

VOTING IN 2008: TEN SWING STATES

CO-SPONSORED BY COMMON CAUSE AND THE CENTURY FOUNDATION
WRITTEN BY TOVA WANG, SAMUEL OLIKER-FRIEDLAND, MELISSA REISS AND KRISTEN OSHYN

ACKNOWLEDGEMENTS

This report was made possible with generous support from The John Merck Fund, the Quixote Foundation, and the Carnegie Corporation.

We would also like to thank:

All of the people in the offices of the chief elections officers of the ten states who provided us with timely and helpful input.

Renee Paradis, Brennan Center

Teresa James, Project Vote

Nathan Cemenska, Election Law at Moritz, Moritz College of Law at the Ohio State University

Edward Foley, Election Law at Moritz, Moritz College of Law at the Ohio State University

Daniel Tokaji, Election Law at Moritz, Moritz College of Law at the Ohio State University

Eric Marshall, Lawyers Committee for Civil Rights

Jonah Goldman, Lawyers Committee for Civil Rights

Carlean Ponder, Lawyers Committee for Civil Rights

Neil Bradley, ACLU Voting Rights Project

Sean Green, Electionline.org

Elizabeth Westfall, Advancement Project

Donita Judge, Advancement Project

Adam Fogel, Fairvote

David Moon, Fairvote

Kimball Brace, Election Data Services

Brenda Wright, Demos

Jason Renker, The Century Foundation

Mindy Mazur, America Votes

Ian Storrar, Mobilize.org

Laura Seago, Brennan Center

Common Cause staff, especially Michael Surrusco, Susannah Goodman, Derek Cressman, Karen Hobart Flynn, Milo Mumgaard, Mary Boyle, Hae Jin Higgins, Bill Bozarth, Jenny Flanagan, Elena Nunez, Steve Allen, Barry Kaufman, Ben Wilcox.

INTRODUCTION

In 2006, Common Cause, in conjunction with The Century Foundation and the Leadership Conference on Civil Rights, released a report, “Voting in 2006: Have We Solved the Problems of 2004?,” in which we looked at the findings of a post-election symposium on the serious flaws revealed during the 2004 general election and ascertained the extent to which states had successfully addressed these problems in the run-up to the 2006 elections. With the 2008 election only a few months away, this follow-up report, “Voting in 2008: Ten Swing States,” assesses how much progress has been made in the past two years in improving the voting process, and identifies what still needs to be done.

The 2008 general election is shaping up to be historic: election officials are expecting record-breaking turnout around the country, and voter registration is increasing at extraordinary rates. But though the stakes are as high as they have ever been, significant problems in the basic functions of America’s election administration system persist—and in a few cases, have even worsened over the past few years. Stories about long lines at polling places, inadequately trained poll workers, voter registration problems, and disenfranchisement due to voter identification laws and/or their poor implementation, have become a fixture in the election news cycle.

In looking at the challenges voters and candidates may face in 2008, we have not ignored the many positive efforts to address these persistent problems.¹ States, counties, and localities are making significant efforts to educate voters about the election through the Internet. Bills providing for Election Day registration (EDR) were introduced and received support in the legislatures of many states, including seven of the ten we surveyed, as well as in the U.S. Congress. We also have noted many of the inventive solutions that election officials have brought to perennial problems, particularly in poll worker training and recruitment, a notably important issue this year, with turnout predicted to be so high.

But while there has been some progress, many fundamental issues persist because of basic structural problems in our election administration system, some of which are caused by decentralization and a lack of accountability. In most of the areas that we discuss in this report, much of the authority to specify election administration procedure is delegated to localities, resulting in an extremely disparate set of election administration systems. In this patchwork of systems, accountability measures for decisions made throughout each state are also very weak.

While many innovative solutions to election problems are coming out of localities, there are many issues for which it is important to have uniform election administration policies. For example, the procedure for matching information in a voter registration form with existing state databases should not vary widely from county to county—instead, there should be a fair matching standard that is implemented throughout the state. Nor should there be widespread disparities in provisional ballot verification procedures, standards for training poll workers, or minimum standards for the number of machines necessary to ensure efficiency at the polling place.

In this report, we examine what, if any, progress has been made since 2006 in seven battleground states: **Florida, Georgia, Michigan, Missouri, Ohio, Pennsylvania, and Wisconsin**. We also have added three states to our survey, **Colorado, New Mexico, and Virginia**, whose new status as possible swing states—and potential for election administration difficulties—have made them newly relevant to our survey. We have broadened the list of issues we are examining, and looked in greater depth at poll worker training and recruitment, student voting rights, and voter education. Other criteria we examine include laws and policies regarding voter registration and statewide databases, voter identification, challenge laws, deceptive practices, provisional ballots, and allocation of voting machines.

The results, once again, are mixed.

- **Voter Registration:** Many of the most pressing problems from 2006 have gone unaddressed, or have worsened. States are still failing to comply with certain provisions of the National Voting Registration Act designed to make registration forms more accessible to traditionally disenfranchised voters. Many of the states examined here still have either vague or unacceptable standards for verifying the eligibility of a would-be voter: statewide registration databases are still not working the way they should be. Furthermore, states continue to place overly burdensome restrictions on third party voter registration drives to the point where groups like the League of Women Voters may have to shut down their operations. This is especially troubling given these nonpartisan voter registration drives are the way in which very often our most traditionally marginalized communities are brought into the voting system.

- **Voter Identification:** In spite of the ever-mounting evidence that has emerged since 2006 demonstrating that fraud committed at the polling place by the voter is extremely rare, fraud is still regularly used as a justification for passing harsh voter identification laws by state legislators and other elected officials. These laws exist in many of the states we surveyed, and are of a particularly disenfranchising nature in **Georgia** and **Florida**. Moreover, legislatures throughout the country have considered passage of strict voter identification bills within the last two years, and some of those bills have come very close to being enacted. Stringent voter identification laws potentially disenfranchise hundreds of thousands of eligible voters and disproportionately impact minorities, young people, the elderly, poor people, and voters with disabilities, while serving no benefit to the integrity of the election system.
- **Caging and Challenges:** In 2006, we reported that states' laws on this issue often made it too easy for people to challenge a voter on too slim a basis. None of the seven states reviewed in both reports has changed their laws since then. This includes both challenges to a voter's registration eligibility and right to vote at the polls on Election Day. Our new battleground states, **Colorado** and **New Mexico**—two states that have been targeted for challenges—have acceptable, though not ideal, provisions regarding challenges. **Virginia's** law has serious weaknesses.
- **Deceptive Practices:** In every election, flyers, mailers and increasingly robo-calls have been used to purposely give voters (usually in minority communities) misinformation about the voting process. None of the states we surveyed in our last report (except, commendably, **Missouri**) had laws to combat the insidious practice of disseminating deceptive information to voters, and none of them has since passed any legislation in this regard. Among the new states, **Virginia** did recently pass a strong deceptive practices law. In **New Mexico**, it is a fourth degree felony to distribute or display false or misleading instructions pertaining to voting or the conduct of the election.²
- **Provisional Ballots:** The large increase in voter registration and the number of first-time voters in the upcoming election unfortunately makes it likely that we will see an attendant increase in the number of provisional ballots cast in 2008. A surge in registration can make it difficult for election administrators to ensure all new voters are accurately on the rolls, leading voters to arrive at the polls to find that they are not on the list and must cast a provisional ballot. Wide variations in the counting of provisional ballots persist in the states, making this yet another area in which whether a vote will be counted or not depends solely on where a person resides. Our biggest concerns, however, are that polling sites will have insufficient supplies of provisional ballots and that poll workers, overrun with voters, will use provisional ballots when it is not appropriate to do so because it seems like the easier way to deal with problems.
- **Voting Machine Allocation:** In most states, the authority to decide how many voting machines are necessary at a polling place is left to localities, which means that the number of voting machines at a particular precinct may have more to do with the number the precinct can afford than the number of voters who will want to cast a ballot there. Most of the states we surveyed had weak or no allocation laws, and very few had explicit deadlines by which they must decide how many voting machines to allocate. In the past, poor allocation of machines has led to long lines and concerns that machines have been allocated unfairly. Allocation decisions need to be made on more than just guesswork.
- **Poll Worker Recruitment:** With the record high turnout expected this fall, a smooth election will depend in part on having enough poll workers to help process the crowds of voters who show up at the polls. This is another area in the system that is extremely decentralized. In this case, however, decentralization has at times produced inventive and successful results. Unfortunately, the fragmentation means that other counties do not necessarily adopt these proven strategies. Also on the positive side, we are particularly encouraged by the expanding number of programs that allow high school students to serve as poll workers. College and high school students serving as poll workers have been met with almost universal acclaim. On the negative side, however, statewide standards on minimum numbers of poll workers required are inadequate—not surprising given how unclear it is how many poll workers are actually needed to effectively operate a poll site on Election Day.
- **Poll Worker Training:** Our report finds that, despite laws in most states requiring poll worker training, there is often a lack of uniform, effective poll worker training procedures across the state. This is very worrying, since many distressing polling place problems on Election Day are the result of under-trained poll workers. Furthermore, those few states that do not actually require poll worker training by law are leaving their election systems vulnerable to enormous potential problems on Election Day. On the other hand, some state chief elections officers and local administrators are trying innovative methods of poll worker training, using the Internet and other new media to reach a new generation of poll workers.

- **Voter Education:** Recognizing the importance of informed voters for smooth elections, we added a voter education section this year that examines how states communicate election information to voters. As with most other facets of the election system, voter education is decentralized with much of the responsibility falling to local offices. Similar to poll worker recruitment, this decentralization has resulted in some innovation and success on local levels but it has not promoted the spread of successful strategies to areas with less developed programs. States have widely picked up on the Internet as their primary conduit of voting information and their online efforts are commendable; however, states must also be conscientious in their educational efforts of those voters who lack the resources or skills to access information online.
- **Student Voting Rights:** This year, youth participation was already unprecedented in the primaries and student voters are reporting in record numbers that they are planning to vote. While this is truly inspiring, it also leads to concerns about problems young voters may encounter when trying to register and vote. States vary widely in their attitudes towards students registering and voting in the state where they go to school, even though generally speaking students have the right to register and vote using their school address. Voter identification laws are also more likely to present challenges to student voters, depending on the state.

VOTER REGISTRATION

No facet of election administration will be untouched by the record turnout predicted for the 2008 election. However, our country's still disjointed voter registration system may have the most potential to prevent eligible voters from casting a ballot this November. And if problems with voter registration go unfixed, they could well spill over into other troubled areas of election administration; for example, problems with vote registration result in higher numbers of provisional ballots, which generally delay election results and potentially disenfranchise perfectly eligible voters. At all steps in the voter registration process, from distribution of registration forms to eligibility verification to notification, it seems that we have a system that wherever it can places an administrative burden on would-be voters, rather than a streamlined system that enables them to exercise their right to vote with ease.

And while states have come up with some innovative ideas for simplifying the registration process, in general the root problems with voter registration have gone unaddressed, or have worsened since 2006. States are still failing to comply with certain provisions of the National Voting Rights Act designed to make registration forms more accessible to traditionally disenfranchised voters. Many of them still have either vague or unacceptable standards for verifying the eligibility of a would-be voter and statewide registration databases are still not working the way they should be.

Positive Developments

There have been some very positive developments over the past few years in the area of voter registration administration reform. The number of states offering Election Day registration has increased. EDR legislation has been introduced since 2006 in seven of the ten states we surveyed: **Georgia, Michigan, Missouri, New Mexico, Ohio, Pennsylvania, and Virginia.** Wisconsin, perennially an exemplar on this issue, implemented Election Day registration in 1976. Though EDR legislation was not passed in any of the above seven states in which it was introduced, it received considerable support in several of those states, and was actually passed in Iowa, Montana, Wyoming, and Idaho, and in a limited form in North Carolina. An Election Day registration bill was also introduced in Congress by Senators Russ Feingold (D-WI) and Amy Klobuchar (D-MN), and Representative Keith Ellison (D-MN). The bill would allow citizens to register to vote at the polls for all federal elections.³ Also very helpfully, Colorado allows "emergency voter registration" at the county clerk's office for voters who have moved from a different county and did not update their registration, as well as for voters who registered by mail or by a third party organization but whose name does not appear on the rolls.⁴

Another positive development occurred in **Florida**, where **Governor Charlie Crist** signed a law that allows any sixteen or seventeen year old to pre-register to vote.⁵ This means that while the voting age is still eighteen, young people can be registered through high schools and at departments of motor vehicles.

The monumental job of preparing for the 2008 election has also produced some creative solutions. A grant from the Pew Center on the States "Making Voting Work" initiative will fund a new program in **Ohio** which will begin including two voter registration forms in the "welcome packets" sent to people when they register a change of address with the United States Postal Service. The initiative, the first in the nation of its kind, will pilot in 45 Ohio counties and in several other counties in Indiana and Kentucky.⁶ The National Association of Secretaries of State has endorsed this practice and in February passed a resolution encouraging the United States Postal Service to include voter

registration materials in their change of address packets.⁷ Meanwhile localities are making registration forms more widely available. For example, in **Florida's** Escambia and Seminole counties, election supervisors have introduced the "Register at the Register" program, in which registration forms are distributed to local businesses in an effort to give voters more opportunities to vote.⁸

Ongoing Issues

Matching and Verification

There is still, however, much to be concerned about in the area of voter registration. The process by which a potential voter is verified as eligible to vote follows the same basic Help America Vote Act (HAVA) mandated structure in most states. The voter supplies the state with identifying information including full name, residence address, date of birth, and an identifying number (such as a driver's license number, state identification card number, or Social Security number). The information is then matched against existing state records, and if a match is found, the voter's eligibility is verified and his or her name is placed on the registration roll. If a match is not found, then the state must notify the voter and give him or her the opportunity to present evidence of his or her identity. This sounds like a simple process, but in implementation it takes a wide variety of forms, some of which are substantially burdensome, and potentially disenfranchising, to eligible voters.

First of all, the federal matching requirement is quite vague. According to HAVA, "the State shall determine whether the information provided by an individual is sufficient to meet the requirements of this subparagraph, in accordance with state law." These vague guidelines leave states free to determine what constitutes a match for the purposes of verification. Some states (though, thanks to the work of voting rights advocates and litigators, not as many) use an "exact match" standard, which means that in order for a prospective voter's eligibility to be verified, the identification number, name, and date of birth he/she provides on the application must match, character-for-character, the information on record for that person. If the information does not match exactly, the registration is rejected. This policy often results in the rejection of registrations in which the voter has made a minor mistake, or has provided a nickname instead of his or her full name; registrations are also rejected as a result of human error when the information on the form is inputted into the database for matching.

Of the ten states we surveyed in this report, only one, **Florida**, persists in using an exact match standard.⁹ In Florida, if the state is unable to return an exact match for the identifying information a prospective voter provides, the state must notify the prospective voter of the failed match, and request that he or she present election officials with evidence affirming his or her personal identifying number with the original or a copy of his or her driver's license, identification card, or Social Security card, in person or by mail, fax, or email.¹⁰ According to the Brennan Center, this policy resulted in the delay or rejection of over 76,000 registrations in the run-up to the presidential primaries.¹¹

Florida's matching standard was at the center of a contentious lawsuit earlier this year. Several voting rights groups, including Florida NAACP, Haitian-American Grassroots Coalition, and Southwest Voter Registration and Education Project, filed suit against the state, claiming that the matching law unconstitutionally disenfranchises voters.

The federal court enjoined the law in December of 2007, enabling more than 14,000 voters whose registrations had been rejected to vote in Florida's presidential primary. The injunction was appealed and reversed on remand in June 2008. The law will likely be in effect for the registration period running up to the November general election, although as of the time of this writing, the state had not finalized its rules for implementation and applicants whose information did not result in a match were being processed.

Many states are using a substantial or hybrid match standard for determining the eligibility of prospective voters. States using a substantial match standard, including **Colorado**,¹² **Michigan**,¹³ and **Wisconsin**,¹⁴ accept nicknames, common variants, and minor errors such as additions, omissions, and transpositions of digits or characters, when seeking a match. The standard also allows for considerable human intervention.

Even within this category, however, the laws can be ill-defined. In **Colorado**, for example, there is an inconsistency in the regulations governing matching. Colorado Secretary of State Election Rule 30.4.5 allows registrations with minor errors in the identifying information to be accepted at the discretion of an election official "subject to SOS Election Rules 30.5.5."¹⁵ Rule 30.5.5, however, merely says that the registration isn't verified if there is no match on the identifying number.¹⁶ It is unclear whether this excludes election officials from approving a match that hasn't been affirmatively verified against a state or federal database.

According to news reports in **Wisconsin**, “The state board had been poised to adopt a rule allowing voters to cast provisional ballots on Election Day if election officials aren’t able to match their voter registration data with state records and they don’t bring necessary proof of residence to the polls. Provisional ballots would be counted only if a voter provided the proof by the next day.”¹⁷ At the time of this writing, the board had postponed pursuing that policy until data is gathered demonstrating how many voters would end up as negative matches.

States using a hybrid match system, including **Pennsylvania** and **Virginia**, require an exact match for some of the identifying information, usually the identification number, and allow a match to be made at the discretion of the election worker overseeing registration verification. Both of the substantial and hybrid approaches are significant improvements on the exact match standard, and allow election administrators to intercede in instances in which human error and system glitches would otherwise have resulted in the disenfranchisement of voters.

Other than the exact match, the most worrying type of matching standard of all of these is the ill-defined standard. **Georgia**,¹⁸ **Missouri**,¹⁹ **New Mexico**,²⁰ and **Ohio**²¹ all appear to have very vague matching standards. These states have declined to specify publicly what their standard is, suggesting that matching and verification is left to localities. Perhaps more than any other area of election administration, voter registration verification will be impacted by the unusually high number of new voters, and going into the election season without a centrally determined and fair matching standard is a recipe for disenfranchisement.

EXACT MATCH	HYBRID MATCH	SUBSTANTIAL MATCH	STANDARD INSUFFICIENTLY DEFINED
Florida	Pennsylvania Virginia Wisconsin (driver’s license and SSN)	Colorado Michigan Wisconsin (death and felon records)	Georgia Missouri New Mexico Ohio

Election officials are also noticing reverberations of the mortgage-foreclosure crisis in election administration. Many voters affected by the housing crisis remain registered at their former addresses. Only about 10,000 voters have responded to a notice sent out by election officials in Franklin County, Ohio, to 27,000 voters who registered a change-of-address with the U.S. Postal Service but had not yet changed their registration. Election officials report a 25 percent leap in new registration activity in 2008 over the number of new registrations by this point in the 2004 presidential race, and attribute this increase in part to the foreclosure crisis.²²

Third Party Registration

Since in this country, unlike most others, the government is not responsible for ensuring citizens are registered to vote, over the past several years, groups conducting voter registration drives have multiplied in order to assist would-be voters to maneuver through the voter registration process. Claiming concerns about fraud, states have begun to respond by passing laws imposing onerous requirements on these so-called third party voter registration drives. One of the most compelling problems with harsh third party registration rules is that these groups often target their registration drives at traditionally disenfranchised demographics. In the past two years, six of the ten states we surveyed, **Colorado, Florida, Missouri, New Mexico, Ohio, and Wisconsin**, all passed such laws.²³

Of the states we surveyed, only **Georgia** and **Michigan** do not statutorily regulate third party registration groups in some burdensome way. However, Georgia’s Secretary of State has tried to implement regulations on third party registration drives. In 2006, the State Election Board began requiring that each voter registration application be submitted to the election authority in a separately sealed envelope, and the Board made it illegal to photocopy registration forms.²⁴ Both of these policies were successfully contested in federal court by the citizen advocacy groups ACORN, Advancement Project, and by the NAACP.²⁵ In September of 2006, the federal court found that the rules violated the groups’ First Amendment rights and ordered the Secretary of State and the State Election Board to stop enforcing them.²⁶ Nonetheless, there is evidence that some county administrators have continued to try to improperly impose restrictions in 2008.²⁷

The laws fall into several different categories. Most states have laws prohibiting the compensation of voter registration drive workers in proportion to the number of registrations they collect. These types of provisions are reasonable since paying workers by the application has led to isolated cases of workers entering false information

onto the application forms and submitting them. Other laws, however, go further in curbing third party voter registration drive efforts, requiring groups to jump through a variety of administrative hoops in order to submit collected voter registration forms, and imposing a harsh schedule of fines and even criminal penalties on them for failure to comply.

Currently, five of the ten states we surveyed, **Colorado**,²⁸ **Florida**,²⁹ **New Mexico**,³⁰ **Ohio**,³¹ and **Virginia**³² have laws specifying timelines according to which registration forms collected by third party groups must be submitted to the election authority. Most of these states allow registration groups to submit the registration forms within a relatively reasonable time frame of 10 to 15 days of their having been signed. **New Mexico**, however, imposes a markedly more unreasonable constraint, requiring groups to submit forms within 48 hours of their having been signed, and imposes financial penalties for lateness. The Brennan Center and others have sued the state challenging the constitutionality of these and other provisions of the state's law. Such a rule is not only extremely burdensome to voter registration drives, but is to a large extent counter-productive to the goal of preventing registration fraud. It does not allow organizations the time to implement their own internal vetting process before submitting registration forms to elections officials.

Many states are now also requiring voter registration groups to register with the state (of the ten states we surveyed, **Colorado**, **Florida**, **Missouri**, **New Mexico**, and **Ohio**). Some states, including **Colorado**, require members of groups conducting voter registration drives to complete state-sponsored training programs.

In **Ohio**, a registration form collected by a third-party must be submitted to the state within ten days of the registration's date.³³ Violation of these compensation provisions and time limits³⁴ is a fifth degree felony.³⁵

Florida has been the site of major litigation on voter registration drive laws. In 2006, the League of Women Voters of Florida sued then-Secretary of State Sue Cobb in federal court, contesting a law they claimed unconstitutionally required non-partisan voter registration groups, but not partisan groups, to submit registration forms within a narrow timeline and imposing a harsh schedule of fines on groups who did not comply.³⁶ The federal court found the law unconstitutional and ordered the state to stop enforcing the law, ruling that "while the court is extremely reluctant to set aside an enactment of the Legislature, given the magnitude of plaintiff's First Amendment freedoms at stake in this case, the Third-Party Voter Registration Law's civil penalties scheme and exclusion of political parties is unconstitutional."³⁷

After the law was found unconstitutional in August of 2006, the Florida legislature passed a revised version of the law which was approved by the federal court, and the new Secretary of State, Kurt Browning, announced that he would be enforcing the law effective April 30, 2008. The new provisions decrease the amount third-party groups are fined for each violation. Under the new law there is a \$50 fine for each form turned in more than ten days after collection; \$250 for each form turned in past a registration deadline; and \$500 for each lost form. The fines apply to each and every form that is lost or late. Voting rights groups continued the litigation. According to the Brennan Center, "Plaintiffs argue that even with reduced—but significant—fines, the law is so vague that its cumulative effect could be just as risky to non-profit voter registration groups largely operated by volunteers as the earlier version of the law." In August of 2008, the district court refused to block implementation of the law. The issue continues to be litigated.³⁸ Because implementation rules have not yet been adopted, third party voter registration activities are not as of this writing subject to the regulations.³⁹

Databases

Another source of potential problems on and before Election Day will come from the HAVA-mandated statewide computerized voter registration databases. States were required by HAVA to implement these databases by the beginning of 2006, although it has taken several states, notably **Colorado** and **Wisconsin**, considerably longer to get their databases up and running. Mostly the delay appears to have stemmed from contract problems with the states' contractor and payment issues. Regardless of the reason for the delay, in both states, localities have reported having difficulties with the centralized system for the purposes of verifying a voter's registration on Election Day.

