with disabilities. I felt that they just weren't prepared to do it in a way that was the same as other forms of voting and that respected this as an accommodation for people with disabilities. I like the idea of it but it has to be taken much more seriously as a way to really give people who feel they might be excluded or denied the right to vote. After I voted, he (poll worker) didn't know what to do with the ballot. There was such a lack of the accepted structure for voting. Because there was a long line, I was able to use the BMD and vote more quickly than waiting to use the levers. But my first ballot came out blank. I had no privacy - the poll worker hovered near because of the novelty. The poll worker said he was trained but the training did not go deep. He was friendly, a little scared, willing to try to figure it out, but he got frustrated when the first attempt didn't work. The problems are the lack of privacy of the vote, lack of understanding of the machine and the lack of encouragement to people with disabilities to use it. No one asked if there was anyone with a disability who would like to use the BMD.

11. neutral

12. I prefer to vote by absentee ballot at home - no hassles - privacy - plenty of time

13. None

14. They said the machine broken & waiting for new one, so used lever machine. The BOE sends out a lot of material - we never get that info in format we can read

15. found person - and BMD was broken all morning, called for maintenance. Poll supervisor gave her cell# and machine was fixed. You can't leave once you've signed in, but didn't tell her that. called and got ok from Board, used BMD

16. No one had voted on the BMD at the polling site that serves 8EDs with 11 lever machines and one BMD. Poll workers inserted the ballot incorrectly at first but got it to scan. I was unable to vote for multiple judges but when I continued it did alert me that I had undervoted. Going back I was still unable to get more than one to light up but at the end I was able to vote for multiple judges when I correct the ballot. The machine stopped processing my ballot and a message came up that there was an error while printing. Poll workers called at 7:30 and were told someone would come. They asked if I would like to vote affidavit. Someone did come at 8:20. The ballot had printed and was stuck in the machine, it was correct, put in envelope

17. Tell people about the new machine in advance

18. Unusually crowded (more people voting than usual), but did receive some help from staff by their doing some organizing of crowd by Election District

19. One poll worker told me it would be easier to vote on the lever machine, and my vote will be counted sooner on the lever machine. When I first came to vote the poll worker trained to use the machine was not there. I had to come back 1/2 hour later.

20. make a demand for every site to have a BMD machine. if there's no BMD that site will not open

21. It took me 45 mins to cast my vote, after two attempts. There was NO privacy at all; poll workers were very nice

22. Poll workers were well meaning but naive

23. At approximately 12:20 I started the process to exercise my right to vote in what is arguably the most important election of my life. Although I was eventually able to cast an absentee ballot, it took almost 6 hours, two appearances before Supreme Court Judge Schack, and numerous frustrating interactions with a variety of Board of Elections employees at two different polling sites and at the Brooklyn Board of Elections headquarters, not to mention the 28 blocks of rolling around downtown Brooklyn in the drizzling rain. After signing into the book at my originally designated polling site (116 AD, 52 ED) I was immediately directed to use the standard lever machine. The Ballot Marking Device (BMD) was not even offered as a possible alternative. I gently informed the poll workers that the BMD would be the only way that I would be able to cast my ballot privately and independently. It is very obvious that I am a person with a significant physical disability and I had to explain that I needed to use the "sip & puff" switch. Essentially these remarks were ignored and I was again directed to the lever machine. The excuse that I was given was that the printer was not working. However, since I was the first person that had asked about the machine, I am not certain how they could make such a statement. Again I was importuned to use the lever machine "if I wanted my vote to be counted." After 10 to 15 minutes I left to call for legal advice. I returned to my apartment and telephoned Mr. Dennis Boyd, of New York Lawyers for the Public Interest to discuss my options. Mr. Boyd assisted in contacting the Board of Elections administrative offices and after a number of calls we eventually spoke with Eleanor who expedited the dispatch of a technician to the Pierrepont Street polling site. Within the next hour, one of the poll workers knocked on my door and announced that the technician had arrived. Immediately I