Colorado conducted "mock elections" earlier this year, which revealed on-going problems with lag and connectivity.⁴⁰ County election officials discovered that the system responded slowly and had difficulty connecting to the central voter registration database. The system will be used during the election to "check in" voters at the polls. Its more general function is to maintain voter registration lists and determine a voter registration applicant's eligibility to vote. Though there were no disasters during this test, officials are looking at back-up plans in case the system responds too slowly or goes down. Several counties, including Larimer and Mesa counties, will be using their own electronic lists which

they will compile by downloading the official state list ahead of time.⁴¹ In accordance with state law, all counties will have paper back-up lists. County and state officials agree that the problems they encountered during the tests can be resolved with added training and technical adjustments to the system.⁴²

Wisconsin also experienced considerable delays in implementing its database in compliance with HAVA. After vocal displeasure from the public,⁴³ and almost two years after the deadline for HAVA compliance, in December of 2007 the state fired Accenture, the technology firm responsible for building the state's database. The dissolution of the contract was precipitated by Accenture's alleged failure to comply with HAVA-mandated deadlines regarding various database functionalities, such as checks on voter eligibility and purging records of dead voters and felons whose voting rights have been revoked.⁴⁴ The state negotiated a settlement with Accenture and finished developing the matching capabilities in-house. As of August, the state reports that the database is in compliance with HAVA.⁴⁵

The U.S. Department of Justice filed suit against the state of **Missouri** for failing to maintain a statewide voter registration list that was free of the names of dead voters and voters whose addresses had changed. The suit was thrown out in U.S. District Court on the basis that the Secretary of State does not have authority under the National Voter Registration Act (NVRA) of enforcement over local election agencies, and that the state had made reasonable efforts to ensure the lists were accurate. Under NVRA and state law, the counties are responsible for maintaining their voter lists and contributing them to a statewide database. The case was appealed,⁴⁶ and has been sent back to the district court for further review.⁴⁷

Now that all states have computerized statewide voter registration databases up and running, some of them are attempting to use this capability to cross-check registrations, so as to prevent people from registering to vote in more than one state. Kansas has signed a Memorandum of Understanding with neighboring states Iowa, **Missouri**, Minnesota, South Dakota, and Nebraska, agreeing to cross-check voter registration lists. Six more states are getting ready to join the compact, including Arizona, Arkansas, **Colorado**, **New Mexico**, Oklahoma, and Texas. A potential match in this data-sharing scheme occurs when the first, middle, and last names, and date of birth, of a registrant match exactly. A list of these matches is compiled periodically and investigated. According to a Kansas state election newsletter, a registration is only canceled if "the county election official [reviewing the match] is certain the records represent the same person and the Kansas record is the older record, meaning the record in the other state has a newer registration date." Despite these precautions, the interstate matching scheme has received some criticism from election reform advocates who are concerned that eligible voters will be disenfranchised by overzealous voter list "purging" and election technicians who don't fully understand the constraints of the data they are using. For example, Justin Levitt, of NYU's The Brennan Center, and George Mason University's Michael McDonald recently published a paper describing the "birthdate problem," in which, statistically speaking, the larger a population pool, the more likely it is for two different people to have exactly the same name and birthdate. This sort of issue becomes much more prevalent, the more states join the data-sharing compact.⁴⁸

NVRA Implementation

Section 7 of the National Voter Registration Act of 1993 requires state agencies that provide public assistance services to offer voter registration materials to their clients.⁴⁹ This provision of the NVRA has been less uniformly implemented than other, more well-publicized provisions such as the "Motor-Voter" provision, which makes voter registration materials accessible to people registering with the Department of Motor Vehicles. A study released by Demos, Project Vote, and ACORN in February of 2008 noted that the number of registrations collected by public assistance agencies has declined 79 percent since the law was first implemented.⁵⁰ This decline is particularly distressing, the study notes, in light of the substantially disparate rates of registration in different income groups. For example, a 2006 study showed that 60 percent of eligible adults in households earning less than \$25,000 a year were registered to vote, while 80 percent of adults in households making \$100,000 or more were registered.⁵¹ And while most states now have passed laws designating public assistance agencies as registration sites, and are nominally in compliance, spot-checks by the community advocacy group ACORN indicate that the states are not in full compliance.

Over the past few years, in response to legal action targeted at states' failure to implement Section 7 provisions, several states, including North Carolina, Iowa, Tennessee, and Maryland, have shown a marked improvement. Many more states have done little or nothing to implement NVRA. Of the states surveyed in this report, Demos and Project Vote have sent "pre-litigation" letters of complaint to the Secretaries of State of four, **Florida**,⁵² **Missouri**,⁵³ **New Mexico**,⁵⁴ and **Ohio**,⁵⁵ notifying them of their documented failure to comply with the Section 7 provisions. The community advocacy group ACORN has filed a complaint against the state of **Missouri** in federal district court. Litigation is currently underway.⁵⁶

In *Harkless v. Blackwell*, ACORN of Ohio, on behalf of plaintiff Carrie Harkless, a client of the DJFS, sued Ohio Secretary of State Kenneth Blackwell in September 2006 for the state's failure to implement Section 7 of the NVRA. The court found that by state law, the Secretary of State lacked the power to enforce the public assistance agency provisions of the NVRA, and that it was the responsibility of the counties, who run the DFJS offices, to comply with Section 7. Referring to an earlier case, *United States v. Missouri*, in which the U.S. Department of Justice Civil Rights Division sued Missouri's Secretary of State for failure to comply with the NVRA⁵⁷, the court also noted that the NVRA

[n]ever contemplated that the Secretary of State would have NVRA enforcement authority because the statute specifically says that the designated chief state election official is 'responsible for coordination of state responsibilities under [the NVRA].' [citation]. Coordination means 'harmonious adjustment or interaction.' [citation] In contrast, 'enforcement' means to 'compel observance or obedience to.' ... The decision of Congress to make the United States Government shoulder the burden of enforcing the NVRA also makes sense because the NVRA gives no money to Missouri for the cost of complying with the NVRA, even though the NVRA relates to federal elections, not state elections.⁵⁸

Both the Missouri and the Ohio case were dismissed in 2006 and are currently on appeal.⁵⁹ ACORN has redirected its litigation efforts, in April 2008 filing a new complaint against Missouri Department of Social Services for failure to fulfill its duty as to Section 7 of the NVRA.⁶⁰ A federal judge granted a preliminary injunction in this case in July 2008, compelling the Missouri Department of Social Services to comply with Section 7.⁶¹ In Ohio, the Secretary is taking steps to improve the state's implementation of NVRA by setting up a new NVRA leadership team that includes voting rights advocates, agency leaders, staff of the Secretary of State, and academics.⁶² Similarly, in Virginia, after voting rights advocates found the state to be in noncompliance, the Department of Social Services has been working hard to remedy the situation leading to a substantial increase in voter registration at public agencies in the state.⁶³

VOTER IDENTIFICATION

As we described in our report on voting in 2006, strict voter identification laws potentially disenfranchise hundreds of thousands of voters, and disproportionately take the vote away from minorities, young people, the elderly, poor people, and voters with disabilities. Since that time, reams of both anecdotal evidence and academic research has emerged demonstrating rather conclusively that such laws have this disenfranchising effect and that the existence of polling place fraud—the only kind of fraud that voter identification can prevent—is virtually nil.⁶⁴ These points were underscored by findings that in the last seven years in which U.S. attorneys were being severely pressured to bring voter fraud cases, not one case of impersonation polling place fraud was successfully prosecuted, nor were any of the citations of vote fraud by the states in their litigation documents referred to impersonation fraud at the polls.⁶⁵

Despite the evidence that voter identification creates more problems than it solves, this year the U.S. Supreme Court upheld the most draconian, disenfranchising voter identification law in the land—Indiana's requirement that all voters present government issued photo identification at the polls—it is tempting to say that almost anything else seems mild by comparison. That observation notwithstanding, in the two years since the 2006 election, the situation with respect to voter identification has gotten worse in some of the states we reviewed at that time, and the requirements in the states we are reviewing for the first time this year are a decidedly mixed bag. There was one positive development in a state supreme court striking down Missouri's government issued photo identification law. There was also a considerable amount of litigation around the issue of voter identification, a development that is likely to last long beyond the 2008 election, likely ending up back in the U.S. Supreme Court before long.

In **Georgia**, at the time of the 2006 election the old voter identification law requiring government issued photo identification had been held as an unconstitutional poll tax and enjoined from implementation in that year's election. As a result, voters could still use one of seventeen types of identification at the polls. Unfortunately, many voters were disenfranchised nonetheless because of confusion regarding identification requirements in the 2006 election. This was in part caused by a letter the state sent to nearly 200,000 voters just weeks before the election telling them they had to bring a photo identification to the polls, which they did not. Across the state, voters were improperly asked for photo identification, particularly at a predominantly black precinct in Decatur.⁶⁶

Subsequently, Georgia slightly revised the law to make sure the necessary identification was "free," although getting the identification still required a trip during working hours to county offices and the presentation of other identifying

documentation (albeit including a voter registration application, which would seem to belie the purpose of the law—to prevent impersonation fraud). The courts refused to enjoin this new version of the law. The court found that the burden on the voter was now not severe and that the individual plaintiffs in the case would have been able to, some way or another, get the identification.⁶⁷ The plaintiffs appealed, but the case was in limbo for some time, waiting for the U.S. Supreme Court ruling on a similar voter identification requirement in Indiana. After the U.S. Supreme Court ruled that the facial challenge to the voter identification law failed, the Georgia lawyers decided to go forward with an appeal. Nonetheless, the harsh Georgia identification law will be in place for the 2008 election, threatening the disenfranchisement of thousands of voters in what could be a key swing state.

The situation also worsened in **Michigan**. Michigan actually passed a voter identification bill in 1996 but it had never been implemented since the Attorney General had advised it was unconstitutional. Upon the urging of some state legislators, the state supreme court took the issue up and, in a partisanly divided split decision, held that it was constitutional in 2007.⁶⁸

Unlike Georgia, the Michigan law has a fail-safe measure if the voter does not have identification or did not bring it to the polls. He can sign an affidavit swearing to his identity and still cast a regular ballot. It was in large part due to this fail-safe that the court upheld the law. The dissent was vigorous, however, with the dissenting judges stating that the law “impairs the fundamental right of thousands of our citizens to vote. The [requirement] will have a disparate impact on racial and ethnic populations, as well as poor voters, elderly voters and disabled voters.” Voting rights advocates continue to object to the law, given that there is no evidence of any voter fraud that would necessitate a voter identification law, the law would deter voter turnout, and because of concerns that poll watchers and workers would use it as a basis to challenge voters’ right to vote at the polls. The Secretary of State herself estimated that 370,000 registered voters in Michigan do not have the requisite identification.⁶⁹ Although after the court ruling Secretary Terri Lynni Land was quite diligent in ensuring that voters and poll workers were aware of this affidavit option and in insisting that it does not make challenges easier, more recent developments have been more troubling. Secretary Land recently issued a directive authorizing poll workers to ask for additional forms of identification if the poll worker does not think the voter sufficiently resembles the picture on his or her driver’s license. This opens the door to all sorts of unnecessary potential confusion and abuse in the application of Michigan’s already problematic law.⁷⁰

The courts were also front and center in **Ohio**. Although Ohio’s broad election reform law (HB 3), which we discussed in 2006, was implemented for the 2006 election, litigation surrounding the specifics of its identification requirement was filed in the days leading up to Election Day, and prior to the publication of our report.

Because HB3 was vague in the voter identification requirements it mandated, voting rights advocates had to file litigation to clarify just what constituted acceptable identification. For example, the law did not specify what a “current” identification was, which of two numbers on a voter’s driver’s license was the correct one for identification purposes, or whether an identification from a public university would qualify as a government document.⁷¹

Just days before the 2006 election, the parties to the lawsuit entered into an agreement clarifying much of this. However, this order was only applicable to the 2006 election. On April 4, 2007, Secretary of State Jennifer Brunner issued a directive that would maintain these clarifications for the foreseeable future. The directive to all elections officials has a section on terms, defining that current is within a year, what is acceptable identification, what it means that a name and address must “conform” to that on the voter registration list, which of the two numbers on the driver’s license is necessary to use, rules regarding use of military identification, and definitions of a utility bill, bank statement, paycheck, government check, and “other government document”.⁷² However, the constitutionality of Ohio’s voter identification law is still being litigated in *NEOCH v. Blackwell*.

Despite the clarifications that came out of the consent order, there was trouble over voter identification in Ohio in the 2006 election. Election Protection reported that voters across the state were turned away at the polls for not having proper identification, even when they did have acceptable identification under the state’s law.⁷³ Many voters were forced to vote on provisional ballots when they had identification that reflected an address that was different from that on the registration list, contrary to the law. This even happened to Representative Steve Chabot, a Republican running in his own very close election. When he presented his driver’s license to a poll worker and the address on it was not the same as on the list, he was told to go home.⁷⁴

Florida also further tightened its already very strict photo identification law by excluding the options of using an employee badge or identification or a buyer's club identification.⁷⁵

Missouri was one state we profiled in 2006 that went in the right direction. Missouri adopted a photo identification requirement in 2006, mandating that every voter present a current, government-issued photo identification at the polls in order to vote. However, the Missouri Supreme Court struck it down as unconstitutional under the state's constitution. The plaintiffs in the case successfully demonstrated that the law constituted a poll tax since obtaining the identification necessary would impose real dollar costs. The Missouri court found that the identification requirement imposed serious burdens on voters, since the Missouri Secretary of State herself estimated that 240,000 registered Missouri voters did not possess the requisite identification and would have to spend money and navigate a bureaucratic maze in order to get it, a process that would disproportionately impact certain groups such as the poor, elderly, and disabled. The Court further found that the state's interest—addressing fraud—was not appropriate given the lack of evidence of in-person polling place fraud in the state.⁷⁶

However, the old identification law reared its ugly head in the 2006 election nonetheless because of widespread confusion as to what forms of identification were legally required, according to a report by the Secretary of State. She reported that

In several counties . . . voters were presented with confusing, and at-times, contradictory information about what type of identification was necessary for voting, despite counties receiving clear guidance about the identification requirements being the same as in previous years' elections. . . . In order to alleviate public confusion, after the photo ID law was struck down as unconstitutional, the Secretary of State's office sponsored a public awareness initiative that was broadcast through television, radio, and print media outlets to help make sure voters knew what they needed to bring in order to vote in November. Additionally, the Secretary of State's office sent clarifying memos and voter education Election Day kits to all 116 local election authorities for use at the polling locations.

Despite these efforts, voters being misinformed and confused by private groups and local election officials remained an issue in some places in 2006. Nearly one out of every five complaints received by the Secretary of State's office concerned a voter being asked for the wrong type of identification at the polls on Election Day.

Some types of voter misinformation began weeks before the election. In St. Louis County, the election board sent out voter notification cards telling voters to "bring signature ID," confusing some voters. In a second case, poll workers in St. Louis County consistently asked voters for "photo" or "signature" ID, sometimes specifically asking for a Missouri driver's license, despite state law being clear on the types of identification allowed in order to vote. There are several different acceptable forms of voter identification in Missouri, including some that do not have a signature, such as a paycheck, a bank statement or a student identification card.

Nearly one-fifth of all issues received by the Secretary of State's office were voters reporting that they had been wrongly asked for photo or signature ID. Of these, 61 percent were from St. Louis County. The Advancement Project's Voter Protection initiative, a nonpartisan voter advocacy group, received as many as 200 complaints from St. Louis County voters who claimed that they were wrongly given provisional ballots or told to provide photo/signature IDs.

In one instance, poll workers at the First United Methodist Church in Webster Groves insisted on voters presenting a photo ID in order to vote. At Mount Zion Church, a registered voter was not allowed to vote even though he had his voter identification card. At Bernard Middle School an election supervisor refused to accept a U.S. passport as identification and asked the voter to sign an affidavit.

In St. Louis City, Secretary of State Robin Carnahan was improperly asked for a photo ID three times when voting in-person absentee. When she explained that a photo ID was not required by law, and that her voter identification card was sufficient, the poll worker replied that she had been instructed to ask for one anyway. In Boone County, several precincts were reported to have asked for photo ID. The same problem arose in Warren and Miller counties. In Cole County, voters reported being asked for signature ID, and the poll worker manual instructed poll workers to do so if a voter didn't have his/her voter ID card.⁷⁷

Election Protection also reported numerous incidents regarding identification in the 2006 election, including voters being asked for photo identification, especially in St. Louis.⁷⁸

This is not surprising, considering that the St. Louis County Election Board chairman said flat out “election workers were instructed to ask for certain forms of ID when they checked in the polls” despite a Supreme Court decision to throw out the state’s recently enacted photo-ID only rule, saying “there is nothing wrong with us asking for a photo or signature ID.”⁷⁹

Some Missouri lawmakers haven’t given up their quest to enact a strict photo identification law. Given that the photo identification law was held unconstitutional by the Missouri State Supreme Court in 2006, legislators introduced a bill that provides for putting a constitutional amendment on the ballot that would allow the state to pass laws requiring photo ID to vote in elections.⁸⁰ After the U.S. Supreme Court decision in *Crawford*, some legislators redoubled their efforts to pass this bill before the legislative session ended in 2008, but as a result of the herculean efforts of voting rights advocates, the measure did not pass.⁸¹

In **Wisconsin**, since the governor has vetoed three voter identification bills in a row, legislators have been trying to get a constitutional amendment on the ballot that would allow for a photo identification requirement, bypassing the governor. To get an amendment on the ballot, it must pass the state legislature twice consecutively. It passed in 2006 when Republicans held both houses, but now that Democrats control the Senate they have refused to take up the measure.⁸²

In **Pennsylvania**, the status quo was maintained, but two opposing bills were introduced. As was the case in much of the country, legislation to enact a photo identification requirement was introduced. At the same time, in the wake of *Crawford*, Representative Babette Josephs sought to introduce a bill to pass a constitutional amendment prohibiting a photo identification requirement.⁸³

Among the new states highlighted for 2008, the news is relatively positive, with an emphasis on relatively. **Colorado’s** polling place voter identification requirement was adopted in 2003. Under current law, a driver’s license, a government employee card, a pilot’s license, military identification, a Medicaid or Medicare card, or a copy of a current utility bill, bank statement, government check, paycheck, and for students, a university document are all acceptable forms of identification. A voter who appears at the polls without one of these documents may cast a provisional ballot.⁸⁴ If officials are able to verify the voter’s eligibility, the provisional ballot will be counted.⁸⁵

According to election observers, in its first year of implementation, 2004, Colorado voters encountered numerous problems including lack of education about the requirement of identification at the polls for voting, and inconsistent application of which forms of identification would be acceptable at the polls. The Secretary of State adopted rules late in 2004 listing acceptable forms of identification, but election reformers report that training of election workers was inconsistent, and that many voters were turned away for lack of identification.⁸⁶

Colorado also has no history of polling place fraud. This has not stopped legislators from repeatedly pushing hard for enactment of a law requiring photo identification at the polls as well requiring voter registration applicants to provide documentary proof of citizenship—a birth certificate, passport, or naturalization papers. Just this year, a law (HB 1039) requiring photo identification at the polls was defeated on a party line vote in a House committee,⁸⁷ as was a measure to require proof of citizenship before registering (HB 1177).

Since 2000, **Virginia** voters have been required to provide identification at the polls—however, it can be any one of a number of types of identification, and most importantly, if the voter does not have the identification, he or she can sign an Affirmation of Identification and vote by regular ballot. Like most other states, however, there is always a risk that Virginia could go in another direction—legislation was introduced to eliminate the affidavit option.⁸⁸

New Mexico has a relatively fair voter identification requirement. Voters generally must present identification but it may be one of a wide range of types of identification. Moreover, voters also have the option of making a verbal or written statement of his or her name, year of birth, and unique identifier. On the negative side, if the voter cannot produce this proof of identity, the voter may cast a provisional ballot, but that ballot will only be counted if the voter returns with the requisite identification or identifying information.⁸⁹ As in most places, legislation to require photo identification has been introduced but failed.⁹⁰

However, all is not sanguine in New Mexico with respect to identification. Problems have been identified in the implementation of the law. A study by the Caltech/MIT Voting Technology Project demonstrated that in the 2006 congressional elections the law was incorrectly implemented by poll workers, and in a discriminatory fashion. Some poll workers asked for identification, some did not, some poll workers asked some of the time, others all of the time. Moreover, the study found that Latinos were much more likely to be asked for identification in New Mexico in the 2006 election than were whites.⁹¹

The Secretary of State has expressed concern about these reports and reaffirmed the office's commitment to ensuring uniformity. The office has received funds to conduct a presiding judge training to address issues such as voter identification, and has requested the assistance of the attorney general to deploy special agents throughout the state on Election Day to monitor implementation of the rules.⁹²

CAGING AND CHALLENGES

In our 2006 report, we stated that “Voter registration and polling place eligibility challenges were unquestionably one of the biggest problems during the 2004 election.” This included the challenge by the Ohio Republican Party of the registration eligibility of 35,000 voters. Since that time, more troubling information has emerged. According to elections experts, in 2004 upwards of 500,000 individuals had their eligibility “probed” via matching their registrations against databases, and 74,000 voters were challenged on Election Day.⁹³ Reports emerged of a wider effort than was even known about at the time: 43 pages of e-mails were discovered that contained

blueprints for a massive effort undertaken by RNC operatives in 2004, to challenge the eligibility of voters expected to support Democratic presidential candidate John Kerry in states such as Nevada, New Mexico, Florida, and Pennsylvania. One email, dated September 30, 2004, and sent to a dozen or so staffers on the Bush-Cheney campaign and the RNC, under the subject line “voter reg fraud strategy conference call,” describes how campaign staffers planned to challenge the veracity of votes in a handful of battleground states in the event of a Democratic victory. Furthermore, the emails show the Bush-Cheney campaign and RNC staffers compiled voter-challenge lists that targeted probable Democratic voters in at least five states: New Mexico, Ohio, Florida, Nevada and Pennsylvania.”⁹⁴

Given the potential tightness of the race, especially in the states we have identified, we have every reason to suspect that challenges to registration eligibility and challenges to voters' right to vote at the polls will re-emerge in the 2008 election.

“Vote caging” and challenging voters at the polls are often abusive and suppressive practices. Typically, groups obtain registration lists, send mail to certain voters listed on it, and compile a list based on mail returned as undeliverable. They then use this list to challenge registration eligibility before the election or at the polls on Election Day through poll watchers. For a number of reasons, this is in an incredibly inaccurate way to identify who is properly on the voter registration rolls. Moreover, it is usually not done in a spirit of performing a civic service, but rather in an obviously partisan way, or used against certain groups. Over the years, caging has been aimed specifically at minority voters.⁹⁵ Minorities and to some extent students (see student voting rights section) have been frequent targets of polling place challenges that were not necessarily based on a caging list. Challenging people at the polls also slows down the process for everyone else at the polling place, leading to long lines that some people cannot remain in.

In 2006, we found that the state's laws on this issue were often vague and inadequate, making it too easy for people to challenge a voter on too slim a basis. None of the seven states reviewed in both reports have changed their laws. With respect to our new battleground states, Colorado and New Mexico—two of the states that were revealed to have been targeted for challenges—have acceptable though not ideal provisions regarding challenges. There are some serious weaknesses in the laws of Virginia.

In **Colorado**, any registered elector may challenge the registration of another person. This is unfortunate, in that it would be preferable if only elections officials had the authority to make such motions, though the idea of citizen watchdog is not without merit. In addition, however, the challenge must be in writing and include the basis for the challenge, the facts supporting the challenge and some *documentary evidence* to support the challenge. This provision of the law is useful in that the requirements of what needs to be presented in order to mount a challenge are strict enough to deter most frivolous or ill intentioned efforts. This provision is also helpful in that it requires any challenges to come well before Election Day. The challenge and supporting evidence must be submitted *no later than sixty days before an election*. The challenged registrant may appear at a hearing at which the *challenger must appear*

and bears the burden of proof of the allegations in the challenge. This last part is most important: it is the person doing the challenging, not the person being challenged, who must prove the voter is not eligible.⁹⁶

With respect to challenges at the polling place on Election Day, poll workers, poll watchers, and *any other eligible elector* can challenge a voter's right to vote at the polls. Again, it is regrettable that another voter can issue a challenge, even more so at the polls when it leads to an actual confrontation and can slow down the lines for everyone. However, the challenge must also be written under oath and the challenger must set forth the specific factual basis for the challenge. It must be signed by the challenger under penalty of perjury. The bases for challenge are citizenship, residency and age. If the challenged voter answers the poll workers questions regarding eligibility, he or she will be given a regular ballot.⁹⁷ If he or she refuses to answer the questions, he or she may still vote by provisional ballot.

In **New Mexico**, challenges to registration must be made not less than forty days before an election and can only be made by the Secretary of State, the county chairman of a major political party or any twenty voters from the county. This provision is superior in that it disallows the scenario of any one voter being able to jeopardize the voting rights of another. Moreover, the challenger must allege either personal knowledge or on information and belief that people on the rolls are not eligible. This is also useful in that it sets a high bar for the challenge to be made. The petition must also have a brief statement of the facts upon which such an allegation is made. The court will hold a hearing and decide whether the registration(s) should be cancelled.⁹⁸

At the polling place, a challenge can be made by a poll worker or a party challenger—very importantly and laudably, *not* by just any voter. The bases for challenge include the person is not registered, the voter is on the purge list or a list of people from whom absentee ballots were received, or the voter is not a qualified elector (which would seem to embrace citizenship, age and residency requirements). If the challenge is unanimously affirmed by the presiding election judge and the two election judges, the voter will be given a paper ballot but it will be labeled rejected and not be counted. If the challenge is not unanimously affirmed the voter will be allowed to vote but “not affirmed” will be written next to his signature in the poll book.⁹⁹

Virginia law presents more of a problem. Any three voters of the county or city may challenge a voter's registration to the general registrar. The law does not get any more specific than saying it must be alleged that the voter is not “qualified to be registered.” The general registrar must post at the courthouse or publish in the newspaper the names of the persons whose registration will be cancelled and send a notice to the last known address of the voter. The registrar will hold a hearing not less than ten days after the mailing of the notice and *not within sixty days of the general election*. Again, the provision requiring the matter to be settled well before the election is helpful. The troublesome part of the law is that if the challenged voter fails to appear, his registration is cancelled by the registrar.¹⁰⁰

At the polling place, any qualified voter can challenge another voter. The challenger must fill out and sign a form stating, subject to penalties, that the voter is not a citizen, of age, or a resident, or has been disqualified by the state (e.g. due to a felony conviction), or has already voted elsewhere. These provisions of the law are weak in that anyone may challenge anyone, and there is no requirement for real specificity in making the challenge. If the challenged voter insists he is qualified he will be asked to fill out a statement that he is eligible. If the voter refuses to sign the statement he or she will not be allowed to vote—even by provisional ballot. If he does sign, he will be able to vote by regular ballot.¹⁰¹ Interestingly, Virginia law on this was recently updated. It was only in 2007 that the provisions regarding the need on Election Day to complete a form and indicate the reason for the challenge were added. The grounds for challenge were also expanded to include that the person is not who he represents himself to be, or has already voted.

There was recognition in other states that this practice of “vote caging” and challenging people at the polls is problematic. Legislators did introduce bills that unfortunately were not passed that would have vastly improved the process in some of our ten states.

The Voter Caging Prohibition Act of 2008, introduced in **Missouri**:¹⁰²

(1) Prohibits any person from using lists of ineligible voters to disqualify those wishing to vote or registering to vote unless the list contains specific information such as signatures, photographs, or unique numbers showing that the individual being challenged does not meet the statutory requirements to vote because the challenged individual is dead, has been convicted of certain crimes, has changed his or her address, or is ineligible for other reasons;

- (2) Prohibits any person from making challenges to disqualify those wishing to vote or registering to vote based on errors on the documents used for voter registration unless the error relates to voter eligibility;
- (3) Prohibits the use of documents to determine whether an individual has changed his or her address and no longer qualifies to vote unless the attempted delivery of the document used to verify his or her address was at least two election cycles before the challenge;
- (4) Prohibits anyone except an election authority from making a challenge unless the challenger is a registered voter of the correct precinct, has first-hand knowledge of the grounds of ineligibility, documents the challenge in writing, and signs an oath under penalty of perjury that the individual being challenged is ineligible. [Anyone other than an election official who challenges must do so more than 30 days before an election.]
- (5) Allows anyone rejected by an election authority to vote on Election Day to vote a provisional ballot; and
- (6) Specifies that anyone who knowingly makes a false challenge to voter eligibility will be guilty of a class one election offense. Each violation will be a separate offense.

This bill was referred to the Elections Committee on May 16, 2008.

In **Michigan**, in June 2008, Representative George Cushingberry introduced anti-voter caging legislation, HB 6198. His bill prohibits challenges by elections officials and other electors to registration or voting based on a document that has been mailed to a voter and returned as un-deliverable. A person may challenge a voter's eligibility to be registered only if the challenge is supported by "personal, firsthand knowledge." The challenger must document this in writing and must make an oath or attestation under penalty of perjury that the person challenged is ineligible due to age, residency, citizenship, competency or penal status. A challenge must be filed at least 30 days before the election. The burden of proof is on the challenger to show by clear and convincing evidence that the person challenged is ineligible. False challenges are a felony punishable by imprisonment of up to 5 years and/or a \$1,000 fine.¹⁰³

DECEPTIVE PRACTICES

In 2006, we noted the widespread use of "deceptive practices"—intentional dissemination of misinformation about the election process—in 2004 to suppress voting rights and skew the election, particularly in minority areas. We further observed that very few states had laws to address this insidious practice, and that Congress had failed to pass federal legislation that would have criminalized such behavior and mandated certain actions be taken to ensure accurate information was provided in the affected communities. Not much has changed. Although, as we reported, **Missouri** commendably passed a deceptive practices act prior to 2006, none of the states that we studied in 2006 and look at again this year have successfully passed a deceptive practices bill since then. While Senator Barack Obama's deceptive practices legislation did pass the House of Representatives in 2007, it has still not passed the United States Senate. The closest any has come is **Wisconsin**, which banned deceptive practices at the polling place, including allowing individuals to post or distribute notices that might confuse voters about their voting rights or responsibilities.¹⁰⁴

Two of the three new states we look at similarly have no direct law on deceptive practices. The only possibly relevant provision in Colorado makes it unlawful to "impede, prevent, or otherwise interfere," with the voting process.¹⁰⁵ New Mexico comes closer – it is a fourth degree felony to falsify election documents willfully, knowingly and with the intent to mislead or deceive a voter, and this includes "printing, causing to be printed, distributing or displaying false or misleading instructions pertaining to voting or the conduct of the election."¹⁰⁶

This lack of deceptive practice laws in most states is all the more surprising given that even in the somewhat less heated 2006 midterm elections, deceptive practices were employed in some of the ten states reviewed here. The Secretary of State of **Missouri**, Robin Carnahan, reported that in one county, "robo-calls" "reportedly warned voters to bring photo identification to the polls or they would not be allowed to vote. There were also reports on the radio in Kansas City of automated telephone calls telling voters their polling places had been changed and giving incorrect polling place information."¹⁰⁷

According to the National Network for Election Reform, "registered voters in Virginia, Colorado, and New Mexico reported receiving phone calls in the days before the election claiming that their registrations were cancelled and

that if they tried to vote they would be arrested.”¹⁰⁸ In **New Mexico**, voters received phone calls that provided incorrect information about the voter’s polling place.¹⁰⁹

Virginia was the focal point for some of the worst of this behavior. In the Lawyers Committee for Civil Rights report on the Election Protection effort in 2006, that organization reports that, “Voters in Arlington, Accomack, Augusta, and Northampton counties in Virginia received phone calls on November 6 saying voters would be arrested if they attempted to vote on Election Day. Some of the phone calls also told voters that their polling locations had been moved, although none of the locations had changed.”¹¹⁰ According to a statement issued by Representative Rahm Emanuel (D-IL) supporting the Obama Deceptive Practices bill, “in Virginia, voters were phoned by a fraudulent ‘Virginia Elections Commission’ claiming they were ineligible to vote.”¹¹¹

Perhaps then it is not surprising to find that it is Virginia where we find the one piece of good news in this area. In March 2007, Governor Tom Kaine signed into law one of the few deceptive practices laws in the country. It provides that it is unlawful to knowingly communicate to a voter by any means, false information about the date, time and place of the election or the voter’s precinct, polling place or voter registration status. A violation is a Class 1 misdemeanor.¹¹² Virginia’s bribery and intimidation statute also makes it a misdemeanor to give someone a ballot “who he knows cannot understand the language in which the ballot is printed and misinforms him” about what is on the ballot to get him to vote a certain way.¹¹³ To the legislature’s tremendous credit, the bill passed unanimously.¹¹⁴

The only other ray of hope is that a bill was introduced in **Pennsylvania** to stop deceptive practices. The bill (HB 1014), introduced in 2007, would have made it a misdemeanor to knowingly represent to another person, within sixty days of an election, false information about the time or polling place location or eligibility for registration. This went to the state government committee but no further in April of 2007, and was carried over into 2008. In 2008, another bill (HB 1115) was also carried over from 2007; this bill was limited only to mailings—it would have made it a crime to willfully send a mailing that provides deliberately misleading information regarding the date of the election or polling place location.

Provisional Ballots

As we wrote in our 2006 report on this subject, “The problems associated with provisional ballots . . . typify the generally fragmented state of election law in this country, in which interpretation is left up to localities, resulting in a confusing patchwork of various election procedures.” Not much has changed since 2006, and election observers have reason to believe that the states’ system for handling provisional ballots will be even more impacted this election cycle because of the high number of newly-registered voters. Even the mortgage-foreclosure crisis will impact provisional balloting in that there will be more voters registered to addresses where they no longer live, and more voters who cast ballots provisionally will not have their ballots counted.¹¹⁵

At the time of our last report, provisional ballots had only been required for two election cycles, introduced by HAVA in 2002. States at the time were still working out how to incorporate provisional ballots into their election administration systems, resulting in widespread confusion among local election officials as to how the ballots were to be verified and counted. But problems with provisional ballots persisted in the 2006 elections, including in some of the states under review. Throughout the country, poll workers failing or refusing to provide provisional ballots and polling sites running out of provisional ballots was a huge problem, including in **Missouri, Ohio, and Florida**.¹¹⁶ In Denver, **Colorado**, a vote center ran out of provisional ballots and poll workers began using sample ballots as substitute provisional ballots.¹¹⁷ One voting rights monitoring group reported that, “In Pennsylvania voters in Philadelphia indiscriminately distributed provisional ballots to persons who were eligible to vote by regular ballot while in other parts of the state poll workers refused to provide provisional ballots to voters who were clearly entitled to them.”¹¹⁸ In Ohio, confusion around voter identification laws led to the need for a post-election court order regarding the proper counting of provisional ballots cast as a result of this confusion.¹¹⁹

This year we hope that with practice and lessons learned, the results will be better and the treatment of provisional ballots more uniform – although not a single state has updated its law on provisional ballots since 2006.

Reasons for Use

Provisional ballots must go through a post-Election Day verification process that in some states places a burden on voters to produce evidence of their eligibility to vote within a short timeframe in order for the ballot to be counted.

As such, they were never intended to be a stopgap in the case of election snafus such as problems with overcrowded polling places and machine breakdowns. Some election officials, however, view them this way,¹²⁰ and poll workers often perceive them to be the default answer to any problem. **Virginia** and **Georgia**, for example, require voters to cast provisional ballots if they vote during extended polling hours and were not in line when the polls ordinarily would have closed.¹²¹ In **Pennsylvania**, poll workers have been found to be using provisional ballots when machines break down instead of emergency ballots, which are counted automatically.¹²² In a considerable step backward in its thinking regarding matching and verification, the Government Accountability Board in **Wisconsin** in July debated an amendment to its administrative rules that would have required each voter for whom the state could not find a “complete match” to cast a provisional ballot.¹²³ The amendment was withdrawn and will not affect the elections this year, but the Brennan Center reports the Board is likely to reconsider the provision at a later time.¹²⁴

Ironically, **Wisconsin** generally experiences few problems from provisional ballots because of its Election Day registration system, which largely eliminates the need for provisional ballots. In Madison, Wisconsin in the 2006 mid-term elections, out of a total of 35,298 ballots cast, three were provisional ballots.¹²⁵

Wrong Precinct

A voter not knowing where to vote is the most prevalent problem reported to voter protection hotlines. Voters often vote at the wrong precinct because of misinformation from poll workers, they were not properly notified of their precinct location, and/or because in practical terms several precincts can actually be comprised of several desks within the same room. As a result, voting in the wrong precinct might just be a matter of voting at the wrong table in the right school or church.

Yet of the ten states we surveyed, four (**Florida**, **Michigan**, **Missouri**, and **Ohio**) do not count provisional ballots that are cast at the wrong precinct, meaning a voter could be effectively disenfranchised for making a very understandable mistake that may not even be one of their own making. **Wisconsin**, which has Election Day registration, does not offer provisional ballots to voters who show up at the wrong precinct; poll workers are instructed to redirect people to the correct polling place. Four of the states, **Colorado**, **Georgia**, **New Mexico**, and **Pennsylvania**, do count provisional ballots cast at the wrong precinct for the elections in which the voter was eligible to vote, such as state-wide and national elections.¹²⁶

Several states, including **Georgia**,¹²⁷ **Michigan**,¹²⁸ and **Missouri**,¹²⁹ have statutes or rules explicitly requiring poll workers to send a voter who has arrived at the wrong precinct to the correct precinct to vote before allowing him or her to cast a provisional ballot. **Wisconsin**, because it allows Election Day registration, only provides provisional ballots to first time voters who registered by mail who appear at the polls to register to vote without proper identification, or those who appear at the polls to register but do not have their driver’s license number. State law prohibits voters who arrive at the wrong precinct from voting a provisional ballot.¹³⁰

Verification

The basic verification process for provisional ballots is similar in most states. If the voter cast a provisional ballot because his or her name did not appear on the registration list, typically the voter’s identifying information is checked against the statewide voter registration database for verification that the voter was, indeed, registered to vote—variations on this procedure are used in all of the states we surveyed. In all the states we surveyed, this verification process is conducted by local election authorities. This means there are likely as many variations on the matching procedure as there are for voter registration matching, and thus many similar problems as a result.

In those states with strict voter identification laws, a voter who casts a provisional ballot because he or she appeared at the polls without proper identification must later present the identification to his or her local election authority. For example, in Georgia, such a provisional ballot cast is counted if the local election authority is able to “verify current and valid identification of the elector [within two days of the election].”¹³¹ In most other states, however, provisional ballots cast by voters who appear at the polls without proper identification are counted if the local election authority is able to verify the voter’s registration and eligibility to vote. In some states, such as Florida, Michigan, and Ohio, provisional voters are given the opportunity to submit evidence of their eligibility to vote. The amount of time a voter has to do this varies between states. For example, Florida state law gives the voter until 5:00 P.M. on the second day following the election to provide evidence of eligibility to vote (unless the person voted provisionally because of failure to provide identification, in which case the voter does not have to bring in further evidence of eligibility).¹³² In

Michigan and Ohio voters are given a generous six days¹³³ and ten days,¹³⁴ respectively, to submit identification or proof of eligibility. In Wisconsin, because of Election Day registration, provisional ballots are issued only to voters who (1) are first-time voters who registered by mail, did not provide proof of residence and appear at the polls without proof of residence, and cannot reregister using a corroborator; or (2) register at the polls and do not provide their Wisconsin driver's license number. State law gives provisional voters until 4:00 P.M. on the day after the election to provide the election authority with the proper information, either in person or via telephone, fax, or e-mail.¹³⁵

Notification

Per HAVA, all states now provide voters with a system through which they can contact their local election authority to determine whether their provisional ballot was counted. In all of the states we surveyed this task is left to the counties or local election authorities, so there is likely a wide range in the extent to which provisional voters are educated as to their right to learn whether their vote was counted. Many states have a website for this purpose, or provide voters with a phone number they can call.

Commendably, several states proactively notify provisional voters if their vote has not been counted or if there is a problem with their provisional ballot. For example, **New Mexico** has a very strong policy on this topic, and proactively notifies provisional voters if their vote is not counted, in the ten days following Election Day. A voter whose provisional ballot was not counted then has until the Friday before the meeting of the state canvassing board to contest the clerk's rejection of his or her ballot.¹³⁶ In **Colorado** if the voter did not sign the provisional ballot affidavit asserting his or her eligibility to cast a ballot, the local election official must contact the voter within two days and notify him or her of the omission, giving him or her eight days to return a signed affidavit to the election authority.¹³⁷ **Virginia** state law requires that if the voter was not properly registered, the ballot is not counted and the voter is notified in writing that he or she was not registered.¹³⁸

Preparations

Only one state of those studied here has a law with a minimum requirement for the number of provisional ballots that must be available in each polling place on Election Day: **New Mexico** requires it to be an amount equal to ten percent of registered voters.¹³⁹ There is a bill pending in Pennsylvania with a similar requirement.¹⁴⁰ This year even ten percent may be on the low side. None of the states we surveyed have reported taking any extra measures so far to prepare for the likely increase in the number of provisional ballots cast this year. It will be especially important for local election officials to take this increase into account when preparing for their post-Election Day activities. Again, because the procedure for verifying provisional ballots is decentralized and non-standard, we could encounter extensive confusion in the days following the general election as to how to deal with provisional ballots in states with close races.

VOTING MACHINE ALLOCATION

In the years since 2006, in response to recent testing of various types of voting equipment, several states have begun to enforce more stringent standards for accuracy and reliability. Around the country there has also been a notable decline in the prevalence of electronic voting machines since 2006, in favor of paper ballots and optical-scan machines. The country is still a patchwork of different voting systems and verification standards; in most cases voting systems are purchased by localities, and not all states have uniform standard regarding paper audits and machine-type.

This topic will be discussed in more depth in a forthcoming Common Cause report that focuses exclusively on issues pertaining to voting machines. It is useful, however, to mention this issue in the context of preparedness for the 2008 general election. Even apart from the substantial shifts in policy regarding what type of voting technology to use, the states have vague and sometimes nonexistent standards for ensuring that there are enough voting materials and voting devices to keep polling places open and running smoothly, which could be also extremely problematic in November.

The allocation of voting machines to polling sites—as with other election logistics—is often left to local election authorities. According to a report by the organization Fairvote, local elections officials are ill-prepared for the responsibility. For example, in a review of almost all of the 117 counties in **Missouri**, Fairvote reports the following:

In general, county clerks 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. . . . On the whole, not a single county clerk surveyed could refer to a specific scientific

formula that they used for calculating the number of booths needed... Our survey found that the majority of county clerks did not have a written plan for poll booth allocation, nor were they going to draft one. Out of 110 county clerks surveyed, only 17 were preparing to create a written booth allocation plan.¹⁴¹

Throughout the states, this type of decision making process results in a wide variation in the number of voting machines and materials available to voters depending on the precinct to which they happen to be assigned.

Some states have laws that specify exactly how many voting machines a precinct is supposed to offer per population size, but the numbers vary widely. **Georgia** law requires that each precinct must have at least one voting machine for every 500 voters.¹⁴² In **New Mexico** each precinct gets one “voting system” for every 600 registered voters; precincts with fewer than 600 registered voters are still allocated one “voting system.”¹⁴³ Looking at **Wisconsin** and **Virginia** law provides the stark contrast in requirements: **Wisconsin** requires that polling places provide one voting booth for every 200 voters registered in that precinct. Municipalities using only direct-recording electronic (DRE) machines are required to provide one DRE for every 200 voters registered in that precinct.¹⁴⁴ Precincts in **Virginia** using mechanical voting devices must allocate one voting device for every 750 voters; precincts with more than 4500 voters should allocate a voting machine for every additional 500 voters in the precinct. Precincts using an “electronic system which requires the voter to vote a ballot which is inserted in an electronic counter” must provide one booth per 425 registered voters and at least one counting machine.¹⁴⁵

Other states have less satisfactory voting machine allocation schemes. In 2006, **Colorado** voters waited up to six hours to vote in some counties because there were too few voting machines in 2006. Having undergone that painful experience those counties have bought more machines for 2008.¹⁴⁶ Yet Colorado law lacks specificity: counties that use paper-ballot systems must provide a “sufficient number of voting booths” and electronic/electromechanical equipment-using counties will provide “sufficient voting equipment.”¹⁴⁷ **Florida** and **Ohio** both also have laws that are vague. As recently as 2000, Florida did have a law specifying the minimum number of machines per a certain number of voters that was required. That law was repealed in 2001 and was not replaced. The supervisors of elections argued successfully for more authority over allocation of voting machines as the state moved to electronic voting.¹⁴⁸ As a result, Florida’s election code only refers to allocation of ballots, and even there only provides that the supervisor of elections shall determine the actual number of ballots to be printed.¹⁴⁹ In Ohio, the law calls for there to be a “sufficient” number of voting booths.¹⁵⁰ In terms of ballot allocation, it is a bit more specific—there should be at least one percent more ballots than the total registration in the precinct.¹⁵¹

Of most concern are the states that simply have no state-mandated allocation standards. In **Michigan**, all DREs were phased out in favor of optical scan machines by 2006, but no law pertaining to allocation of optical scanners exists on the state’s books.¹⁵² However, Michigan does require that precincts have at least 25 percent more ballots than in the election four years ago.¹⁵³ Though **Missouri** and **Pennsylvania** do have specific prescriptions regarding ballot allocation, they have no allocation laws pertaining to machines.