went downstairs at approximately 2:15 p.m. and attempted for the second time to vote. Unfortunately things did not go any better the second time around. Again I informed the poll workers that I would need to use the "sip & puff" switch in order to be able to use the machine. This time there was a different poll worker who had returned from a break, but he was completely unfamiliar with the technology. The initial poll worker said "we were told that you would know how to use the equipment." Naturally I thought that the BOE technician was there to assist. However, she seemed to be standing in the background and was not providing any help. When I suggested that the BOE technician should know how to use the equipment, she finally came forward. To my amazement she announced "I am only trained on how to plug it in and turn it on." She maintained that she did not know anything about any of the accessibility features. Again the poll workers strongly urge me to use the inaccessible lever machines or cast a provisional ballot. By now it was 2:35 and I returned to my apartment to seek further legal advice. During this series of telephone calls the previously mentioned Eleanor, from the Board of Elections called me to proudly announce that a technician had been dispatched. I explained to her again that my rights to vote independently and privately had been completely frustrated. Mr. Boyd informed me that there was a special judge assigned to resolve election matters who would be available at the Brooklyn BOE headquarters. At approximately 3:15 I left my apartment for 345 Adams St to seek judicial relief. In the meantime Mr. Boyd contacted Judge Schack and explained my situation. When I arrived at the Brooklyn BOE headquarters I was escorted to the judge. After explaining my situation again, Judge Schack quickly signed an order directing the BOE to allow me to vote on a Ballot Marking Device anywhere within the 52nd Election District. Following the judge's order, I spoke directly with Brooklyn BOE staff that were facilitating compliance with the order and explained that I wanted an assurance that there was a functioning machine with poll workers that actually knew how to use the equipment. They agreed that that was a fair request and went off to further confirm where I should go to vote. When the BOE staff member returned she specifically directed me to the Joralemon Street polling site. She provided a list of poll workers who allegedly had been trained on using the BMD. During these interactions with BOE I asked whether there was a BMD at the Brooklyn headquarters. She informed me that there was not one on the site at all. By now it was a few minutes after four o'clock and I headed to Joralemon Street to continue my struggle to vote. When I arrived at the Joralemon Street polling site, I presented my order from Judge Schack. Quickly I realized that this attempt was also going to be fraught with difficulties. The poll worker had to read the order many times and repeatedly tried to direct me back to my original polling site at Pierrepont Street. Eventually another poll worker (John Flannery) intervened and understood the order. After explaining to the other poll workers what needed to occur, he started to move the BMD so that I could approach the equipment. Although it was approaching 4:30 in the afternoon, my effort to use the BMD was the first at this poll site. I am confident that this was the first attempt to use the BMD because I witnessed that the package of sealed ballots had to have the plastic removed. The BMD was situated between two tables and facing the wall. Again, there was absolutely no way that a voter in a wheelchair could even get close to the machine. Next, the BMD needed to be moved and that caused the extension cord to become unplugged which caused a series of software and computer problems. One of the few procedural steps that the poll worker was aware of was the need to use the sterile glove for the purposes of setting up the "sip & puff" mechanism. But even that turned into a keystone-poll-worker-routine. The worker had no idea where the gloves were located and it took him 15 minutes just to find them. Once they were found, they became completely contaminated as he was scurrying around trying to figure out the system. All the while, former neighbors of mine were casting their ballots at the adjacent table and I felt that everyone was wondering what type of medical procedure was about to occur. Eventually, another poll worker who was a little more comfortable with computer technology took more of a proactive/assertive role. This person was a little younger and by profession is a banker. Without having much training, he tried to get the system working. He realized that the BMD had become unplugged and required a software reboot. As we waited for more than 20 minutes, the first poll worker confessed almost proudly that he is a computer illiterate. Finally, we collectively quit after waiting for the BMD to reboot for approximately 25 minutes. It was at this time (5:15) that I decided to return to the Board of Elections seeking further relief from Judge Schack. Upon my return, Judge Schack greeted me warmly, expecting affirmative results. Apart from being sympathetic to my anger and frustration, Judge Schack accepted my request for an order to have an absentee ballot provided by the BOE. Shortly before entering the improvised courtroom, I passed a BOE conference room with a BMD system (photo supplied subsequently). Throughout my entire experience voting on November 4, Board of Elections staff members continued to speak to my personal care worker, rather than directing comments and questions to me. As a person with a significant physical disability, being taken seriously is a constant struggle, despite my professional and educational background. At the very least, poll workers and BOE staff should be able to treat me with dignity and respect. Furthermore, neither of the BMD machines that I attempted to use was even located in a position that a person in a wheelchair could approach and cast a ballot. Both of the machines were situated so that using them was automatically going to be a production. In fact, the Joralemon Street BMD had supplies piled on top of it.