For states that have vague or no laws regarding machine allocation Secretary of State Jennifer Brunner in **Ohio** has taken a step that should be a model for other secretaries. On August 13, 2008 she issued a useful directive regarding allocation of voting machines, with a recommended formula for the counties in determining machine allocation. Specifically, the secretary urges that each precinct have at least one DRE for every 175 registered voters, with additional machines based upon past experience with long lines, length of ballot, and projected number of registered voters as of the close of registration. Most notably, she suggests that “to ensure that the board’s allocation and distribution determination is based on the most current voter information, the board should not make final allocation decisions until after voter registration is closed and most, if not all, of voter registrations have been processed.”¹⁵⁴ Remarkably she also directs all boards of elections to post both publicly and on the board of elections website and make available a report at least 15 days before the election that details the county’s plans for machine allocation.¹⁵⁵

Frequently, localities are unable to provide sufficient voting machines for their expected turnout not because of poor planning, but because of a lack of funding. Although the HAVA-authorized funding for states to update their voting equipment in 2002, most of this money has been appropriated and since then localities have been left to their own devices to produce the funds to purchase new machines. This has been particularly onerous considering the increased registration and turnout in the recent election cycles, and because states have frequently changed their voting machine standards in response to concerns about the security and reliability of the machines. This is a particularly pressing problem in states with lots of smaller localities that are responsible for running their own elections—for

example, Georgia's 159 counties, many of them small and rural, often have terrible difficulty producing the funds to run their elections, let alone purchase expensive voting equipment.¹⁵⁶

This goes to another topic, which is when decisions are made regarding voting machine allocation. Even in states that have requirements regarding minimum numbers of voting machines per a certain number of voters, there are no directions as to what factors must go into allocation decisions—such as demographics and ballot length—and when such decisions should be made. For example, if jurisdictions make voting machine decisions based on the numbers of voters who participated in the last election, in a year like this, that could mean far too few machines in place. Indeed any voting machine purchase or allocation decision made before the close of registration and based on the most up-to-date registration information is likely to be off the mark. The conundrum we confront is that making such determinations at those dates may pose logistical challenges for elections administrators.

POLL WORKER RECRUITMENT

Attracting a sufficient number of poll workers continues to be one of the biggest problems confronting our system, and is arguably the most difficult problem to address. The work of recruiting poll workers is largely delegated to counties and localities with few state-level policies to guide them. Inequities in the allocation of poll workers can also lead to unequal access to the ballot.

Standards for poll worker recruitment vary wildly: for example, according to estimates of precinct size in Wisconsin, state law's minimum staffing provisions would require approximately one poll worker for each 110 voters while we can approximate that Virginia requires one poll worker for 972 voters.¹⁵⁷ And these legal standards are not always followed: a 2005 U.S. Election Assistance Commission report found that during the last presidential election, 5.8 percent of polling places and 4 percent of precincts did not have the minimum number of required poll workers.¹⁵⁸

This year, the U.S. Election Assistance Commission estimates the country will need 2 million poll workers, double that of 2004.¹⁵⁹ In our 2006 report, we described the "system overload" of 2004 that resulted from understaffed polling places; this system overload has occurred over and over in subsequent elections. In anticipation of even greater turnout in the up-coming 2008 general elections, we must ask—how many poll workers is enough?

Most laws in the states we studied require a minimum of three poll workers per precinct. According to researchers at The Moritz College of Law at Ohio State University in their report on Midwestern states, at least five workers are necessary for an average precinct to operate effectively.¹⁶⁰ Given turnout predictions this year, three poll workers is unlikely to be sufficient to check in record-breaking numbers of voters, implement voter identification policies accurately and consistently, process the large numbers of provisional ballots that will come with many new voters, and make sure that voting technology is working smoothly. A few states have a slightly higher standard than three; among the states we studied, only Wisconsin requires the recommended five poll workers per precinct.¹⁶¹ Florida, on the other hand, doesn't even have a precinct minimum. Election officials seem aware that these minimums are inadequate—studies show that counties routinely hire more poll workers than the state law minimum.¹⁶² Clearly, the laws on poll worker staffing do not adequately reflect what is actually required to carry out an election effectively. This year it will be more necessary than ever for county and municipal election officials to go beyond what the laws require and recruit more workers.

A number of local election officials are already undertaking various creative and successful efforts to fix problems of poll worker recruitment. Most promising are the burgeoning high school student poll worker programs, in which students, usually aged 16 or 17, can serve as poll workers if they are doing well in school. Schools and students love these programs because it provides the poll workers with a real-life lesson in democracy. Election officials love these programs because they provide a large pool of active, technologically fluent workers to counterbalance an aging workforce. High school poll worker programs are growing, but many states' high school recruitment programs only exist in select counties.

The good practices mentioned below are simply highlights. Just because a jurisdiction's efforts have not made the news does not mean that creative strategies are not being undertaken. Given the lack of information we were able to gather, we are concerned that the decentralized nature of the poll worker recruitment system gives counties little opportunity to build on the successes of others regarding poll worker recruitment.

Among the states we examined, only **Florida** does not specify a minimum number of poll workers per precinct, and no law specifies recruitment procedures. The state elections division does nothing to assist poll worker recruitment.¹⁶³ In fact, it is difficult to find a mention of working the polls on the state elections website.¹⁶⁴

Florida state law does allow high school students aged 16 and 17 to serve as poll workers, with the same responsibilities and pay as adult poll workers.¹⁶⁵ In Orlando's Orange County, the supervisor of elections sent letters out to local high schools encouraging students to become poll workers. The students could choose the normal poll worker pay or 18 hours of community service credit. Both students and election officials were enthusiastic.¹⁶⁶

Michigan's central poll worker recruitment infrastructure is little more developed than Florida's. State law does require that three poll workers serve per precinct.¹⁶⁷ However, no aspect of poll worker recruitment beyond that bare minimum is standardized. The Secretary of State makes no effort to recruit poll workers; indeed the secretary's website does not have a page encouraging voters to become poll workers or telling them where to sign up. Although Michigan elections are administered at the municipal level, poll worker recruitment is administered at the county level.¹⁶⁸

After the three mandated poll worker positions are filled by adults, Michigan law allows high school students age 16 or 17 to serve as poll workers.¹⁶⁹ So far, the response to this program has been overwhelmingly positive.¹⁷⁰

While the state laws are weak, the past few years have seen innovative poll worker recruitment efforts on the county level. For example, Detroit's Wayne County put out a call in local media for additional poll workers, after which the city was "overwhelmed" with sign-ups. Oakland County used recruiting open houses to sell the job to prospective poll workers.¹⁷¹ Ann Arbor recently raised their salary by 15 percent to 33 percent, depending on the poll worker's particular job, in the face of recruitment troubles.¹⁷²

Virginia also has minimal statewide recruiting standards and lacks a high school poll worker program. As in Michigan, three poll workers are required to staff each precinct by law.¹⁷³ But Virginia's low minimum of three poll workers is particularly precarious: Virginia's precincts contain, on average, 2,917 voters per precinct, by far the highest number of any state we studied. Furthermore, state law does not allow high school student poll workers under the age of 18, depriving poll worker recruiters of this labor pool that has been so successful in many other states.¹⁷⁵ A 2007 house bill would have legalized high school poll workers, but it was defeated.¹⁷⁶ Three poll workers is not a sufficient number to ensure a smooth Election Day. Said an Arlington County poll worker from 2007, "At my precinct, three workers were in charge of five voting machines. When all of the machines were occupied, it was challenging to keep up. No mistakes were made, as far as I know, but our system was a bit haphazard."¹⁷⁷ In the 2008 primary elections, Election Protection reported long lines throughout the state.¹⁷⁸ On the positive side, the State Board of Elections is more active than Florida or Michigan's state election officials: the board puts out advertisements and forms partnerships with state businesses to recruit poll workers.¹⁷⁹

Like Virginia, each **Pennsylvania** precinct must, by law, have three poll workers.¹⁸⁰ State law allows high school students aged 17 to serve as poll workers in addition to the minimum three. The state board of election does not engage in centralized poll worker recruitment activities.¹⁸¹ They have, however, in partnership with the civic engagement project Pennsylvania Coalition for Representative Democracy, brought First Lady Judge Marjorie Rendell into local schools, where she mentions poll worker service in her speech on how to get involved in democracy.¹⁸² Indeed, Pennsylvania has been particularly successful in its recruitment of high school student poll workers. Bucks, Mercer, and Dauphin counties have all increased their recruitment of high school poll workers in the past two years, and local election officials are very pleased with the results.¹⁸³

New Mexico state law requires either four or six poll workers per precinct, depending on what type of voting machine is used.¹⁸⁴ By law, no one under the age of 18 may serve as a poll worker. Poll worker recruitment is the responsibility of the counties—no state level recruitment efforts take place.¹⁸⁵ However, there are some promising developments. For example Santa Fe County increased poll worker pay last year from \$95 to \$130 to help address recruitment shortages. Earlier this year, a bill passed the New Mexico House of Representatives to allow high school age poll workers. Unfortunately, the bill died in the Senate.¹⁸⁶

Ohio's minimum precinct staffing is four poll workers.¹⁸⁷ State law allows one of those four poll workers to be a high school student in good standing who is under the age of 18.¹⁸⁸ A bill passed the general assembly in 2008 to allow two poll workers to be high school students as long as the precinct has recruited six or more poll workers, including the students.¹⁸⁹

Unlike in many other states, the Secretary of State's office does some outreach to encourage voters to become poll workers.¹⁹⁰ However, most of the interesting solutions are being implemented on the county level. A program called "Youth in the Booth," partnering with county election officials, recruits high school age poll workers. In 2006, the program filled 20 percent of poll workers in Franklin County, recruiting high-school age poll workers.¹⁹¹ In 2007, the program expanded to Dayton's Montgomery County, and this year it has expanded to other counties across the state.¹⁹² According to county elections officials, this has been very successful.¹⁹³ College students are targets as well: this year, Youngstown State University received a grant from the Election Assistance Commission to recruit college student poll workers.¹⁹⁴ This year, Butler County sent targeted mailings to people who voted in 2007 encouraging them to sign up as poll workers. The response, according to the county elections director, was "terrific."¹⁹⁵ In 2007, Secretary of State Jennifer Brunner proposed that poll workers be drafted from a list of registered voters, much like jurors. The proposal was not well-received, but many noted it as a bold response to a real problem.¹⁹⁶

Ohio will need all of these efforts and more to ensure success in November. During the March 2008 presidential primary, Election Protection found long lines and insufficient poll worker staffing across the state.¹⁹⁷ In 2006, many Cleveland polling places reported four-hour lines.¹⁹⁸ Cuyahoga County reported a 20 percent poll worker absentee rate on Election Day.¹⁹⁹ Indeed, in 2006, a precinct at the Garden Valley housing project did not open until 1:30 P.M. due to a lack of poll workers.²⁰⁰

Out of the ten states we studied, **Wisconsin** has the best law regarding precinct staffing: depending on the voting system used, state law requires five or seven poll workers per precinct.²⁰¹ This law is even better than it first appears: not only is this minimum staffing the highest of any state in our report, but Wisconsin also has, on average, the fewest voters per precinct of any state in the country. Assuming a seven-member precinct staff, an average Wisconsin precinct would have a poll worker for each 110 voters. As mentioned earlier, in comparison, Virginia's three-poll worker minimum and high precinct size averages out to over 972 voters per poll worker.²⁰² State law also requires that, if an employee gives seven days notice, they must be granted leave to work as a poll worker. In Wisconsin, high school students aged 16 or 17 may serve as poll workers, compensated as adults.²⁰³ The only restriction on the number of high school-age poll workers is that at least one poll worker per precinct must be a qualified voter.²⁰⁴ State employees receive paid leave to be a poll worker, and many local government employees do as well.²⁰⁵

The state also teams up with non-profits like the League of Women Voters to recruit. Last year, the League of Women Voters launched the "Poll Worker Recruitment Project" in Wisconsin. The project aims to alleviate poll worker shortages while also targeting underrepresented groups—such as students and people of color—to make poll workers more diverse representative of their precincts.²⁰⁶ In Milwaukee in 2007, the city elections board asked non-profits to "adopt" a polling place, staffing the precinct with members whose stipends could go to support the non-profit.²⁰⁷ Wisconsin law provides for split-shifts for poll workers who prefer not to work all day; Milwaukee and Madison have used this option successfully.²⁰⁸ Fox Valley municipal clerks also had success offering poll workers half-day shifts.²⁰⁹

In the February 10, 2008 Wisconsin primary, more poll workers were recruited to help cope with projected record turnout. In Milwaukee, for example, an extra 300 were hired for the primary.²¹⁰ Even so, long lines were reported, particularly at a Marquette University Precinct where many voters were registering on Election Day.²¹¹ A huge number of new voters taking advantage of Wisconsin's same day registration law may have been part of the reason: one precinct around Marquette University reported registering one new voter per minute.²¹² In a creative solution to the potential for same-day registrants creating long lines, the city of Oak Creek recruited an entire high school civics class, not as formally trained poll workers, but to guide voters around the polling place and assist with same-day registration.²¹³

In **Colorado**, like in many other states we studied, each precinct must have three poll workers. High school students who are 16 or 17 years old may serve as poll workers²¹⁴; they receive 75 percent of adult poll worker pay, and may only count toward one of the three minimum poll workers.²¹⁵ This minimum staffing, as in other states, is not sufficient to prevent long lines. A study of voters in Colorado's seventh congressional district found in 2006 that though poll workers were considered very helpful, lines at the polling places were too long.²¹⁶ The office of the Secretary of State reports that it plans to "put out a message" about poll worker recruitment before the November election. However, the responsibility of poll worker recruitment falls to the counties.²¹⁷

Some Colorado counties have particularly innovative and successful recruitment practices. Larimer County is specifically targeting students for the upcoming election: the county clerk-recorder hopes to recruit 200 high school student poll workers.²¹⁸ Douglas County hopes to recruit high school students to serve as one quarter of the county's

poll workers. Partnering with the county's school superintendents, the county elections division arranged for all high schools to be closed on Election Day. In addition, students who participate as poll workers will receive community service credit, a requirement for graduation. High school students themselves are leading the recruitment process, with a student recruitment group at each high school. These students recently set up a blog to share information and encourage other students to serve as poll workers. Secretary of State Mike Coffman called Douglas County's recruitment program "a model for the rest of the state."²¹⁹ Due to the lack of centralization, however, these great recruitment practices may not be systematically adopted by other counties.

One state has mostly avoided decentralization of poll worker recruitment. In an exemplary poll worker recruitment program entitled "It's your turn. Be a poll worker!" **Missouri** successfully marshals state resources to consistently recruit poll workers in all counties.²²⁰ State law requires four poll workers per precinct.²²¹ To accomplish this, the Secretary of State publishes posters, runs advertisements, and has created a poll worker sign-up module on her website which allows poll workers to sign up for service in any county. The program particularly targets college students and others with good technological skills.²²²

However, poll worker recruitment has been a problem in the past and may be again this year in counties across the state. County election officials in Livingston, DeKalb, and Buchanan County have all stated that complicated new HAVA requirements are discouraging potential poll workers.²²³ Some counties are not addressing this problem in a manner helpful to voters: for example, Buchanan County is dealing with the problem this year by reducing the number of polling places from 58 to 36.²²⁴ But others are taking positive steps to address the problem. Missouri's "youth election participant" system, in which high school students can assist at the polls but not serve as official poll workers, is still growing. This year it will be adopted in St. Louis County, where an Assistant Director of the County Elections Board is enthusiastic about the young poll workers' technological savvy: "I have to say, we recruited these kids for our own selfish benefit," he said. In June 2008, the St. Louis Community College and the University of Missouri- Columbia (MU) received grants from the EAC to recruit college students to become poll workers.²²⁵ MU received \$27,705 to recruit students, both from MU and from nearby Stephens College and Columbia College. They will use a dedicated website along with MySpace and Facebook. The Boone County (Columbia) Clerk expressed enthusiasm for the program because of young poll workers' higher fluency with technology and lower need for extensive training.²²⁶

The Missouri state legislature has failed to pass two proposed measures in the past two years to help poll worker recruitment: One would give poll workers a \$50 tax credit,²²⁷ while another would require employers to give unpaid leave to anyone wishing to be a poll worker.²²⁸ The bill to provide unpaid leave has been reintroduced this year, and is currently pending.²²⁹

POLL WORKER TRAINING

Training vast numbers of poll workers who are paid little to work sixteen hour days at something they will do only a few times in their lives can seem like an impossible task. New poll workers must learn—and experienced poll workers remember—state and federal laws on topics such as provisional balloting and voter identification requirements, how to use new types of voting machines, and how to address all the other minutia that arise at polling places.

Poor poll worker training has caused problems ranging from improper identification checks in Missouri to a failure to address malfunctioning electronic poll books in Colorado that disenfranchised an estimated 18,000 voters.²³⁰ To avoid these serious problems, states, counties, and municipalities must effectively train their poll workers.

To accomplish this, states need thorough laws that require poll worker training as well as uniform, effective execution of those laws across the state. Yet even where there are good laws, we found that there is often a disconnect between laws and practice. And in some states, thorough poll worker training at the local level prevented problems even if state laws governing training were vague.

In most places, though, it is very difficult to evaluate or predict poll worker training problems, because each county or municipality approaches the task separately. While this decentralization can in some instances lead to creative solutions, it also means there is no minimum standard for how much training poll workers receive, whether and how they are tested, or what materials should be used in the training process. Inequalities in poll worker training can easily lead to unequal implementation of election rules and procedures, to the detriment of the voter.

Virginia has neither statewide training standards nor a requirement that each poll worker be trained. State law requires that the electoral board train the Chief Officer and the Assistant – just two of the three poll workers required at each precinct. The electoral boards *may* train the other poll workers as well, but this is not required by law.²³¹ A State Board of Elections review of Chesterfield County in the 2008 presidential primary found poll worker training to be non-uniform and inadequate. Poll workers inappropriately requested identification and many were not able to operate voting machines properly.²³² Poor poll worker training presented problems across the state: there were reports in early 2008 elections of poll workers not properly reading voting machine totals, and phoning in incorrect results.²³³ To remedy these issues, the State Board of Elections review recommended that the state institute some sort of uniform poll worker training standards.²³⁴

Like Virginia, **Pennsylvania** state law does not require that its poll workers be trained before serving; however state law does require that counties “instruct election officers in their duties” as is deemed necessary.²³⁵ A poll worker from the 2008 presidential primary reported that only one poll worker at her precinct had ever received training, and this worker had only been trained because she served in 2004. “We were all political science majors. If we hadn’t talked to our professors about working at the polls we wouldn’t have had any idea what to do,” she said.²³⁶ During the 2008 primary, Election Protection received reports of a range of inappropriate poll worker behavior, including pressuring voters to vote for a specific candidate and making up their own rules about children accompanying their parents to vote.²³⁷ However, the state has recently developed a standard training DVD with an indexed menu of training topics. The DVD will be sent out to county administrators, and it should soon be available online.²³⁸

In **New Mexico**, the law requires that each poll worker attend a “school of instruction” put on by the county clerk.²³⁹ The Secretary of State must provide a training video for these trainings.²⁴⁰ A 2007 law now requires that the Secretary of State provide a standard training manual for poll workers.²⁴¹ This manual will contain “standard guidelines for the operations and processes of statewide elections, including pre-Election Day activities, election-day activities and post-election-day activities.”²⁴²

This new development is welcome news as a 2006 report by a University of New Mexico political scientist found poll worker training to be inadequate. The study examined three counties: Santa Fe, Doña Ana, and Bernalillo. In those three counties, only a minority of poll workers reported being “very comfortable using computers.”²⁴³ Only 43 percent overall thought they had enough time to practice on the voting machines. Suggesting that the trainings themselves needed to be revisited, many poll workers stated that their experience on Election Day varied significantly from their experience during training. This sentiment was particularly strong in Albuquerque’s Bernalillo County, the state’s most populous.²⁴⁴ There is, though, hope for improvement: in June 2008, after hearing reports that poll workers were inappropriately demanding identification in that month’s primary election, Secretary of State Mary Herrera said that she will further improve training before the November elections.²⁴⁵

Despite **Florida’s** statutorily mandated statewide training standards, widespread reports of poorly trained poll workers persist. According to state law, the supervisor of elections must conduct a training session for local elections officials prior to each election. The local officials are then required to train poll workers, and by law a poll worker may not serve unless they have been trained. In a very wise move to guarantee that the training is successful, the poll worker must demonstrate a “working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting and polling place procedures, and problem-solving and conflict-resolution skills.”²⁴⁶

Unfortunately, during this year’s primary, some poll workers did not know that the Democratic Party had a ballot.²⁴⁷ In another case, a lack of experience with voting machines led to half of one precinct’s machines becoming inoperable.²⁴⁸ Indeed, poll worker training was partially blamed for the 2006’s thirteenth congressional district fiasco when massive under votes threw the race’s outcome into question.²⁴⁹ On a more positive note, more and more counties now train their poll workers online, including Miami-Dade, Broward, Hillsborough, and Palm Beach.²⁵⁰

According to **Ohio** state law, each poll worker must complete a “program of instruction” of the “rules, procedures, and law relating to elections.” The law states that local elections boards must use materials provided by the Secretary of State but may also use materials devised locally.²⁵¹ Despite these laws, in 2006, reports from a number of counties across the state documented poor poll worker training. In Cleveland’s Cuyahoga County, the problem was particularly acute: 53 percent of workers stated that their training was insufficient.²⁵² In 2006, a poll worker in Lucas County described a precinct whose poll workers were not trained for the long lines and voting issues that occurred.²⁵³ According to the poll worker, the official training did not adequately address their concerns; the training’s main event was an amateurish video that demonstrated inaccurate Election Day procedure.²⁵⁴ When questioned about the

workers' lack of knowledge about the Election Day process, the trainer from the county elections board responded: "We hope you will all work together as a team. After all, if you know 25 percent, and Tom here knows 25 percent, and James knows 25 percent, and Don knows 25 percent, then that adds up to 100 percent!"²⁵⁵

As a result of these mishaps, some especially innovative state-level solutions have been proposed. For instance, the state has developed an online poll worker training program which counties may (but are not required to) use. The state is providing \$60,000 of funding for the project. The Pew Charitable Trusts provided another \$128,000.²⁵⁶ This year, the Cuyahoga County elections director is trying to improve the workforce by adding testing to the end of training. Furthermore, new, intensive training will be provided on provisional balloting.²⁵⁷

Strict enough to assure quality while still allowing county officials some flexibility, **Michigan** state law mandates that county clerks hold a training session before each election and that all election inspectors attend unless "excused by the county clerk for good cause." However, no election inspector may serve unless he or she has attended a training session in the past two years, or has passed an examination by the county clerk. Such an examination must be approved by the Secretary of State.²⁵⁸ Although elections are administered at the municipal level, poll worker training is administered at the county level.²⁵⁹ Improving statewide training processes, the Michigan Secretary of State worked in 2007 to retrain local elections officials on procedure so that they could better train their poll workers. Over 4000 local clerks and precinct chairs attended over 130 training sessions.²⁶⁰

Georgia law requires all poll workers to undergo training "regarding the use of voting equipment, voting procedures, and all aspects of state and federal law applicable to conduction elections."²⁶¹ In a good blend of state standards and local flexibility, the state develops a training manual which is available to each county. The counties conduct the trainings, also preparing their own material to supplement the state's.²⁶² Again, despite reasonable laws, in the 2008 presidential primary problems were reported that likely stemmed from poor poll worker training. In Fulton County during the February 2008 primary, problems with the electronic poll book caused long lines and extended wait times to vote.²⁶³ The Fulton County voter education coordinator attributed these problems to a lack of poll worker training rather than the machines themselves.²⁶⁴

Missouri state law requires that county election officials conduct poll worker trainings. Furthermore, the training program is rather standardized: by law, the trainings must "include substantially" a curriculum developed by the SOS.²⁶⁵ Yet in 2006, despite the great efforts of elections officials, poll workers across the state turned out to be inadequately trained on identification requirements.²⁶⁶ During the November election that year, Secretary of State Robin Carnahan herself went to turn in her absentee ballot when a poll worker asked her for identification. However, the state supreme court had struck down a voter identification law, so none was required. Despite her explanation of this to the poll worker, Carnahan was repeatedly asked to show identification.²⁶⁷ In addition to identification requirements, poll workers that year reported to researchers from the Secretary of State's office that they had been insufficiently trained in conflict resolution, voting machine use, and non-routine voter requests such as a change of address.²⁶⁸ This year, the Secretary of State's office is revamping its standardized materials — the office is currently developing new training materials, including an easy-to-use "how-to" video covering each type of voting system.²⁶⁹

Colorado law requires that each county clerk hold a "class of instruction" for poll workers,²⁷⁰ and that each poll worker attend one class.²⁷¹ The law also gives clerks the opportunity to proactively address potential training problems: the clerk may require that poll workers attend more than one training class.²⁷² No statewide standards for the trainings exist. The Secretary of State provides counties with training materials, but the counties are free not to use this material if they choose.

In the past few years, poor poll worker training has directly led to election problems. In Denver during the November 2006 elections, the Internet-based poll book failed. There was a contingency plan available— a laptop with sufficient information to look up voters. However, poll workers had not been informed about this option in their training, and the Election Day guidebooks that they were issued did not mention the contingency plan. Therefore, poll workers spent approximately 20 minutes checking in each voter, leading to extraordinarily long lines and disenfranchising an estimated 18,000 Denver voters who went home without casting a ballot.²⁷³ In 2006 more generally, poll workers' trainings did not succeed in making poll workers comfortable with voting machines. Said a spokesperson from the Secretary of State's office, "despite the training, some of the election judges are intimidated by the machines."²⁷⁴ Some counties have been innovative with training methods: In 2006, Colorado Springs' El Paso County addressed problems with insufficient space and bad acoustics by moving all poll worker trainings in the county to Mr. Bigg's

Family Fun Center. Set at 98 people, the classes were—according to the county’s Deputy Clerk-Recorder—“more specialized.”²⁷⁵

According to **Wisconsin** state law, the state must provide municipal clerks materials for training poll workers.²⁷⁶ Each poll worker must have received training in the past two years to legally serve on Election Day.²⁷⁷ While examinations are not required, state law expressly gives municipal clerks permission to test their poll workers (except for the chief inspector) after training.²⁷⁸ Chief inspectors must be certified by the state. In addition, the state must provide training materials to train the municipal clerks themselves.²⁷⁹ Interestingly, if the state produces a video for training elections officials, then the video must be uploaded to the Internet by law.²⁸⁰ In 2007, the new Government Accountability Board—which took over election administration—revamped the state’s training materials.²⁸¹

VOTER EDUCATION

Although election officials point out that electors’ unfamiliarity with the voting process contributes to problems on Election Day, voter education receives relatively little attention at the state level. In most states, the extent of voter education carried out falls to the individual counties with varying degrees of support and oversight provided by the state election offices. Election laws that directly impact voters are growing and changing—particularly in the case of identification requirements—making it increasingly important for states to be proactive in ensuring that their electors are uniformly educated on the election process.

One of the most revolutionary developments in voter education in recent years is the advancement of technology. Most state offices now offer key election information on their websites in addition to it being available on the local level. At this point, society is still determining how best to combine the traditional means of providing information with the digital dissemination of information. For certain populations, some of which have been traditionally disenfranchised such as young people, the shift of information to an online outlet has made it increasingly accessible to them; for other populations, the digital divide puts that information out of their reach. As it becomes easier to provide information online, offices must resist the temptation to significantly reduce their offline outreach since the digital age has yet to reach every voter.

Voter education is a largely decentralized process in most states, with either the brunt or all of it falling to the individual counties. In general, the only voter education that is standard throughout the state is that which is mandated by federal law. The most well-known federal laws that impact voter education are the Voting Rights Act of 1965 (language accessibility in Section 203) and the Help America Vote Act (which requires publicly posted voter information at polling places, including sample and provisional ballots and instructions on how to cast a ballot).²⁸² State laws vary by state; those laws that do exist generally require local election offices to supply voters with certain information. The most commonly found state law requires the publication of polling place information; **Georgia** and **Virginia** were the only two states of the ten surveyed for this report that did not have such a law. Half of the ten states surveyed had state laws requiring either the publication or distribution of sample ballots to registered voters prior to elections. The only state that requires some form of accountability by counties for their education efforts is **Florida**. By law, Florida counties must submit reports of their voter education efforts each year to the Secretary of State, who then compiles all of those into a report reflecting the state’s overall voter education efforts.²⁸³

Registration Education

Although still primarily in the hands of individual counties, voter registration is one area in which state offices do participate. **Ohio** and **Pennsylvania** are both active state participants in voter registration efforts in the form of attending community events. Heading into the 2008 election, **Ohio’s** election office has expanded the populations that it targets for voter education from past elections. Among others, it has added to its repertoire of event participation gay pride and Latino festivals.²⁸⁴ State offices also sponsor statewide public service announcements and advertisements that generally feature generic election and voter registration information. **Wisconsin**, for example, provides voter registration information on a statewide basis through the news media.²⁸⁵

Ohio is one of the few states to require that the places, dates, times and methods of voter registration be published in a newspaper six weeks prior to elections.²⁸⁶ **Virginia** has a similar law requiring that registration information be either published in a newspaper or announced on a local television station prior to registration deadlines.²⁸⁷

In addition to offline efforts, all of the states in this report have taken advantage of the Internet to provide registration information to electors. States provide information on registration eligibility requirements, identification requirements and registration deadlines. Every state had registration forms available for download online and most included instructions for filling them out as well—although **New Mexico** only provided the NVRA registration form on its website. Most of the states also provide information to voters on their websites on where they can obtain registration information and materials offline, including social service agencies and department of motor vehicle offices. In an effort to avoid frustrated voters at the polls, many states offer voters with the opportunity to check their registration status online beforehand, so that they know if they're registered before heading to the polls. Of those surveyed, **Pennsylvania, Virginia, Ohio, New Mexico, Michigan, Wisconsin and Colorado** all offered this service (i.e., the only states that did not appear to offer it were **Florida** and **Georgia**). **Pennsylvania** has taken further advantage of technology by offering voters the option of receiving voting registration deadlines and Election Day reminders that will be sent via email and text to either voters' telephones or computers.²⁸⁸

Polling place information

One of the most common failures in voter education is ensuring that electors know when and where they need to cast their ballots. Misinformation and a lack of information on polling place locations and hours can cause confusion, frustration and, when time is short, a loss of votes. The rate of calls requesting polling place information on Election Day reflects the extent of this issue. According to the Election Incident Reporting System, over 18,000 of the 42,000 incidents reported on Election Day nationwide in 2004 were polling place inquiries. In 2005, when there were only 218 Election Day incidents reported nationwide, 83 of those were polling place location inquiries.²⁸⁹ **Georgia** and **Virginia** are the only two states of those surveyed who fail to have the safeguard of laws requiring that jurisdictions provide polling place information to voters. But laws alone have not been sufficient to prevent continued confusion even in those states with laws.

For example, in the 2008 primaries, Election Protection fielded voters' calls around the country and reported a significant number requesting polling place location information in both **Pennsylvania** and **Ohio**. For **Pennsylvania's** April 2008 primary, the Election Protection Coalition fielded over 250 calls related to polling place locations.²⁹⁰ And in **Ohio**, over half of the election incident reports in Cuyahoga County were polling place inquiries or polling place problems.²⁹¹

Both states had experienced similar problems in past elections. The 2004 election saw 1000 polling inquiries statewide in **Ohio**, with the highest rate of polling place inquiries in Cuyahoga County.²⁹² And in Pennsylvania in 2004, polling place inquiries constituted almost 40 percent of all election incidents; Philadelphia and Allegheny recorded the highest levels of inquiries there.²⁹³

Every state surveyed *except* **Georgia** and **Virginia** has a law requiring that some polling place information be published, usually in a local newspaper. But **Ohio** and **Colorado** are the only states that have laws requiring that all registered voters be sent notices before an election with polling place information.²⁹⁴ **Missouri** law says that a notice of election may be mailed to each registered voter no later than five days prior to the election but does not require it.²⁹⁵ Other states mail voters registration cards with polling place information on them when they first register and some send out voter information or precinct cards but are not required to by law. **Georgia** and **Virginia** are among those who usually mail their newly registered voters notices that include polling place information.²⁹⁶

Outside of state laws, many states provide polling place information on their websites. Polling place locators are frequently used in a format that allows voters to type in their address to be given their particular polling place, rather than having to scroll through a list of polling places that generally require an elector to be familiar with the number of his precinct to determine the correct place. The only state that did *not* offer this type of polling place locator on the website was **Florida**. **Michigan's** online Voter Information Center includes interactive maps to voters' polling places.²⁹⁷ And **Pennsylvania** also has made available on its website an "Election Day Assistant," which is a separate page that provides voters with directions to their polling places.²⁹⁸

Sample ballots

Sample ballots are a crucial part of voter education because they can have a direct impact on voter turnout. According to research by Ray Wolfinger, mailing sample ballots to voters has been shown to increase voter turnout by two or more percentage points.²⁹⁹

HAVA requires that states provide sample ballots at all polling places on Election Day but makes no mention of mailing them to voters.³⁰⁰ And, unfortunately, most states have not made mailing sample ballots a priority. On the state level, only **Florida** has a law that mentions mailing sample ballots to voters, requiring that sample ballots be either mailed to all registered voters or published in a local newspaper. **Michigan, New Mexico** and **Colorado** statutes don't make any mention of sample ballots outside of HAVA requirements; **Pennsylvania, Wisconsin, Georgia,** and **Missouri** require some kind of public exhibition or publication of the sample ballot; **Ohio** says that its board of elections *may* print sample ballots; and **Virginia** law says that it *may* have a public exhibition of voting machines with sample ballots. And although the Internet has been used by Secretary of State offices to disseminate so much other election information, **Michigan** is the only one of the ten states surveyed that provides a sample ballot online.³⁰¹ However, the Secretary of State in **New Mexico** is working with an outside company and the county clerks to allow every voter to be able to view and download a sample ballot off the Secretary's website.³⁰² **Wisconsin's** elections website does provide a list of what will be on the ballot to voters but not a realistic representation of what the ballot will look like.

Florida requires that smaller sample ballots be available at polling places and available to voters who request them, in addition to the posted ballots; it also requires that counties either publish sample ballots in a local newspaper or mail them to households with registered voters.³⁰³ **Georgia** requires that supervisors of elections publicly post sample ballots at a time and place of their choosing; it also allows that sample ballots may be published in newspapers and otherwise distributed. And sample ballots must be available for distribution at the county courthouse for interested electors.³⁰⁴ **Pennsylvania** requires that a notice be published in local newspapers that include a "portion of the form of ballot or diagram of the face of the voting machine."³⁰⁵ **Virginia** law states that the electoral board may designate times and places for the exhibition of voting equipment containing sample ballots, for the purpose of informing voters who request instructions on the use of the equipment.³⁰⁶ **Wisconsin** simply requires that sample ballot be either published in a local newspaper or included as newspaper inserts, and be posted at the polling place.³⁰⁷

Provisional ballots

The Help America Vote Act requires that polling places post certain information on Election Day, including a statement notifying voters of their right to cast a provisional ballot and instructions on how to cast a provisional ballot. The Act also requires that electors who have to vote provisional ballots be provided with a free access system to determine whether or not their vote was counted and, if it was not, the reason.³⁰⁸ Particularly with confusion over registration and identification requirements in multiple states, provisional ballots have become a regular part and problem of the electoral process. Due to poor education on the part of both voters and poll workers, some voters who are entitled to cast a regular ballot are instead offered a provisional ballot; and some voters who qualify for a provisional ballot are turned away from polling places without casting any ballot.

Despite that, **Missouri** is the only state surveyed to have a state law on voter education regarding provisional ballots beyond that required by HAVA.³⁰⁹ According to state law in Missouri, general information on the right to cast a provisional ballot and instructions for provisional ballots must be publicly posted during the period of time in which a person may cast an absentee ballot and on Election Day.³¹⁰ It is unfortunate that other states have not followed Missouri's lead: as they continue to be frequently used, at times inappropriately by poll workers, voters need to know their rights with respect to provisional ballots.

Language Accessibility

Section 203 of the Voting Rights Act of 1965 requires that jurisdictions with large minority language populations (5 percent or higher) provide translated voting materials, such as registration notices and ballots.³¹¹ Of the states surveyed, **New Mexico** is the only one that has a statewide language accessibility requirement under Section 203. Of the other states, **Michigan, Florida, Pennsylvania** and **Colorado** all have at least one jurisdiction in their state subject to Section 203's language requirement.³¹² As with all areas of voter education, language accessibility has been embraced by states at very different levels. Some that have no federal mandate to provide information to non-English speakers have chosen to do so; others that are required to provide such information do so inadequately.

Three of the states surveyed address language accessibility in their state statutes. Of those three, **Missouri's** state law is the only one to go beyond federal requirements by requiring that the "Secretary of State may develop multilingual sample ballots and voting instructions to be made available to election authorities."³¹³ **Pennsylvania's** statute is similar to the Voting Rights Act Section 203 requirement, saying that bilingual forms may be provided in jurisdictions where a language minority exceeds 5 percent of the population. In those jurisdictions, the statute goes on

to say that public education programs will be conducted within that language group to inform electors of the forms' availability and encourage voter registration.³¹⁴ And **New Mexico**, which is the only state surveyed with a statewide requirement under the VRA to provide information in Spanish as well as English, has a law that both requires election information to be available in Spanish as well as a section that includes minority languages that are "historically unwritten." In such cases, as stated by law, election information must be provided orally and disseminated through the media and in public meetings, as well as on Election Day at the polls.³¹⁵

The Internet, again, has provided states with the ability to easily provide election information in multiple languages. Unfortunately, not all states have capitalized on this tool. **New Mexico**, which has a statewide requirement to provide election information in Spanish to its Hispanic population, limits its Spanish information online to a translation of the voter bill of rights, which does include information on the right to file a complaint and cast a provisional ballot, but does not provide basic information on how to register and vote.³¹⁶ However, according to the Secretary of State's office, it is in the process of translating basic information on how to register and vote as well as polling place hours and locations for absentee and early voting sites.³¹⁷

Florida's election website offers a fair amount of information in Spanish. In addition to a Spanish-language registration form, the Elections Division also offers several educational Spanish posters. Those posters include one with "instructions to voters" that provides basic voting information such as polling place hours, identification requirements and the right to see a sample ballot before voting; one that outline voters' rights and another that outlines their responsibilities; as well as a poster that gives contact information to report election fraud.³¹⁸ The website has also added a link to the Election Assistance Commission's Bilingual Glossary on Elections.³¹⁹ **Colorado** and **Michigan** both provide important voting information and forms in Spanish.³²⁰ **Pennsylvania**, which has a very small language requirement under Section 203 of the VRA, provides the most extensive information in multiple languages of the states surveyed. The Pennsylvania Department of State website provides an entirely translated version of its elections website in Spanish; as well as important election information and forms in French, Chinese, Khmer, Russian and Vietnamese.³²¹ **Wisconsin**, which has no obligation under VRA, has just added links to the Election Assistance Commission's non-English glossaries of election terms, which include information in Chinese, Japanese, Korean, Spanish to English, English to Spanish, Tagalog and Vietnamese.³²² The state also provides voter registration forms and absentee ballot applications in Spanish and Hmong.³²³

Voting Machines

All of the states have a state law that requires some form of voter education about voting machines. This is critical because voters must be familiar with the machines on which they're casting their ballots in order for the process to go smoothly and for them to be confident that the ballot was properly cast and will be counted.

For example, in 2006 in **Missouri's** Stoddard County, where about 15 percent of the ballots were rejected by the county's optical scan machines, County Clerk Don White said that 95 percent of the trouble came from voters marking the ballots incorrectly. In her review of the 2006 elections, Secretary of State Carnahan recommended that voters be better educated on the use of new voting systems.³²⁴ By Missouri law, voters are required to receive instructions on how to use the voting machines and that voters be informed that they can view a demonstration of the machine if they request it.³²⁵ **New Mexico** had issues with under-votes in the 2004 election. According to a local official, many of these were probably a result of electors being unfamiliar with how "straight ticket voting" worked on the voting machines used in their counties. If electors selected "Democrat" at the beginning of their session, all of the Democratic candidates were automatically selected; if the electors then went on to select "John Kerry," for example, they would have deselected their choice and possibly cast their vote without realizing it. The reason the under-votes are being attributed to this misunderstanding is because the under-vote rates are lower in counties that do not have the "straight ticket" option on their machines.³²⁶

A few of the states have taken advantage of their websites to provide information on voting machines. **Ohio**, **Pennsylvania**, **Michigan**, **Florida**, **Wisconsin**, and **Colorado** all provide information on what voting systems are used in which counties. **Pennsylvania** also provides instructional videos on how to use the voting machines, allowing voters to select their county from a list and be directed to the appropriate videos.³²⁷ **Wisconsin** and **Colorado** both provide links to the voting machine manufacturers' video demonstrations.³²⁸ Georgia's website provides a step by step guide to using the electronic machines and an interactive demonstration.

The laws regarding the depth and accessibility of that education about voting machines varies by state. In **Pennsylvania** during the thirty days before the elections, the voting machines to be used in elections must be on public display for the instruction and information of voters. **Georgia** requires that there be a public exhibition of voting machines before elections containing the ballot labels and showing as much election information as available at the time.³²⁹ **Colorado** also requires that there be mandatory voting system demonstrations open to public and press.³³⁰ And in **Virginia**, state law says that, “In each county, city, or town in which voting or counting equipment is to be used, the electoral board may designate times and places for the exhibition of equipment containing sample ballots, showing the title of offices to be filled, and, so far as practicable, the names of the candidates to be voted for at the next election for the purpose of informing voters who request instruction on the use of the equipment.”³³¹

Absentee Voting

Four states in the survey have laws that require some form of voter education on casting absentee ballots. **Florida** requires that first-time absentee voters receive special instructions that include identification requirements, including a list of acceptable forms of identification and people who are excluded from the identification requirement.³³² **New Mexico** requires that reasonable efforts be made to notify voters of the times and locations of absentee voting.³³³ **Wisconsin** requires that municipal clerk offices publish information on absentee voting qualifications, obtaining applications, and deadlines.³³⁴

Ohio's Lucas County 2008 primary had problems with confused voters sending in absentee ballots improperly prepared. As a result, 921 absentee ballots that were sent in with the identification envelope incorrectly mailed were not counted. To correct this error, the Lucas County Board of Elections is planning to add more warnings and instructions to the absentee ballots; it is also going to eliminate the “Please Do Not Bend” instruction on the envelope that was intended for letter carriers but confused voters as to whether or not they could bend their ballots to send them back.³³⁵

Long lines at polling places are actually drawing states’ attention to absentee voting and the importance of letting voters know that it is an option. **Virginia** is one of those states. In its review of the 2008 Virginia primary in Chesterfield County, the State Board of Elections recommended that additional efforts be made to educate voters on the voting absentee option as a means to reduce lines at polling places on Election Day.³³⁶

Voter Identification Requirements

Voter identification requirements inherently threaten to disenfranchise voters by the burden they impose on voters. Those who do not have identification must find the time and money to acquire it; and those who have identification but forget to take it to the polls must find the time to return with their identification for their votes to be counted. Despite this burden, such requirements are becoming more widespread and more stringent in states around the country. With these requirements comes the responsibility of the states to educate their voters on them.