24. When I told the poll worker that I couldn't remember what to do, he said you voted in the primary but that was awhile ago and I forgot. Also, he told me that no one at the polling site was trained on the BMD because

the chief poll worker who was trained had broken her ankles and wasn't there. They begged for a replacement who was trained but the Board of Elections didn't send anyone. The worker who helped me had seen her help me in the primary so he knew something about the BMD and he got more information from her over the phone. That's not good enough. The Board of Elections has to train everyone on the BMD machines! This polling place has gotten more accessible over the years than it used to be. The door used to be locked or impossible to open. I never have any problems getting in anymore (I use a wheelchair). The door is always open. I voted about 4:30 p.m. and I was the first person to use the BMD at this polling site and probably the only person to use it.

25. A number of comments: Initially, someone who I know personally, who was a political party inspector at the polling place, apparently was very interested in how the BMD worked, so much to the point that he walked over and starting watching me cast my ballot. When I explained that he shouldn't be standing by me while I voted because this was supposed to be a secret ballot, he said he wasn't watching who I was voting for just looking how it worked. I had to repeat to him several times that he should not be there until the BMD poll watcher became aware of this person and chased him away. When I finalized my ballot and was waiting for the ballot to be ejected from the machine the BMD developed a "printing error" and required the person assigned to the BMD to refer to the BMD manual since he had not been trained or encountered such an issue previously. The poll worker called the Bd of Elections Emergency Breakdown phone # for Queens and was on hold for close to 30 minutes. He then called the Staten Island phone # for Emergency Breakdowns and spoke to a person immediately but told the poll worker that he had to call the Queens ph # to resolve - he could not assist him. Outrageous! After another 5-10 minutes on hold elapsed until the poll worker spoke with Bd of Elections and they were able to get the BMD to operate. The result was that my original ballot had to be voided. I had no trouble using the BMD for the replacement ballot and all went smooth with the machine part. When the poll worker assisted me with the marked ballot he folded it up and advised me to bring it over to my electoral district and have them place the ballot in a cardboard ballot box that was supposed to be on the floor under the table at each Electoral District. The people working the table said they either took the box apart already or had not put it together as of then (I am not sure what the actual story was). The bottom line was they had no clue. When I explained that I had a secret ballot and I wanted it to be placed in a secure receptacle until the votes would be tabulated. One of the woman wanted me to go back to the BMD poll worker and ask him to come over and explain to them what had to be done. Having been there for close to an hour already I told them that they need to get the attention of the poll worker - not me. Finally, the BMD poll worker came over and assembled the cardboard ballot box and my ballot was deposited. I demonstrated extreme patience in this whole ordeal and realize that this is new but the workers need to be better trained to handle the procedure. They actually tried to discourage me from using the BMD which I think is appalling (sic). As an aside, during the Primary I encountered a problem with someone wanting to close the front door entrance of the school because of a concern of her child walking out of the school, which would have made the polling place inaccessible for many. This time a Bd of Elections worker was stationed at the open front door.