Most states have some form of initiative to inform voters of identification requirements, but **Ohio** is commendable for being the only state of those surveyed with a law requiring any form of voter education on identification requirements. Under Ohio law, all registered voters must receive a notice reminding them about the identification requirement sixty days prior to Election Day.³³⁷ By providing a sixty day window, voters without identification may actually have the time obtain it. **Ohio** also requires the development and distribution of an informational brochure that includes information on Ohio’s identification requirements.³³⁸

Although not required by state or federal law, all of the states surveyed provide information on identification requirements for voters on their websites. **Missouri** has one of the best online resources for identification requirement information. The Secretary of State’s website provides both a list of acceptable forms of identification as well as photographed images of acceptable forms of identification.³³⁹

Georgia, which has one of the strictest voter identification laws, has made extensive efforts to educate voters on its identification requirements. Online, it has an entire webpage dedicated to the issue. In addition to providing the basic information on that website, Georgia also offers posters, flyers and brochures with the identification requirement and acceptable forms of identification on them that it encourages organizations, employers, and schools to download and either display or distribute.³⁴⁰

Missouri took last minute measures to inform voters of what they needed to take to the polls in order to cast their votes in 2006 after the state's voter identification requirement was overturned shortly before the election. Those measures included public awareness announcements that were broadcast on television, radio and in print media. Unfortunately, those efforts were insufficient to prevent confusion at the polls by both poll workers and electors. That confusion resulted in a large number of qualified voters casting provisional ballots.³⁴¹

In an effort to reach out to voters, **Pennsylvania's** Secretary of State Pedro Cortés published an Op-Ed in multiple newspapers prior to the state's spring primary. In the Op-Ed, he urged voters to check out the Secretary of State's website for important election information, including identification requirements for first time voters.³⁴²

Given **Michigan's** new voter identification requirement (effective 2007), education about voter identification is especially critical in this state. It is encouraging that election administrators in that state do seem to have gone out of their way to spread the word through the media about the requirement, most importantly about the option to sign an affidavit if a voter does not have or failed to bring identification with them to the polls.³⁴³ It remains to be seen if this will have been sufficient.

STUDENT VOTING RIGHTS

2008 is the first year in which we specifically examined state law and policy regarding student voting rights. We chose to do so this year due to our hope that youth voter turnout will be historic this year. Already in the primaries the number of voters under thirty nearly doubled from the comparable election of 2000, to 6.5 million. The youth vote has risen in the last three consecutive election cycles. As the director of the major organization tracking youth voting put it, "All key indicators and trends point to a predicted record turnout of young people voting this coming November."³⁴⁴

Unfortunately, these types of predictions also make us concerned that this rise in participation will lead some to erect stumbling blocks to students' attempts to vote. Efforts by community activists and local registrars to discourage students from voting or outright bar them from doing so have occurred repeatedly, usually in the guise of challenging the students' right to vote from their campus address. The reasons are usually political: in communities in which students vote as a bloc, they can hold great sway over election outcomes. And, by and large, state laws on the topic are vague enough to give a Secretary of State or even a local administrator the latitude to at least try to make voting challenging for students should they choose to do so.

One of the worst instances of an attempt to block huge numbers of students from voting took place just last November in one of our states under review, Georgia. After students at Georgia Southern University undertook a very successful voter registration drive, four Statesboro residents, calling themselves the "Statesboro Citizens for Good Government," challenged the voter registration eligibility of some 900 students. Rather than condemning this action, the incumbent city council member up for imminent re-election supported it, claiming, falsely, that the students' registration could impact their parents' taxes. Upon hearing of this, voting rights attorneys stepped in, asserting that the challenges were obviously fraudulent given that all "909 challenges were identical and were based on personal information that the challengers could not have ascertained. For example, it is safe to say the challengers do not have personal knowledge that each student receives 'significant mail and personal bills' at non-Statesboro addresses, that each student does not stay in Statesboro during the summer, and that each student plans to leave Statesboro upon graduating."³⁴⁵ The "Citizens for Good Government" were forced to withdraw their challenges. Nonetheless, the damage, in the form of disenfranchisement, was done: According to the Associated Press more than 60 percent of the registered voters who were challenged did not show up at the polls.³⁴⁶

In addition, during early voting in Statesboro, uniformed police officers questioned students voting, one officer asking telling a student if he did not update his identification to reflect his residency he would give him a ticket the next time he pulled him over, and another demanding a student show him where she lived on a map before she could vote.³⁴⁷

In general, if a student considers where they live at school as his primary residence with no *present* intent to leave, he has the right to vote from his college address. Students typically will consider school as their primary residence since that is where they spend most of the year and engage in community activities.³⁴⁸

Nonetheless, residency laws are the most common tools used to thwart student voting. In 1979, the U.S. Supreme Court ruled that students could vote from their campus address if they "establish residency" but left it up to the

states and localities to determine what constitutes “residency.”³⁴⁹ Elections officials will occasionally claim where a student registers to vote impacts eligibility for financial aid. This is false.³⁵⁰ Moreover, in our highly mobile society many Americans move from place to place with some frequency, often more frequently than students do. Under the Equal Protection Clause, they should not be subject to any further questioning than anyone else.³⁵¹

The other, increasingly common barrier to student voting is voter identification requirements. As detailed in the Voter Identification section, many states require some form of identification, whether photo or not, to include a current address. If a student identification is not accepted as fulfilling the identification requirement, many students may not have the documentation necessary to vote from their campus.

While the laws are important, it seems from past experience that whether students have problems casting their votes will depend primarily on the local registrar responsible for the campus jurisdiction. This makes it difficult to predict just where or how the problems will occur. Nonetheless, states that start out with laws that clearly set out the rights of students to vote are more likely to have smooth elections on campuses. In many states the law is unsettled enough that local officials could try to make voting difficult for student voters. In very few states is the matter of student voting rights explicitly addressed.

On its website the Secretary of State of **Colorado** states that students can choose whether to register where they attend school or where they lived before school.³⁵² As long as a student considers Colorado her “primary residence”—where she lives at school her primary home—she can register to vote in Colorado. However, the address used for voting must match the address used for car registration and state income taxes.³⁵³

A student identification from a Colorado school satisfies the identification requirement if it shows the voter’s name and photograph.³⁵⁴ Students at a public college or university in Colorado can satisfy the identification requirement by showing a letter from the school registrar that includes name, date of birth, and residence address.³⁵⁵

According to the Office of the Secretary of State’s Office, although the “**Florida** Constitution requires voters to be permanent residents of the state and that state law does not define residency, the residency guidelines are no different in its application to a college student versus any other eligible voter. Florida courts and the Department of State have established [this] to be where a *person mentally intends his or her permanent residency to be and that can be factually supported.*”³⁵⁶ This should not be troublesome for students as no court has ruled that this means more than a present intent to be a permanent resident.³⁵⁷ Student identification does fulfill the identification requirement.

As mentioned, **Georgia** was most recent site of student voter intimidation. At the same time, Georgia’s residency requirements are more or less on the right track. A Georgia court has held that a present intention to remain is all that is necessary, which is fully sufficient for students to register from their campus addresses.³⁵⁸

However, Georgia’s identification requirements are among the most onerous in the country. The Georgia Secretary of State accepts student identification from many public colleges, universities and technical colleges at the polls, but identification from private universities and colleges are not accepted. Those students must go through the additional hurdle of bringing identification to the county board of elections or DMV to get the state’s “free” photo voter identification card.

Also of interest, HB 3200 was introduced in Georgia in 2007 that would have mandated that registrars allow students to register from their campus addresses, thus fully clarifying student voting rights in that state. It did not pass.

In Michigan, according to the Secretary of State, “a student can register in his/her campus community or in the jurisdiction where he/she resided before moving to campus. Unfortunately, in 1999 Michigan enacted a law requiring the home address on a voter’s registration card match that on the voter’s driver’s license if he had a Michigan license. This was perceived as being directly aimed at students, who usually move dorms at least once a year or have driver’s licenses that reflect their home (parents’) addresses. The student would have to travel to the jurisdiction of their driver’s license address to vote, no matter how far away it was. University student groups and the ACLU challenged the new law, but the court rejected their claim, holding that the new requirement did not constitute an unreasonable burden.³⁵⁹ In July of 2007, the Michigan House passed a bill that would have repealed the law, allowing Michigan residents to have a registration address that is different from their driver’s license address, a measure designed to make registering and voting easier for students. It never passed the state senate.

Photo identification from any accredited high school, college or university will be accepted as voter identification.

Although the law itself is not entirely clear in **Missouri**, the Secretary of State's "Voting in College" section of its website clearly states that college students may choose to vote from their school address.³⁶⁰ Again, however, it is possible for a local registrar to interpret the law in a different way that the Secretary of State has. Any student identification is sufficient to satisfy the voter identification law, along with any of several other documents.

In **New Mexico**, the Attorney General has specifically recognized that students "have the right to register and vote in the community where they attend school."³⁶¹ New Mexico's definition of residence includes a prohibition on someone voting who is in the state for "temporary purposes only,"³⁶² but the Attorney General has said that this cannot be used to bar students from voting at their colleges. The Attorney General has also stated that even students who do not have definite plans after graduation should be allowed to register to vote in the state.³⁶³ Such an opinion has the force of law until overturned by a state court. In New Mexico, a wide range of identification is accepted, including student identification.

The **Ohio** law is somewhat murky. The Secretary of State's website says that students may register to vote so long as they intend "to reside permanently in the Ohio county" where their "school residence address is located."³⁶⁴ According to the Brennan Center for Justice, "this isn't a requirement that you are sure you're going to live in Ohio forever; it's an intention that at the time of voting, your school community is your permanent home."³⁶⁵ Nonetheless the lack of clarity in the law may provide enough grist for the mill for a registrar who might want obstruct a student's registration.

In terms of identification, the Secretary of State has said that a document from a public college or university with the student's name and address on it counts as a form of identification.³⁶⁶ Because many students do not get individual utility bills at their dorm addresses, one of the documents accepted as identification in Ohio, in 2007 Secretary Brunner issued a memorandum allowing for utility bills to be issued by universities to students and for this document to be accepted as valid identification.³⁶⁷ The bills would reflect utility services that the students already pay for through their tuition and fees.³⁶⁸

Pennsylvania's policy would appear to be clear: The election code states that students may register to vote in the district they live in while attending college.³⁶⁹ The Secretary of State has stated that one can vote in Pennsylvania even if one is classified as an "out-of-state" resident by one's school for tuition purposes.³⁷⁰ Only first time voters must show identification and student identification is acceptable.

Virginia has one of the strictest residency requirements in the country. Virginia's Supreme Court has determined that under the state constitution and the election law, a voter must establish residency and domicile.³⁷¹ The Court interpreted this to mean that a voter must intend to stay where they are living indefinitely. When determining domicile, elections officials may consider one's "expressed intent," actions, financial independences, employment, income sources, residence for tax purposes, "residence of parents," the place where one keeps his personal things, car registration, and any other factors "reasonably necessary to determine" one's qualification to vote.³⁷² In the 1960s and 1970s, Virginia courts ruled against students who challenged denials of the registration in court.³⁷³

Currently, the Secretary of State's website includes a series of questions for student voters that seems designed to discourage students from voting at their colleges,³⁷⁴ suggesting that a student's dependent status on his parents' tax return, health insurance and scholarship might be affected if he changes his voting residence to his college address. For most students, this is false.

It appears from Virginia's voter identification law that student identification from a public university would be acceptable, while an identification from a private school would likely not, presenting another possible hurdle for students (though under Virginia law, a voter without identification may alternatively sign an affidavit).³⁷⁵

Given this background, it should not be surprising that Virginia has seen its share of student voting disputes. In May of 2004 the Williamsburg voter registrar rejected the voter registration applications of four students who had wanted to run for office. The registrar claimed "that the students could not establish residency in Williamsburg because of where their cars were registered and their income taxes were paid. The students challenged the rejection of their voter registration applications in federal court." The judge's findings on the students were mixed.³⁷⁶ In 2007, the registrar was fired by the local electoral board after it was revealed that he had destroyed some student voter registration forms. A new registrar took his place who believed in the right of students to vote and there have not been problems there since.³⁷⁷

In **Wisconsin**, students should have no problem. 6.10(12) of the state's election code explicitly states that, "Student status shall not be a consideration in determining residence for the purpose of establishing voter eligibility." As a result, in that state, if a student intends to establish residency there for voting purposes, she may do so.³⁷⁸

If registering to vote in Wisconsin for the first time, one must provide proof of residency when registering to vote.³⁷⁹ School identification with photo is accepted for this purpose. If the voter does not have acceptable proof of residency at the time he seeks to register in person, he will be allowed to register anyway if another voter who is registered in the district signs a statement confirming that he is, in fact, a resident.³⁸⁰

Because students usually move every year if not more often, Election Day Registration available in Wisconsin makes it easier for students to participate. States that allow Election Day Registration, on average, have youth voter turnout rates that are 14 percentage points higher than the rest of the country; three of the top five states for youth voting in 2000 allowed Election Day Registration (Minnesota, Wisconsin, Maine).³⁸¹

Long lines at the polling place are another huge problem for students, though one that is less easy to track. What we do know is that there have been a number of instances of way too few machines on college campuses if there are machines at the school at all. The most infamous case was at Kenyon College in Ohio where students were forced to wait in lines until late into the night because of the paucity of machines. Similar incidents have occurred at universities in states not under review in this report.

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COLORADO	CURRENT STATUS	ASSESSMENT ¹
VOTER REGISTRATION		
Rejection	Registration form must include: identifying number (driver's license number, identification card number, or last four digits of SSN), full name, date of birth, address. ²	Acceptable
Verification	Registrant's name is entered into the statewide voter registration system and all possible matches are returned. The name is then matched with the other information provided on the registration application and a match is made at the discretion of an election official. ³ Substantial match standard.	Exemplary
Notification	If an applicant's form is incomplete, the voter will be sent a notice via mail informing him/her that he/she has until Election Day to correct the information. ⁴ The county clerk and recorder are required to notify the applicant of the disposition of the application within ten business days of receipt of the application. ⁵	Acceptable
Database	The state is two years late in complying with the HAVA database deadline due to problems with its original vendor. According to the office of the Secretary of State, the statewide voter registration system was successfully deployed to all 64 counties in April, 2008 and that all of the counties will use it in November. ⁶ Press reports say several counties have announced that they will not be using the centralized database system after glitches caused problems in a test-run in spring 2008. ⁷	Inconclusive
3rd Party Registration	Third-party voter registration drive organizers must file a statement of intent with the Secretary of State and must fulfill training requirements. ⁸ Applications should be delivered or postmarked no later than 15 days after the application was signed, and each application must be mailed or delivered to the county in which the elector resides. Third-party registration drive organizers may not compensate their drive workers in proportion to the number of applications they collect. ⁹ Failure to comply with these provisions results in substantial fines. ¹⁰	Acceptable
NVRA Implementation	State law calls for NVRA implementation. ACORN/Project Vote study notes variation across counties in §7 implementation, though there has been recent improvement. ¹¹	Inconclusive
VOTER IDENTIFICATION		
Distribution	To vote in-person, the voter must provide one of many acceptable forms of identification. A social security number is not an acceptable form. If a voter does not have identification, he or she may cast a provisional ballot. ¹²	Acceptable
PROVISIONAL BALLOTS		
Distribution	A voter receives a provisional ballot if: his/her name does not appear on the registration list at the polling place; he/she does not present proper identification at the polls; he/she was issued an absentee ballot but has spoiled it or otherwise does not want to use it to vote. ¹³	Acceptable

COLORADO	CURRENT STATUS	ASSESSMENT ¹
Verification	Local election officials must verify the eligibility of voters who cast provisional ballots to vote and count the ballots within ten days of a general election. If the voter did not sign the provisional ballot affidavit, the official must contact the voter within two days and notify him/her of the omission, giving him/her eight days to return a signed affidavit to the election authority. ¹⁴	Acceptable
Wrong Precinct	If the voter is registered to vote but casts a provisional ballot in the wrong precinct, his/her ballot is counted only for the elections for which he/she is eligible to vote (i.e., state and federal.) ¹⁵	Acceptable
SUPPRESSION/CHALLENGES		
Deceptive Practices Law	It is illegal to “impede, prevent, or otherwise interfere,” with the voting process. No law specifically addresses deceptive practices. ¹⁶	Unsatisfactory
Challengers	Challenges to registration must be made, in writing and with supporting documents, no later than 60 days before an election. At a subsequent hearing, the challenger must appear and bears the burden of proof. ¹⁷ To challenge a voter on Election Day due to age, residency, or citizenship, any eligible elector may make a challenge, in writing and under the penalty of perjury. If the voter answers the poll worker’s questions about the challenge, he or she will be permitted to vote. ¹⁸	Acceptable
POLLING PLACE/POLL		
Workers’ Training	State law requires that each poll worker attend one training class before each election. ¹⁹ The Secretary of State provides training materials, but counties are not required to use these materials. ²⁰	Acceptable
Recruitment	Minimum precinct staffing is three poll workers. ²¹ High school students 16 year of age and older may serve as poll workers. Counties are responsible for recruiting poll workers. ²²	Mixed
VOTING MACHINES		
Distribution	Paper-ballot-using counties will provide a “sufficient number of voting booths” and electronic/electromechanical equipment-using counties will provide “sufficient voting equipment”. ²³	Unsatisfactory
STUDENT VOTING RIGHTS	Students must establish residency to vote ²⁴ , which requires matching car registration, state income tax, and a driver’s license to the student’s college address. ²⁵ A student identification with an address and photograph or a letter from a public university satisfies the identification requirement. The Secretary of State’s website states that students may choose to vote at either their college or parents’ address. ²⁶	Mixed
VOTER EDUCATION		
Registration Information	<u>Secretary of State Website</u> <ul style="list-style-type: none"> Information on eligibility, how- and where-to, identification requirements, deadlines and verification.²⁷ <u>Offline:</u> <ul style="list-style-type: none"> Public service announcements²⁸ 	Acceptable

COLORADO	CURRENT STATUS	ASSESSMENT ¹
Polling Place Location/Hours	<p><u>By Law:</u></p> <ul style="list-style-type: none"> Notice by publication of polling place hours is required no later than ten days before the election.²⁹ Postcards with precinct numbers and polling locations must be sent to all active eligible electors no later than 25 days before the general election or special legislative election.³⁰ <p><u>Secretary of State Website</u> Polling place hours can be downloaded in a PDF document</p>	Mixed
Sample Ballots	<ul style="list-style-type: none"> Sample ballots not mailed to voters by Secretary of State Office or available on Secretary of State's Website. 	Unacceptable
Provisional Ballot Information	<p><u>Secretary of State Website:</u></p> <ul style="list-style-type: none"> Explains when provisional ballots are available as an option and explains what election officials will do with the cast ballots.³¹ 	Acceptable
Language Accessibility	<p><u>Voting Rights Act, Sec. 203</u></p> <ul style="list-style-type: none"> Colorado's statewide population does not fall under Section 203. Ten Colorado counties do fall under Section 203 requirements: two for American Indian populations; eight for Hispanic populations.³² <p><u>Secretary of State Website:</u></p> <ul style="list-style-type: none"> Available in Spanish: registration form; mail-in ballot application; contact info for complaints; contact info for county clerks and recorders.³³ 	Acceptable
Voting Machines	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Links to manufacturers' video demonstrations of the systems.³⁴ <p><u>By Law:</u></p> <ul style="list-style-type: none"> Mandatory voting system demonstrations open to public and press.³⁵ 	Acceptable
Absentee Voting	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Information is available on who is eligible to vote absentee; application forms; and where to send forms.³⁶ 	Acceptable
ID Requirements	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Outlines identification requirements for registering and voting.³⁷ Provides examples of acceptable forms of identification as well as alternatives for those without identification. <p>No off-line efforts</p>	Mixed

FLORIDA	CURRENT STATUS	ASSESSMENT
VOTER REGISTRATION		
Rejection	Application is rejected if it is missing any of the following: name; residence address; date of birth; affirmation of U.S. citizenship; Florida driver's license number, Florida identification card number, or last four digits of social security number; affirmation that registrant is not ineligible to vote because of a felony conviction; affirmation that registrant is not mentally incapacitated; signature. ³⁸	Unsatisfactory
Verification	Registration accepted as valid only when Florida driver's license number, Florida identification card number, or last four digits of social security number is verified. ³⁹ <i>Exact match standard.</i> A voter can only remedy this before the election by bringing in evidence of the number. Litigation is ongoing.	Unsatisfactory
Notification	The supervisor notifies applicants who are ineligible to vote of the reasons why their registration was not accepted; an applicant has 30 days to respond if he/she wants to contest his/her ineligibility and request a hearing. If the voter does not respond within 30 days, a supervisor of elections may remove his/her name from the voter registration list. ⁴⁰	Unsatisfactory
Database	The voter registration intake information received from the Florida Department Highway Safety and Motor Vehicles is uploaded into the statewide system. However, as to the other agency database sources, voter registration officials compares data between databases, received in electronic format or hard copy data, or refers to these databases as sources for processing voter registration applications and making determinations of eligibility. ⁴¹	Acceptable
3rd Party Registration	In litigation, but most recently a judge denied a request for preliminary injunction ⁴² and at the time of this writing formal rules for implementation had not yet been established. However, the law in place will require a group wishing to conduct a voter registration drive to register with the state, provide the names and contact information of the person responsible for the group, and establish the group's legal responsibility for any registration forms collected. Fines will be imposed for missing deadlines for turning in forms. ⁴³	Unsatisfactory
NVRA Implementation	State law provides for implementation of the "Motor-Voter" section of NVRA, as well as the §7 public assistance agency provisions. ⁴⁴ State reports that it is fully enforcing these provisions. ⁴⁵ ACORN/Project Vote report that it is not. ⁴⁶	Inconclusive
VOTER IDENTIFICATION		
	Voters must present an approved form of photo identification—which is not limited to government-issued identification—in order to vote at the polling place. Voters who appear without proper identification may cast a provisional ballot, which will be counted if the county board verifies the voter's eligibility. ⁴⁷ Florida recently eliminated employee badges and buyer's club identification from its list of acceptable forms of identification. ⁴⁸	Unsatisfactory
PROVISIONAL BALLOTS		
Distribution	Voters without proper identification, as well as voters whose eligibility has been challenged or whose names do not appear on the list, may vote a provisional ballot. ⁴⁹	Acceptable

FLORIDA	CURRENT STATUS	ASSESSMENT
Verification	If a person votes a provisional ballot solely because he or she did not bring photo and signature identification to the polls, the voter does not have to present further evidence of eligibility. The local canvassing board will simply compare the signature on the provisional ballot certificate with the signature on the voter registration record. If the signatures match, the provisional ballot will count (provided the voter voted in the proper precinct). If a person casts a provisional ballot for any other reason, the person has the right to present written evidence supporting his or her eligibility to vote to the supervisor of elections by no later than 5 p.m. on the second day following the election. If the canvassing board determines that the person is eligible, the provisional ballot will count. ⁵⁰	Acceptable
Wrong Precinct	Provisional ballots cast in the wrong precinct will not be counted. ⁵¹	Unsatisfactory
SUPPRESSION/CHALLENGES		
Deceptive Practices Law	No explicit prohibitions of suppression or deceptive practices.	Unsatisfactory
Challengers	Any registered voter or poll watcher may challenge the right of another voter to cast a ballot at the polling place or by filling out an oath up to thirty days in advance of an election; there is a penalty for frivolous challenges. ⁵²	Unsatisfactory
POLLING PLACE/POLL		
Workers' Training	By law, poll workers must both be trained and demonstrate competence before serving on Election Day. ⁵³ A statewide curriculum must be used in all poll worker trainings. ⁵⁴	Exemplary
Recruitment	State law requires that county supervisors form public-private partnerships with local businesses to recruit poll workers. ⁵⁵ There is no minimum poll staffing required by law. ⁵⁶ An expanding program allows 16 and 17 year olds to serve as poll workers. ⁵⁷	Mixed
VOTING MACHINES		
Distribution	State law now lacks any provision about machine distribution---the decision is left to county supervisors. ⁵⁸	Unsatisfactory
STUDENT VOTING RIGHTS	A college student must attest to his or her legal residence which is established for purposes of registering to vote if the applicant physically moves to the county and intends to make that county his or her permanent home. If a college student attests to a legal residence in a Florida county, then no further proof of residency is required. ⁵⁹ A student identification fulfils the identification requirement.	Acceptable

FLORIDA	CURRENT STATUS	ASSESSMENT
VOTER EDUCATION		
Registration Information	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Information on eligibility, how- and where-to, identification requirements and deadlines.⁶⁰ <p><u>Secretary of State Offline</u></p> <ul style="list-style-type: none"> Television and radio public service announcements that included voter registration deadlines.⁶¹ <p><u>Counties</u></p> <ul style="list-style-type: none"> Work with organizations conducting registration drives by providing forms and instruction on properly filling them out.⁶² Newspaper ads with registration deadlines and information. Posted registration deadlines in high traffic areas, such as on buses and billboards.⁶³ Public service announcements with registration deadlines.⁶⁴ 	Exemplary
Polling Place Location/Hours	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Polling place hours.⁶⁵ No polling place locator. Directs voters to contact their county election offices and provides an interactive map on its website that voters can use to find their county's contact information. <p><u>Counties</u></p> <ul style="list-style-type: none"> Many counties included polling place information with the sample ballots they mailed or published in newspapers.⁶⁶ 	Unsatisfactory
Sample Ballots	<p><u>Counties</u></p> <ul style="list-style-type: none"> Some counties provided sample ballots on their websites; some emailed sample ballots upon request; Alachua County provided audio sample ballots on its website.⁶⁷ <p><u>By Law</u></p> <ul style="list-style-type: none"> Sample ballots must be open to inspection at polling places on Election Day and smaller sample ballots must be available for any elector who requests one.⁶⁸ A sample ballot must also be either published in a newspaper circulated county-wide prior to Election Day or mailed to each registered elector or to each household where there is a registered elector.⁶⁹ 	Acceptable
Provisional Ballot Information	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Explains when provisional ballots are available as an option and what follow-up voters are required to do.⁷⁰ 	Acceptable
Language Accessibility	<p><u>Voting Rights Act, Sec. 203</u></p> <ul style="list-style-type: none"> Florida's statewide population does not fall under Section 203. Ten Florida counties do fall under Section 203 requirements: three for American Indian populations; eight for Hispanic populations.⁷¹ <p><u>Secretary of State</u></p> <ul style="list-style-type: none"> In Spanish: registration form and educational posters.⁷²Link to the EAC Bilingual glossary. <p><u>Counties</u></p> <ul style="list-style-type: none"> Some counties with large Spanish-speaking populations publish election information in newspapers in both English and Spanish.⁷³ 	Acceptable

FLORIDA	CURRENT STATUS	ASSESSMENT
Voting Machines	<p><u>Counties</u></p> <ul style="list-style-type: none"> Sixty-two out of 67 counties in Florida conducted voting system demonstrations before the 2006 election at places such as schools, businesses and community events.⁷⁴ <p><u>By Law</u></p> <ul style="list-style-type: none"> Each polling place must have no fewer than two instruction cards for use by voters; cards must include information about how to vote.⁷⁵ Voter's Bill of Rights includes provisions guaranteeing written instructions to use when voting and, upon request, oral instructions on voting.⁷⁶ 	Unsatisfactory
Absentee Voting	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Information is available on how to obtain an absentee ballot.⁷⁷ <p><u>Secretary of State Offline</u></p> <ul style="list-style-type: none"> Television and radio public service announcements that included information on absentee voting.⁷⁸ <p><u>By Law</u></p> <ul style="list-style-type: none"> Each absentee ballot must include instructions on marking and returning the ballot.⁷⁹ First-time voters voting absentee must receive special instructions that include identification requirements, including a list of acceptable forms of identification and a list of people who are exempt from the identification requirement.⁸⁰ 	Acceptable
Voter Identification Requirement	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Outlines identification requirement for voting.⁸¹ Lists examples of acceptable forms of identification and the option of casting a provisional ballot if an elector does not have appropriate identification.⁸² <p><u>Counties</u></p> <ul style="list-style-type: none"> Some counties included identification requirements information with the sample ballots they mailed or published in newspapers.⁸³ Volusia County partnered with its local bus service to provide free rides to all riders with their voter identification; they advertised the program through newspaper ads and press releases.⁸⁴ 	Mixed

GEORGIA	CURRENT STATUS	ASSESSMENT
VOTER REGISTRATION		
Rejection	The Board of Registrars notifies an applicant if any required information is missing from the registration application. If the applicant does not respond within thirty days, the application is rejected. ⁸⁵	Unsatisfactory
Verification	Identifying information, including driver's license, identification, or Social Security number, name, and date of birth, is matched against state databases. State has not specified how closely the information must match, and how much discretion election officials have in determining whether a match has been made. ⁸⁶	Unsatisfactory
Notification	Applicants are notified of information missing from submitted registration forms, and are given 30 days to respond to the request by providing the missing information. ⁸⁷ Applicants found eligible to vote are mailed a card stating the voter's name, address, date of registration, name and location of voter's polling place (or polling places if the county and municipal polling places are not the same); on the back of the card are instructions explaining what to do if the voter changes residences. If the applicant is found ineligible to vote, he/she is sent a notice by mail listing the reasons for ineligibility. ⁸⁸	Acceptable
Database	Secretary of State is required to establish and maintain a list of eligible and qualified registered voters. ⁸⁹ Georgia has used a top-down statewide database for over ten years and is in compliance with HAVA. ⁹⁰	Acceptable
3rd Party Registration	State law calls for registration forms to be made available to groups conducting "organized registration programs." ⁹¹	Acceptable
NVRA Implementation	Georgia law requires implementation of NVRA, including §7 provisions. Unclear whether they are being enforced. ⁹²	Inconclusive
Voter Identification	Georgia law mandates that a voter show a government-issued photo identification. If the voter does not have one, he or she must obtain a free Georgia Voter Identification Card. To obtain this card, the voter must bring identification or a voter registration card to the county clerk or a Department of Driver Services branch. ⁹³	Unsatisfactory
PROVISIONAL BALLOTS		
Distribution	Voter is given a provisional ballots if: he/she appears at the polling place without proper identification, ⁹⁴ he/she claims to be registered to vote but does not appear on the registered voter list. ⁹⁵	Acceptable
Verification	Voters who cast provisional ballots because of failure to present proper identification at the polls must return to the county election office with proper identification within 48 hours of voting in order for their ballot to count. ⁹⁶ Provisional ballots cast by voters not appearing on the registration list are counted if their eligibility is verified by election officials. ⁹⁷	Mixed
Wrong Precinct	Provisional ballots cast in the jurisdiction will only be counted for the elections for which the voter was eligible to vote. ⁹⁸ Poll workers must direct voters to the proper polling place if they appear at the wrong one. ⁹⁹	Acceptable

GEORGIA	CURRENT STATUS	ASSESSMENT
SUPPRESSION/CHALLENGES		
Deceptive Practices Law	No laws pertaining to deceptive practices.	Unsatisfactory
Challengers	Any elector may challenge the registration of another voter on the grounds he or she ineligible. It must be in writing and specify the grounds for the challenge. ¹⁰⁰ There is no explicit procedure in the state law for an elector challenging another voter at the polls on Election Day whose eligibility to be on the list was not previously challenged.	Unsatisfactory
POLLING PLACE/POLL		
Workers' Training	State law requires all poll workers to undergo training “regarding the use of voting equipment, voting procedures, all aspects of state and federal law applicable to conduction elections.” ¹⁰¹ The state produces a training manual which counties may—but are not required to—use. ¹⁰²	Acceptable
Recruitment	Georgia requires that each precinct be staffed with 3 poll workers. ¹⁰³ The counties are responsible for recruiting poll workers; to our knowledge, the state does very little poll worker recruitment. ¹⁰⁴ Under state law, anyone over the age of 16 can serve as a poll worker. ¹⁰⁵	Mixed
VOTING MACHINES		
Distribution	Each precinct must have at least one voting machine for every 500 voters. ¹⁰⁶	Inconclusive
Student Voting Rights	To vote, students need only a “present intention to remain.” Identification from a public university is acceptable; students at a private university must obtain a state “voter identification card.”	Mixed
VOTER EDUCATION		
Registration Information	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Information on eligibility, how- and where-to, identification requirements and deadlines.¹⁰⁷ <p><u>Secretary of State Offline</u></p> <ul style="list-style-type: none"> Registration forms for Georgia or any other state are available at college registrars or the office of the Vice President of Academic Affairs¹⁰⁸ 	Acceptable
Polling Place Location/Hours	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Polling place locator available.¹⁰⁹ Provides polling hours¹¹⁰ <p><u>Secretary of State Offline</u></p> <ul style="list-style-type: none"> Electors receive precinct cards when they register that include their polling place location.¹¹¹ Press releases by the Secretary of State office included polling place times.¹¹² 	Acceptable

GEORGIA	CURRENT STATUS	ASSESSMENT
Sample Ballots	<ul style="list-style-type: none"> Not required to mail sample ballots to registered voters. <p><u>By Law</u></p> <ul style="list-style-type: none"> At least 30 days before a general primary or election or during the ten days before a special primary or election, supervisors of elections must publicly exhibit a sample ballot of the election at the place and time of their choosing.¹¹³ Sample ballots may be published in a newspaper generally circulated in the county; election officials may also prepare and distribute sample ballots. And sample ballots must be available for distribution at the county courthouse for interested electors.¹¹⁴ 	Unsatisfactory
Provisional Ballot Information	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Explains when provisional ballots are used for first-time voters and what follow-up is required by those voters.¹¹⁵ 	Acceptable
Language Accessibility	<p><u>Voting Rights Act, Sec. 203</u></p> <ul style="list-style-type: none"> Georgia's statewide population does not fall under Section 203.¹¹⁶ <p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Information is only provided in English. 	Unsatisfactory
Voting Machines	<p><u>Secretary of State Website</u></p> <p>Provides a step by step guide to using the electronic machines and an interactive demonstration</p> <p><u>By Law</u></p> <ul style="list-style-type: none"> Mandatory public exhibition of voting machines before elections containing the ballot labels and showing as much election information as available at the time.¹¹⁷ 	Acceptable
Absentee Voting	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Explains who is eligible, how to receive an absentee ballot and where to send.¹¹⁸ <p><u>Offline</u></p> <ul style="list-style-type: none"> Press release by the Secretary of State office included deadlines for requesting and returning absentee ballots.¹¹⁹ <p><u>By Law</u></p> <ul style="list-style-type: none"> Absentee ballot applications must be provided to colleges and universities for distribution.¹²⁰ 	Acceptable
Voter Identification Requirement	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Outlines identification requirements for all voters and lists examples of acceptable forms of identification. Provides information on obtaining a free voter identification from the state, including a list of required documents to receive the identification.¹²¹ <p><u>Secretary of State Offline</u></p> <ul style="list-style-type: none"> Provides brochures, posters and flyers with identification requirement information.¹²² Press releases by the Secretary of State Office provide information on voter identification requirements including acceptable forms of identification and the option of applying for a voter-specific identification.¹²³ 	Acceptable

MICHIGAN	CURRENT STATUS	ASSESSMENT
VOTER REGISTRATION		
Rejection	In order to be accepted a registration form must have the following: name, residence address, and birthdate, identification number (including driver's license, state personal identification card number, SSN), affirmation that the voter is eligible to vote. ¹²⁴	Acceptable
Verification	For driver's license and state identification numbers, exact match is required along with last name, first initial of first name and "substantial match" of first name. Exact match is used for SSN match: last four digits, date/month of birth, and first/last name. ¹²⁵	Mixed
Notification	Voter sent a voter identification card upon verification of his/her registration; voter should contact election authority if he/she does not receive the identification card within three weeks of submitting the registration. Voters can correct or amend their registration at any time, including after the registration deadline. ¹²⁶	Acceptable
Database	State began using a centralized "Qualified Voter File" in 1998, which made use of the records of the Department of State's driver's license/ personal identification card file, and the localities' voter registration files. ¹²⁷	Exemplary
3rd Party Registration	There are currently no laws in Michigan governing third-party registration efforts. ¹²⁸	Acceptable
NVRA Implementation	Motor-Voter provisions implemented; extent of implementation of §7 public aid agency provisions unclear. ¹²⁹	Inconclusive
Voter Identification	Voters must either provide photo identification or sign an affidavit stating that they do not have a photo identification. ¹³⁰	Inconclusive
PROVISIONAL BALLOTS		
Distribution	A voter whose name is not on the registration list and who cannot provide a validated voter registration receipt may receive a provisional ballot if he/she signs an affidavit stating he/she is registered to vote, and affirms that he/she is eligible to register. ¹³¹	Acceptable
Verification	The ballot is counted if the voter's identity and registration can be verified against the statewide voter registration database. If the voter cast a provisional ballot because he/she failed to present identification at the polling place, he/she may submit, via fax, mail, or in person, an acceptable form of identification and document confirming his/her residence within 6 days of the election. ¹³²	Mixed
Wrong Precinct	Ballots cast in the wrong precinct will not be counted, but before they are thrown out, it must be determined that the voter was not assigned to the wrong precinct. By law, poll workers must attempt to direct voters who appear at the wrong precinct to the correct precinct. ¹³³	Unsatisfactory
SUPPRESSION/CHALLENGES		
Deceptive Practices Law	No law directly applicable to deceptive practices.	Unsatisfactory

MICHIGAN	CURRENT STATUS	ASSESSMENT
Challengers	Any voter in a municipality can challenge the registration of another voter by filing an affidavit with the clerk, who will send the voter a notice by mail. The voter must respond within 30 days of having received the notice; if he/she fails to appear or cannot prove his/her eligibility to vote, then the registration is cancelled. There is no stated deadline by which challenges must be filed. It is a misdemeanor to make challenges “indiscriminately and without good cause or for the purposes of harassment” . ¹³⁴	Unsatisfactory
POLLING PLACE/POLL		
Workers’ Training	Law mandates that county clerks hold a training before each election and that all election inspectors attend unless “excused by the county clerk for good cause.” However, no election inspector may serve unless they have attended a training in the past two years, or have passed an examination by the county clerk. Such an examination must be approved by the secretary of state. ¹³⁵	Acceptable
Recruitment	State law requires three poll workers per precinct. ¹³⁶ Those first three workers must be qualified voters; however, after those three, 16 or 17 year olds may be appointed as poll workers. ¹³⁷ Counties are responsible for poll worker recruitment, ¹³⁸ and, to our knowledge, there are no statewide recruitment efforts.	Unsatisfactory
VOTING MACHINES		
Distribution	All DREs were phased out in favor of optical scan machines by 2006. No law pertaining to allocation of optical scanners. ¹³⁹	Unsatisfactory
STUDENT VOTING RIGHTS	According to the Secretary of State, “a student can register in his/her campus community or in the jurisdiction where he/she resided before moving to campus.” ¹⁴⁰ A voter’s home address for voter registration must match the voter’s driver’s license address. ¹⁴¹ A student identification is acceptable photo identification. ¹⁴² The Secretary of State sends a special email message to students with registration and voting information. ¹⁴³	Mixed
VOTER EDUCATION		
Registration Information	<u>Secretary of State Website</u> <ul style="list-style-type: none"> Information on eligibility, how- and where-to, identification requirements, deadlines and verification.¹⁴⁴ <u>Offline</u> <ul style="list-style-type: none"> Voter outreach program to register voters at naturalization ceremonies¹⁴⁵ and universities.¹⁴⁶ Send all citizens a reminder notice on their eighteenth birthday to register. Public service announcements through the media.¹⁴⁷ 	Acceptable
Polling Place Location/Hours	<u>Secretary of State Website</u> <ul style="list-style-type: none"> Polling place locator.¹⁴⁸ Hours listed under FAQs.¹⁴⁹ <u>By Law</u> <ul style="list-style-type: none"> Each city clerk must publish in a newspaper circulated in the city or township the time and place at which the election is to be held, not less than 7 days before the election.¹⁵⁰ <u>Offline</u> <p>Local clerks issue voter registration cards to all registrants that include polling place information</p>	Acceptable

MICHIGAN	CURRENT STATUS	ASSESSMENT
Sample Ballots	<ul style="list-style-type: none"> Not required to send sample ballots to registered voters. <p><u>Offline</u></p> <ul style="list-style-type: none"> Publishes posters that includes voters' right to see a sample ballot before voting.¹⁵¹ Posters are available at Secretary of State's branch offices and through local clerks.¹⁵² 	Mixed
Provisional Ballot Information	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Explains use of provisional ballots when electors do not have photo identification, including what voters need to do to follow-up.¹⁵³ <p><u>Offline</u></p> <ul style="list-style-type: none"> Publishes posters that include information on when a voter is entitled to vote a provisional ballot.¹⁵⁴ Posters are available at branch offices and through local clerks.¹⁵⁵ 	Acceptable
Language Accessibility	<p><u>Voting Rights Act, Sec. 203</u></p> <ul style="list-style-type: none"> Michigan's statewide population does not fall under Section 203. One Michigan Township does fall under Section 203 for its Hispanic population.¹⁵⁶ <p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Available in Spanish: registration form; photo identification requirement notice and info on acceptable forms of identification, and affidavit options; absentee ballot application.¹⁵⁷ 	Acceptable
Absentee Voting	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Explains who is eligible, how to receive application and where to send.¹⁵⁸ <p><u>By Law</u></p> <ul style="list-style-type: none"> Instructions must be included with each ballot furnished to an absent voter. These instructions must explain the process of returning the ballot.¹⁵⁹ 	Mixed
Voting Machines	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Video instructions on how to use voting systems.¹⁶⁰ Map of counties with voting systems used by each.¹⁶¹ <p><u>By Law</u></p> <ul style="list-style-type: none"> Polling places must have a model voting machine and someone offering to explain its use to voters before they vote available on Election Day. Printed instructions on how to vote, circulated to voters, must conform to the instructions approved by the official providing ballots, and adapted to the machine used.¹⁶² Each elector must be offered voting instructions prior to entering voting booth; if the elector needs assistance after entering the booth, 2 election inspectors from different political parties may, if necessary, enter the voting station and provide the additional instructions.¹⁶³ 	Acceptable
Voter Identification Requirement	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Outlines identification requirements for registering and voting Provides examples of acceptable forms of identification as well as alternatives for those without identification.¹⁶⁴ <p><u>Offline</u></p> <ul style="list-style-type: none"> Publishes posters that include information on when identification is required to vote and what are acceptable forms of identification.¹⁶⁵ Distribution is unknown. 	Acceptable

MISSOURI	CURRENT STATUS	ASSESSMENT
VOTER REGISTRATION		
Rejection	The voter will not be registered unless he/she includes a valid identification number (either driver's license or SSN). ¹⁶⁶	Unsatisfactory
Verification	The voter's driver's license number, last name, and date of birth are verified against the records of the Department of Motor Vehicles. If the voter provides a SSN instead of a driver's license number, it is compared to the records of the Social Security Administration. ¹⁶⁷ The state has not issued any statements regarding the matching system it is using.	Unsatisfactory
Notification	If a voter's identification number is missing, incomplete, or illegible, he/she is sent a notice by mail; he/she has until the registration deadline to provide the missing information. If the number cannot be verified, then he/she must provide identification at the polls. ¹⁶⁸	Acceptable
Database	Top-down, statewide database in use, all counties participating. ¹⁶⁹	Acceptable
3rd Party Registration	Persons paid for soliciting more than ten voters must register with the secretary of state. They must be registered to vote in Missouri and re-register every election cycle. No person can be compensated for registering voters based on the number of applications collected. ¹⁷⁰	Acceptable
NVRA Implementation	ACORN/Project Vote/Demos successfully filed suit against Missouri Department of Social Services for non-compliance with NVRA §7. ¹⁷¹ State claimed it is in compliance with the law, ¹⁷² but the court ruled that the DSS must improve its voter registration procedures. ¹⁷³	Unsatisfactory
Voter Identification	All voters must show some form of photo or non-photo identification. Can be one of a wide range. ¹⁷⁴	Acceptable
PROVISIONAL BALLOTS		
Distribution	Provisional ballot provided if voter's eligibility cannot be established at polling place and the voter provides a form of personal identification. Provisional ballots cannot be used for voters who cannot meet the identification standard. ¹⁷⁵	Unsatisfactory
Verification	Provisional ballot counted if voter's eligibility is verified later. ¹⁷⁶	Acceptable
Wrong Precinct	Provisional ballot not counted if cast in wrong precinct. Poll workers required by law to direct voters to the proper precinct if they appear at the wrong precinct. ¹⁷⁷	Unsatisfactory
SUPPRESSION/CHALLENGES		
Deceptive Practices Law	Missouri makes it a felony to engage in an act of violence or threaten an act of violence with the intent to interfere with a person's "lawful right to vote or participate in the election process" or to knowingly provide voters with false information about election procedures for the purpose of preventing any person from going to the polls. ¹⁷⁸	Exemplary
Challengers	Each political party may appoint a challenger to be present at each precinct; challenges may be made when the challenger believes the state's election laws have been violated. Challengers must be registered to vote in the same jurisdiction as the voter they are challenging. ¹⁷⁹ May be made at any time until the polls close on Election Day. ¹⁸⁰	Unsatisfactory