26. When I got to the machine, they said we can read it me, I said, no, I don't want you to read it to me. I need the audio portion. They gave me headphones - I played around with it but I felt rushed. They didn't seem to have time for me to get it to work. There was a Democrat and Republican on either side of me, they read me the choices and let me select but then they were doing the selections - I told them what to select. And then they read me the proposition. The ballot went through the printer, couldn't get it out, had to take it apart. Got it out and dropped it on the box. I could have done just as well as I've done in the past in the booth. As far as the machine was concerned it was not positive because it didn't do what it was supposed to do. Didn't get to vote privately and independently. That was disappointing because I did it a few years ago, and had the thrill of doing it privately.

27. When I went to vote, I asked the person at the front desk if I could use the new machines. She knew nothing about them, and told me to wait in line for my district and ask the people there. Not wanting to wait in line unnecessarily, I asked another woman sitting in front of the machines if I could use them. She said they were for "handicapped only". I told her she was mistaken, and she said that was what she was told at her training. Finally, another woman came and said it was fine for me to use the machines, in the mean time, a blind woman came and wanted to use the machines as well. The staff was quite flustered at this point, and didn't seem sure of procedure. Two people were called who were supposedly the designated people trained on the machines, yet they were also very confused. One went to help the blind woman sign in while I stood in line to sign in. I was given many dirty looks for asking to use the new machines, and when I went to my district line the staff there also did not know what to do. I was concerned that they would mess up my vote by not placing it in the right place or messing something up so it looked like I voted both on the lever machines and on the BMDs. Finally they had me sign the registration book, and printed a card out for me with the lever machine number and checked BMD. Then I went back to try to use the BMD. The blind woman had given up on it, she said the sound was bad on the headphones, and she decided to vote on the old lever machines. Though the poll site worker was with me, I ended up figuring out the machine myself (which I don't think would have been very easy if I was visually impaired) and then went ahead and voted. I

had trouble with the touch screen and the sound on the headphones was very fast and did fade in and out. Once I was done, I tried to print out my ticket, but another ballot was still in there which we did not know about, so it printed on that. It turned out ok, so that is what I was told to put in an affidavit envelope. I wrote BMD on it myself as I was worried it would be mistaken for an affidavit, and they finally were able to find an envelope designated for BMD votes. Poll workers told me that they were not supposed to let people know about the machines, and only allow access if someone asked. One poll worker said the training on the machine was only 20 minutes, with no opportunity to actually try to use the machines physically.

28. The BMD, though not exactly in the same area as the lever machines was quite close by, and the amount of ambient noise actually made it hard to concentrate. I had the volume up as loud as I could get it, and it was still a challenge. But, all in all, it worked. I have waited 40 years for the opportunity to vote privately and independently! I admit to being in tears as I put my ballot in my folder, so that nobody could see how I voted.

29. 1. The BMD printed a mistake: I changed one of my votes, and it accepted my changed vote on the screen but not on the printed ballot. 2) The check-in poll workers didn't know (nor did I) that the check-in card had to be filled out differently for a BMD user; 3) There was a space in the check-in book to check if I used the BMD, but they didn't check it.

30. Nobody even made a suggestion re a BMD machine; I never saw one.

31. printer jammed

32. exciting to vote, but annoying that no one knew how to get the ballot into the machine. I mean, it happened, but it took a while and it was all guessing because there weren't any instructions for that part.

33. the machine was balky, but I could see

34. The poll worker wasn't sure where the headsets were or even where to plug them into the BMD. He said someone had come earlier in the day to use the machine but that upon printing the ballot, there was a malfunction, and part of the ballot never got printed. This is the same thing that happened to me. I went through the whole ballot; and upon printing it out, there was an error message that the paper had jammed. The poll worker ended up looking at my ballot to see whether anything had been printed, and he said that everything printed out except for the proposal, which was on the other side of the paper. So my vote wasn't private anymore, which defeated the whole purpose of the BMD! He said that the BMD took 45 minutes to boot up, which we both felt was ridiculous in this day and age. He said they'd never had any hands-on training on the use of the BMDs and were only in a class of 20 others for training. He said he was given a 100-page manual to read. If the machine had worked correctly, I would say I had a positive experience with it. But I can't really say that under the circumstances.

35. I was disappointed in how disorganized everything was.

36. It was crazy I dread when we all use BMDs

37. not a single BMD sign!

38. The first pollworker discouraged me from using the BMD - he asked me if I was disabled and said it would take 20 min. The 2nd pollworker gave me a bit of an exasperated look when I asked to use the BMD. The 3rd pollworker, who assisted me, was very positive and helpful.

From: Maryann Donaldson [mailto:mDonaldson@rcal.org]
Sent: Tuesday, March 10, 2009 1:03 PM
To: Vote
Cc: Fran Wishnick
Subject: Election Review Comments

RCAL is an Independent Living Center that promotes inclusion and advocates for people with disabilities throughout Ulster County. For the past 10 years RCAL staff and volunteers have performed polling site surveys to see if the sites are accessible for people with disabilities. Currently there are 108 polling sites in Ulster County. For the Nov 4, 2008 election 99 sites were inspected. Our agency was informed by our local Board of Elections once again that all sites were fully accessible. They also told us that temporary solutions such as portable ramps, temporary parking, etc would be in place for the places we informed them about in previous years that had problems. Less than 1% of all the sites inspected were classified as being fully accessible. Please note, these are sites that have been previously reported as having problems and still have not been addressed. Most of the problems encountered were with parking issues, accessible routes, lack of signage, steps or "lips" at entry doors and ramps being blocked or being too steep. I've attached a couple of photos documenting a few of these problems. Basically, if people can not get into the site to vote then it really doesn't matter whether the voting machines are accessible or not.

Maryann Donaldson, Architectural Modification Consultant

Resource Center for Accessible Living, Inc.
727 Ulster Avenue, Kingston, NY 12401
(845) 331-0541 ext. 27

From: Kim Borowicz [mailto:KBorowicz@accessliving.org]
Sent: Monday, March 09, 2009 10:04 AM
To: Vote
Subject: FW: Obstacles at the polls and with voter registration

I am responding to the email on issues in voter registration and at the polls.

The voter registration form is in small print and is not accessible to me as a vision impaired person. There should be an electronic form available and other alternative formats.

While the voting machines had large font, I was handed forms/info at the polls that were not.

The voting machine I used only showed one of two columns when in large print mode. I had mistakenly thought I finished my ballot and then realized I never voted for the president. This is because I completely missed half of the ballot because only one of the two columns on each page showed up at one time, and I didn't realize I had to scroll to the side.

Not all of the information on the voting machines comes up in large print. The page finder and page numbers do not show up in large print. Nor do the page titles or the scroll bar/arrow. The print out receipt is also not in large print.

The voting machines are extremely slow in large print mode and it is difficult to move through each page because the scroll up/down left/right function is incredibly slow/cumbersome.

From: Garry and Joy Relton [mailto:relton30857@cox.net]
Sent: Sunday, March 08, 2009 7:55 PM
To: Vote
Subject: Problems At Polls

This past election as well as the past years since we have had accessible voting machines in Fairfax county Virginia, I voted using a provisional ballot. This is because, when I attempt to use the touch screen there is no indication whether my vote has been cast for a candidate and then, the electronic ballot goes on. There is no auditory announcement of the selection and often, as was the case last time, the system has been so slow that I don't know which item on the ballot I have progressed to, I ended up going through the ballot without having been given an opportunity to make a selection on several of the offices. When the poll worker came to help me, he couldn't get it to work either. and I have yet to enjoy the right to vote privately and independently. This machine was a waste of money and a very poor choice for persons with either visual problems or dexterity problems and should never have been chosen. I have the right to vote independently and privately but I have yet to be able to enjoy that right completely. I am still voting with the assistance of either my husband or the poll worker. I have more privacy with my bank statements and my bills than I have in casting a vote.

Registering to vote requires me to have someone else fill it out as the form is not provided online or in another accessible format. I have voted every year since 1975 in local, state and national elections. I cherish the right to vote but long for the day when I can exercise that right privately and independently.

-----Original Message-----

From: notify@yahogroups.com [mailto:notify@yahogroups.com] On Behalf Of susan_stockburger

Sent: Monday, March 09, 2009 1:00 PM

To: Vote

Subject: Problems in New York with Vote 2008

I am the Systems Advocate at Independent Living, Inc. a disability organization whose mission is to remove barriers so that persons with disabilities can achieve their highest potential. We monitored the election in November and asked employees and consumers to comment on their experiences at the polls.

I was told that you have been asked to provide the Senate Rules Committee with stories about the November 2008 election - specifically problems encountered by persons with disabilities.

As you may not know, New York has yet to fully comply with the requirements under H.A.V.A., passed in 2002. In fact, the Justice Department sued New York as a result. New York, operating under a consent decree, decided in mid 2008 to offer only a few certified choices for counties in choosing new voting machines.

The new machines were required to be operational at every polling site. Each site had the old lever machines and ONE new machine.

Problems were numerous. Many times the new machine was not in view, in the corner, not plugged in, and not operational.

Other times the machine was available but with no knowledgeable poll worker to operate it.

Other times the machine was placed in a location that did not offer privacy for the secret ballot.

First of all, it was necessary to request the machine, which means you needed to know it was operational and available. There was no information at my polling site about the new machine at all - I had to request it - was told that no one knew how to use it and I needed to be "cripled" in order to use it.

I did eventually use the new machine but only after the poll workers spent about thirty minutes on the phone with the county office. By the way, the poll workers said the county response was that they could not be bothered with questions about the new machines. Too bad!!

Next year the judge has ordered that all lever machines be replaced in New York. Look out!

Susan Stockburger
Systems Advocate
Independent Living, Inc.
5 Washington Terrace
Newburgh, NY 12550
845-565-1162 ext 237

From: Beata Karpinska [mailto:bkarpinska@ariseinc.org]
Sent: Tuesday, March 10, 2009 12:15 PM
To: Vote
Subject: story from Election Day

Hi, my name is Beata Karpinska-Prehn. I am a disability rights advocate from Syracuse, NY. I voted at Drumlins Country Club. When I entered the poll site I was not offered the BMD (Ballot Marking Device) called Sequoia Image Cast that is being used in our county to help pwd's mark their ballots. So I requested it. I have an environmental disability but not an obvious one that someone can see. I was told by the poll worker that it would take me at least 40 minutes to vote on this BMD. Then I was told by another poll worker that I can not use the BMD because I am not "handicapped."

Because I was aware of this machine, I requested that the poll worker call our county's Board of Elections to get a permission for me to use the BMD. After 15 minutes on the phone they finally got through and I was able to use it. It took me less than 10 minutes to mark my ballot on it because I had an opportunity to try it out beforehand when it was on a display. The poll worker was also very familiar with the BMD machine operation. But my concern is that the poll workers at my polling place should not decide who has a disability based on voter's appearance. It should be up to a voter to decide what machine to use. Also, the poll workers should explain to the voters that the new BMD is available to anyone with a disability who wants to use it. Other voters did not know it even existed.

I also spoke to other voters in our county about their experiences in other poll sites. I have learned that in other locations the poll workers were not so familiar with the BMD machines. In one site the BMD was not even plugged in when a voter arrived to use it. Poll workers were not aware how to use the machine in several poll sites or how to use individual parts such as paddles or puff and sip. Machines were also positioned in a way that it did not allow for privacy despite of having a privacy screen. In one site the headphones did not work. At another site the voter had to wait for at least 3 hours because of a paper jam in the BMD. Poll workers were not prepared to handle the new BMD's.

If the BMD machine and scanner for paper ballot get certified in NYS for next year, each poll site will have BMD machines and scanners to scan all paper ballots. At that time BMD's will be the only option, other than a paper ballot completed by hand, for pwd's to vote on. The poll workers will need much more training on the county level to raise up to this task.

Please let me know if you have any questions.

Beata Karpinska-Prehn
Syracuse, NY
315-671-2929

-----Original Message-----

From: Susan Ruff [mailto:advocate@stic-cil.org]

Sent: Monday, March 09, 2009 4:17 PM

To: Vote

Subject: The November election

Thank you for gathering election stories to share with the US Senate Rules Committee. When I voted November 8, I asked to use the ballot marking device (new in NY this year).

The election worker told me I couldn't use it because I did not look disabled. I told her anyone could use it and how did she know if I was disabled or not. She said it was just for people who were blind, deaf, and were using wheelchairs. I told her that was wrong. Another worker said they were not well trained on how to set up the BMDs. The device was placed in an

area that was not private and it was not turned on. Many people had problems in Broome County.

Our county's Board of Elections has worked hard with our Independent Living Center and has made all the polls accessible. They trained their workers, but not well enough it seems.

Susan Ruff
Director of Advocacy
Southern Tier Independence Center
135 East Frederick St.
Binghamton, NY 13904
(607) 724-2111 (voice/TTY)
(607) 772-3613 (fax)

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From: Fran Wishnick [mailto:fwishnick@rcal.org]
Sent: Tuesday, March 10, 2009 11:28 AM
To: Vote
Subject: Voting Difficulties

This was the first year that New York State polls had the new Ballot Marking Devices (BMD) available on election day. In Ulster County, New York, we had several situations where people tried to use the BMD but poll workers did not know how to use it. In one instance, the poll workers called the Ulster County Board of Elections for directions. This allowed the individual to enter a vote and print a ballot but the machine would not cast the vote. This individual tried two times and the BMD still didn't work so she voted on the old lever machine. This process took one hour.

Also, we continue to find many polling places where accessibility to the polling place is an issue. Despite repeated documentation and complaints, several locations still do not have accessible pathways to the building, paths are blocked so that people in wheelchairs cannot navigate, etc.

Fran Wishnick
Public Policy/Advocacy Director
Resource Center for Accessible Living (RCAL)
727 Ulster Avenue

536

From: natalie redmond [mailto:peqyarone@sbcglobal.net]
Sent: Sunday, March 08, 2009 8:32 PM
To: Vote
Subject:

The lines were way too long. There were no clear markings for those who had disability issues to go to a specific area. Then there were only two voting booths at our site for the handicapped. I waited in line nearly three hours and still had to wait inside the building. I have difficulty standing for long periods and my back was in severe pain from having stood that long. If it wasn't for a person standing near me and finding out if there were areas for the handicapped I was gonna leave. The parking was horrible as well.

Natalie Redmond

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From: ted selker [mailto:ted.selker@gmail.com]
Sent: Saturday, March 07, 2009 12:55 AM
To: Vote
Subject: disabled voting problems

I have watched well over 200 polling places vote from 2000 to 2008.

I have seen consistency problems everywhere for disabled voters: Typically

- the "separate but equal" voting equipment is turned off or intimidating to election officials

-assisted voting gets abused by frustrated middle aged children

-assistive devices, such as magnifiers are not easy enough to find when needed

-sample ballots are not used enough by people and are essential to reducing errors for disabled people.

-audio voting systems are difficult to use

I can give actual stories for each of these problems.

Ted Selker Ph.D

past co-director of Caltech/MIT Voting Technology Project