MISSOURI	CURRENT STATUS	ASSESSMENT
POLLING PLACE/POLL		
Workers' Training	State law requires that local election administrators provide training for poll workers, and that this training "include substantially" materials developed by the Secretary of State. ¹⁸¹	Exemplary
Recruitment	Each precinct must have at least four poll workers. ¹⁸² No one under the age of 18 may serve as a poll worker, but students ages 15-17 may serve as "Youth Election Participants" to assist poll workers. ¹⁸³ The counties are responsible for recruitment; however, the Secretary of State administers the "It's your turn, Be a poll worker!" campaign. ¹⁸⁴ Through this program, the secretary's office distributes posters, buys advertisement and actively recruits younger, technologically fluent poll workers. ¹⁸⁵	Acceptable
VOTING MACHINES		
Distribution	State has no laws governing distribution of voting machines, only ballots.	Mixed
STUDENT VOTING RIGHTS	The longstanding interpretation of Missouri law allows students to register and vote at either their college address or home address. Identification issued by an institution of higher education located in Missouri is sufficient for voter identification. ¹⁸⁶	Acceptable
VOTER EDUCATION		
Registration Information	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Information on eligibility, how- and where-to, identification requirements and deadlines.¹⁸⁷ Voter look up tool which allows voters to search if they are registered, where they go to vote and look up sample ballots at https://mcvr.mo.gov/voterlookup/ <p><u>Offline</u></p> <ul style="list-style-type: none"> All persons who turn eighteen years old and are not registered to vote receive a voter registration application and election calendar.¹⁸⁸ Registration deadlines and election dates are provided in news releases to print, radio and TV media. 	Acceptable
Polling Place Location/Hours	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Provides polling place locations.¹⁸⁹ Provides polling place hours.¹⁹⁰ <p><u>Offline</u></p> <ul style="list-style-type: none"> Voters may receive voter cards with polling place locations from their local election authorities.¹⁹¹ <p><u>By Law</u></p> <ul style="list-style-type: none"> The date of the election, the hours during which the polling place will be open must be publicly posted during the period of time in which a person may cast an absentee ballot and on Election Day.¹⁹² A notice with the date of the primary election and polling place hours shall be published in a generally circulated newspaper.¹⁹³ No later than the fifth day prior to any election, a notice of election which shall include the date and time of the election and the location of the voter's polling place may be mail to each registered voter in the election jurisdiction.¹⁹⁴ Polling places must be clearly marked for voters.¹⁹⁵ 	Acceptable

MISSOURI	CURRENT STATUS	ASSESSMENT
Sample Ballots	<ul style="list-style-type: none"> Does not send sample ballots to voters. <p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Offers sample ballots online where available and explains where voters can find a sample ballot.¹⁹⁶ <p><u>Offline</u></p> <ul style="list-style-type: none"> Some counties send out sample ballots to their voters.¹⁹⁷ Counties are required to publish sample ballots in local newspapers.¹⁹⁸ <p><u>By Law</u></p> <ul style="list-style-type: none"> Upon opening, each polling place must have a sufficient number of sample ballots, which shall be a different color but otherwise exact copies of the official ballot. The samples must show the form of the ballot or the front of the marking device or voting machine as it will appear on Election Day.¹⁹⁹ The election authority shall also post a copy of each sample ballot in a conspicuous place in its office.²⁰⁰ 	Mixed
Provisional Ballot Information	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Explains when provisional ballots are available as an option.²⁰¹ <p><u>By Law</u></p> <ul style="list-style-type: none"> General information on the right to cast a provisional ballot and instructions for provisional ballots must be publicly posted during the period of time in which a person may cast an absentee ballot and on Election Day.²⁰² 	Acceptable
Absentee Voting	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Information is available on who is eligible to vote absentee; application forms; identification requirements when applicable; and where to send forms.²⁰³ 	Acceptable
Voting Machines	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Color-coded map with the voting systems employed by counties. <p><u>By Law</u></p> <ul style="list-style-type: none"> If voting machines are used, instructions shall inform the voter how to operate the machine in such a manner that the voter may vote as he wishes. Voting instructions must also be conspicuously posted in polling places and inform voters that the voting equipment can be demonstrated upon request.²⁰⁴ 	Acceptable
Language Accessibility	<p><u>Voting Rights Act, Sec. 203</u></p> <ul style="list-style-type: none"> Missouri's statewide population does not fall under Section 203.²⁰⁵ <p><u>By Law</u></p> <ul style="list-style-type: none"> The Secretary of State may develop multilingual sample ballots to be made available to election authorities.²⁰⁶ The Secretary of State may also develop multilingual voting instructions to be made available to election authorities.²⁰⁷ 	Mixed

MISSOURI	CURRENT STATUS	ASSESSMENT
Voter Identification Requirement	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> • Outlines identification requirements for registering and voting. • Provides examples of acceptable forms of identification, including images of those identification. • Explains alternative for those without identification.²⁰⁸ <p><u>Offline</u></p> <ul style="list-style-type: none"> • In 2006, Secretary of State Office mailed all voters information on the voter identification requirement.²⁰⁹ • Also offered “a toll-free hotline, a Web site, press events, radio, television, newspaper and transit advertising in addition to partnerships with businesses, churches and other organizations to inform voters of the photo identification requirement.”²¹⁰ <p><u>By Law</u></p> <ul style="list-style-type: none"> • Conspicuous notices required at polling places informing all voters that those who come to the polls without a satisfactory identification may return to the polling place with a proper form of personal identification and vote a regular ballot.²¹¹ 	Exemplary

NEW MEXICO	CURRENT STATUS	ASSESSMENT
VOTER REGISTRATION		
Rejection	Registration form must include: name, gender, residence, municipality, post office, county of former registration, social security, date of birth, political party affiliation, zip code, telephone number, signature. ²¹²	Unsatisfactory
Verification	Full SSN, driver’s license, or state identification number and date of birth required. State has not defined the matching criteria, nor the procedure when a match fails. ²¹³	Unsatisfactory
Notification	Notification: If the registration is rejected for any reason, the form will be stamped with “rejected” and returned to the voter registration applicant with an explanation of why the form was rejected and what can be done to correct the registration. ²¹⁴ If the registration is filled out properly, the voter will be sent a voter identification card. ²¹⁵	Acceptable
Database	Database: Top-down registration database maintained by the Secretary of State; county registrars given access. ²¹⁶ County clerk responsible for entering registration information into data processing system. ²¹⁷ Secretary of State has responsibility to ensure that counties enact uniform policies; state must provide counties with software and maintenance assistance for the statewide computerized voter registration system. ²¹⁸	Acceptable

NEW MEXICO	CURRENT STATUS	ASSESSMENT
3rd Party Registration	Registration groups must register with the secretary of state, providing the names of the officers and the address of the organization; the names of any persons registering people to vote; a sworn statement from each person registering voters that he/she will obey all state laws and rules on a form describing penalties for false registration. Collected registration forms must be submitted to the state or county clerk within 48 hours of their having been completed. Violation of third-party laws is a petty misdemeanor and results in revocation of the “registration agent’s” third-party status and/or fines. The Secretary of State must report violations of the law to the Attorney General or District Attorney. ²¹⁹	Unsatisfactory
NVRA Implementation	State law calls for implementation of Motor-Voter ²²⁰ and §7 provisions. ²²¹ Demos, ACORN, and Project Vote have filed a letter of complaint with the Secretary of State for failing to comply with §7 provisions, however. ²²²	Unsatisfactory
Voter Identification	All voters must present identification but it may be one of a wide range of types of identification. Moreover, voters also have the option of making a verbal or written statement of his or her name, year of birth, and unique identifier. If the voter cannot produce this proof of identity, the voter may cast a provisional ballot, but that ballot will only be counted if the voter returns with the requisite identification or identifying information. ²²³	Acceptable
PROVISIONAL BALLOTS		
Distribution	A voter must cast a provisional ballot if his/her name does not appear on the registration list at the polling place on Election Day, or if he/she appears without proper identification at the polling place. ²²⁴	Acceptable
Verification	Provisional ballot is counted if the voter is later verified as having registered to vote. ²²⁵	Acceptable
Wrong Precinct	If cast in the wrong precinct, a provisional ballot will be counted for the elections for which the voter is eligible to vote in the county. ²²⁶	Exemplary
SUPPRESSION/CHALLENGES		

NEW MEXICO	CURRENT STATUS	ASSESSMENT
Deceptive Practices Law	It is a felony to coerce a voter to vote or not vote for a candidate or anything else on the ballot. ²²⁷ No law specifically addresses deceptive practices.	Unsatisfactory
Challengers	To challenge a voter's registration, an elections official or any 20 voters may submit a challenge petition briefly describing the supporting facts. A hearing will then determine the voter's registration status. ²²⁸ On Election Day, only a precinct official may challenge a voter. If the election judges unanimously affirm the challenge, that voter's vote will not be counted. ²²⁹	Exemplary
POLLING PLACE/POLL		
Workers' Training	State law requires that each poll worker attend a training put on by the county clerk. ²³⁰ The Secretary of State produces a training video, ²³¹ and a new state law requires that the secretary produce a training manual for poll workers covering all aspects of Election Day procedure. ²³²	Exemplary
Recruitment	Depending on the type of voting machines used, state law requires 4 to 6 poll workers per precinct. ²³³ High school students are not permitted to serve as poll workers	Mixed
VOTING MACHINES		
Distribution	Each precinct gets one "voting system" for every 600 registered voters; precincts with fewer than 600 registered voters are still allocated one "voting system" ²³⁴	Inconclusive
Student Voting Rights	The state Attorney General has specifically stated that students at school in the state can vote from their school addresses. ²³⁵ Student identification is acceptable identification.	Acceptable
VOTER EDUCATION		
Registration Information	<u>Secretary of State Website</u> <ul style="list-style-type: none"> Information on eligibility, how- and where-to, identification requirements, deadlines and verification.²³⁶ <u>Offline</u> <ul style="list-style-type: none"> Registration information is provided in the form of newspaper and radio ads; as well as posters and flyers.²³⁷ Secretary of State staff attend local fiestas and festivals to encourage and assist voter registration.²³⁸ 	Exemplary
Polling Place Location/Hours	<u>Secretary of State Website</u> <ul style="list-style-type: none"> Polling place locator. Hours listed under Voters Bill of Rights. <u>Offline</u> <ul style="list-style-type: none"> As required by law, polling place information is printed in newspapers.²³⁹ <u>By Law</u> <ul style="list-style-type: none"> Polling place location required to be published in newspaper.²⁴⁰ 	Acceptable

NEW MEXICO	CURRENT STATUS	ASSESSMENT
Sample Ballots	<p><u>Secretary of State Website</u> Not currently available on Secretary of State Website, but the Secretary's office is working on this.²⁴¹</p> <p><u>Offline</u></p> <ul style="list-style-type: none"> Does not send sample ballots to voters. Sample ballots are published in county newspapers around the state.²⁴² <p><u>By Law</u></p> <ul style="list-style-type: none"> Sample ballots must be printed in both English and Spanish and be available in "reasonable quantities to all interested persons for distribution with the appropriate precincts."²⁴³ Two sample ballots must be displayed on the outside of the polling place for public inspection and two must be displayed inside for public inspections.²⁴⁴ 	Unsatisfactory
Provisional Ballot Information	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Explains when provisional ballots are available as an option and the follow-up required by voters if provisional ballot was cast due to lack of identification.²⁴⁵ 	Acceptable
Language Accessibility	<p><u>Voting Rights Act, Sec. 203</u></p> <ul style="list-style-type: none"> New Mexico's Hispanic population falls under the Section 203 language requirement. Ten counties in New Mexico fall under Section 203 for their American Indian populations; twenty-one counties fall under Section 203 for their Hispanic populations.²⁴⁶ <p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Available in Spanish: Voter Bill of Rights, which includes information on provisional voting, right to instructions, intimidation, and complaints.²⁴⁷ The Secretary's office is currently working on translating more information into Spanish.²⁴⁸ <p><u>Offline</u></p> <ul style="list-style-type: none"> All documents are printed in English and Spanish. The information is also provided in the respective Native American Languages-Navajo, Apache, Pueblo (Keres, Tewa, Tiwa, Towa, and Zuni).²⁴⁹ Translators are available to translate the ballots at polling sites for Native American voters.²⁵⁰ The Native American Election Officers from the counties offer educational workshops for their constituents that include information on registration deadlines, polling place hours and provisional ballots; some sample ballots are also available.²⁵¹ <p><u>By Law</u></p> <ul style="list-style-type: none"> All registration or voting notices, forms, instructions, assistance or other information relating to the electoral process shall be printed in both English and Spanish. Where a minority language is historically unwritten, all information relating to the electoral process must be available orally in the respective minority language, through the media when practicable, in public meetings and on Election Day at the polls.²⁵² 	Acceptable
Voter Identification Requirement	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Outlines identification requirements for voting Provides a list of acceptable forms of identification.²⁵³ <p>No information about education efforts off-line</p>	Unsatisfactory

NEW MEXICO	CURRENT STATUS	ASSESSMENT
Absentee Voting	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Explains how to receive an absentee ballot, where to return it and the deadline to request one.²⁵⁴ <p><u>By Law</u></p> <ul style="list-style-type: none"> Reasonable efforts must be made to publicize and inform voters of the times and locations for absentee voting; provided, however, that notice is provided at least ten days before early voting begins.²⁵⁵ 	Acceptable
Voting Machines	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Explains that all of New Mexico uses paper ballots that are optically scanned.²⁵⁶ <p><u>By Law</u></p> <ul style="list-style-type: none"> Before entering the voting machine, each elector will be instructed on how to operate the voting machine and have his attention called to the posted sample ballot.²⁵⁷ 	Acceptable

OHIO	CURRENT STATUS	ASSESSMENT
VOTER REGISTRATION		
Rejection	Registration form must include name, date of birth, address, identification number, signature, affirmation of citizenship, and proper voting age. ²⁵⁸	Acceptable
Verification	Name, driver's license number, birth date, Social Security number, and current address are used for verifying registrant's eligibility through a statewide database. ²⁵⁹ There are no matching standards currently in effect. The state has not issued any statements regarding the matching system it is using, or how it is coordinating its registration database with other statewide databases as is required by HAVA. ²⁶⁰	Unsatisfactory
Notification	Boards of elections no longer required to notify registrants that their registration applications have been rejected. ²⁶¹	Unsatisfactory
Database	Bottom-up voter registration system; localities maintain their own registration lists, which are regularly uploaded to a centralized, state-run list. All of Ohio's counties are currently participating in the system. ²⁶²	Acceptable
3rd Party Registration	A registration collected by a third-party must be submitted to the state within ten days of the registration's date. ²⁶³ There can be no compensation for registering voters on a fee per signature or fee per volume basis (only payment on basis of time worked is permitted). ²⁶⁴ Violation of these compensation provisions and time limits ²⁶⁵ is a fifth degree felony. ²⁶⁶	Acceptable
NVRA Implementation	State reports it is in compliance with §7 provisions of NVRA; independent research suggests that these provisions are not being fully enforced, or that there has been a significant drop-off in the extent to which the state is enforcing the provision. ²⁶⁷ Secretary of State has implemented a NVRA leadership team to increase NVRA implementation in agencies. ²⁶⁸	Inconclusive

OHIO	CURRENT STATUS	ASSESSMENT
Voter Identification	Voters must present a valid form of photo or non-photo identification in order to vote at the polls; voters who fail to bring proper identification may provide the last four digits of their Social Security number and cast a provisional ballot, or may sign an affirmation of their identity and cast a provisional ballot. ²⁶⁹	Acceptable
PROVISIONAL BALLOTS		
Distribution	A voter can be issued a provisional ballot for any of the following reasons: name is not on official poll list, or an official challenges voter's eligibility; voter is unable to provide required identification; name is noted on list of voters who received absentee ballots; mark in poll book noting that mail had been returned "undeliverable" from voter's registration address; voter's eligibility challenged; election official believes voter's signature on ballot does not match registration signature. ²⁷⁰	Acceptable

OHIO	CURRENT STATUS	ASSESSMENT
Verification	Provisional ballots are counted if: a local election authority determines that the voter who cast the ballot is eligible to vote in that precinct; the voter did not bring proper identification to the polls but presents identification to the board of elections within ten days of the election. ²⁷¹	Unsatisfactory
Wrong Precinct	Provisional ballots cast at the wrong precinct will not be counted. ²⁷²	Unsatisfactory
SUPPRESSION/CHALLENGES		
Deceptive Practices Law	It is against state law to influence or attempt to influence voters through the use of various intimidation tactics, or by disseminating false information. ²⁷³	Acceptable
Challengers	On Election Day, only election judges may challenge a potential voter at a polling place. If the challenged voter fails to provide the judge with adequate information regarding his/her qualifications, he/she may submit a provisional ballot. Any voter may still challenge if they file no later than 19 days before the election. ²⁷⁴	Exemplary
POLLING PLACE/POLL		
Workers' Training	By law, each poll worker must complete a "program of instruction." ²⁷⁵ A new online training curriculum was just introduced by the Secretary of State. Use is not mandatory. ²⁷⁶	Exemplary
Recruitment	Minimum precinct staffing is four poll workers. One student under the age of 18 may work in each precinct. Recruitment takes place at the county level; however, the SoS office does some outreach to encourage students to become poll workers. ²⁷⁷	Acceptable
VOTING MACHINES		
Distribution	Law calls for there to be a "sufficient" number of voting booths. ²⁷⁸	Unsatisfactory
Student Voting Rights	The Ohio Secretary of State's website says that students may register to vote so long as they intend "to reside permanently in the Ohio county" where their "school residence address is located." ²⁷⁹ Student identification or a university utility bill with the student's address suffices as voter identification. ²⁸⁰	Mixed
VOTER EDUCATION		
Registration Information	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Information on eligibility, how- and where-to, identification requirements and deadlines.²⁸¹ <p><u>Offline</u></p> <ul style="list-style-type: none"> Radio broadcast public service announcements.²⁸² Provides voter information guides and 'pocket' guides to Board of Elections and outside organizations for distribution.²⁸³ Office presence at festivals around the state with voting information.²⁸⁴ <p><u>By Law</u></p> <ul style="list-style-type: none"> The places, dates, times and methods of registration and voter qualifications for registration must be published in a newspaper six weeks prior to an election.²⁸⁵ 	Exemplary

OHIO	CURRENT STATUS	ASSESSMENT
Polling Place Location/Hours	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> • Polling place hours.²⁸⁶ • Polling place locator.²⁸⁷ <p><u>By Law</u></p> <ul style="list-style-type: none"> • Sixty days before the election, registered voters must be sent a non-forwardable notice that includes the following information: day of the election, location of the polling place.²⁸⁸ • In the thirty days before the primary or general election, voters must have access to the statewide voter registration base via the internet to search for their polling locations.²⁸⁹ 	Exemplary
Sample Ballots	<p><u>Counties Online</u></p> <ul style="list-style-type: none"> • Some counties provide sample ballots on their websites. <p><u>Offline</u></p> <ul style="list-style-type: none"> • Some counties send sample ballots to voters. <p><u>By Law</u></p> <ul style="list-style-type: none"> • Sample ballots may be printed by the board of elections.²⁹⁰ 	Mixed
Provisional Ballot Information	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> • Explains when provisional ballots are available as an option and the follow-up required by voters in the case of not providing identification when voting.²⁹¹ <p><u>Offline</u></p> <ul style="list-style-type: none"> • Provides voter information guides and ‘pocket’ guides to Board of Elections and outside organizations for distribution.²⁹² 	Acceptable
Language Accessibility	<p><u>Voting Rights Act, Sec. 203</u></p> <ul style="list-style-type: none"> • Ohio’s statewide population does not fall under Section 203.²⁹³ <p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> • Information only available in English. <p><u>Offline</u></p> <ul style="list-style-type: none"> • Developing a pocket guide in Spanish and Somali²⁹⁴ 	Inconclusive
Absentee Voting	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> • Information is available on who is eligible to vote absentee; application forms; where to send forms; and deadlines.²⁹⁵ <p><u>Offline</u></p> <ul style="list-style-type: none"> • Provides voter information guides and ‘pocket’ guides to Board of Elections and outside organizations for distribution.²⁹⁶ 	Acceptable
Voting Machines	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> • Color-coded map of counties that indicates which voting systems are used by each county.²⁹⁷ <p><u>Counties</u></p> <ul style="list-style-type: none"> • Some counties provide voting machine demonstrations at local events.²⁹⁸ 	Unsatisfactory

OHIO	CURRENT STATUS	ASSESSMENT
Identification Requirements	<p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> • Outlines identification requirements for voting. • Provides examples of acceptable forms of identification as well as option of voting provisional if voter does not have identification at polling place.²⁹⁹ <p><u>Offline</u></p> <ul style="list-style-type: none"> • Provides voter information guides and ‘pocket’ guides to Board of Elections and outside organizations for distribution.³⁰⁰ • Franklin County sent out mailings to all registered voters, reminding them about the identification requirement.³⁰¹ <p><u>By Law</u></p> <ul style="list-style-type: none"> • Sixty days before the election, registered voters must be sent a non-forwardable notice that includes the identification requirement (and possible alternatives to identification).³⁰² • Mandatory development and distribution of an informational brochure that includes info on identification requirements.³⁰³ 	Exemplary

PENNSYLVANIA	CURRENT STATUS	ASSESSMENT
VOTER REGISTRATION		
Rejection	Voter registrations are not accepted unless they include a driver’s license number, last four digits of Social Security number, or the applicant indicates that they do not have either of these identifying numbers. ³⁰⁴ If the individual does not have either number the county is to issue the individual a “unique identifier” AKA voter identification number even if they do not have a SS#/DL. ³⁰⁵	Acceptable
Verification	Registrations submitted with a driver’s license number are verified with a “hybrid match” standard, in which the number and the first two characters of last name must match exactly; beyond that the match is at the discretion of local election officials. Registrations with Social Security Numbers are verified with an “exact match” standard for the SSN, name, year, and month of birth. No registration may be rejected automatically by the identification number verification system. Registrations can only be rejected by affirmative action of the voter registration commission. ³⁰⁶	Acceptable
Notification	County election officials must notify registrants of any missing, incomplete, illegible, or unverified information in their applications; they must correct the information within 40 days, or before the poll books are printed, whichever is sooner. If a registrant corrects after the poll book is printed, he/she votes a provisional ballot. Registration errors cannot be resolved at the polls. ³⁰⁷	Acceptable
Database	State is in compliance with HAVA. Statewide Uniform Registry of Electors (SURE), a centralized list of registered voters, can be accessed by local election administrators. ³⁰⁸	Acceptable
3rd Party Registration	State law prohibits individuals from collecting voter registration forms in exchange for money. ³⁰⁹	Acceptable

PENNSYLVANIA	CURRENT STATUS	ASSESSMENT
NVRA Implementation	State is actively implementing Motor-Voter ³¹⁰ and §7 provisions of NVRA. ³¹¹	Acceptable
VOTER IDENTIFICATION	First-time voters must present valid identification (which can be a photo or non-photo identification). ³¹²	Acceptable
PROVISIONAL BALLOTS		
Distribution	Voter is given a provisional ballot if: name is not on election register; individual is a first-time voter without proper identification; voter's eligibility is challenged by an election official. ³¹³	Acceptable
Verification	Provisional ballots verified within seven days of election, by comparing the voter's signature on the ballot to that on record. ³¹⁴	Acceptable
Wrong Precinct	Ballots cast in the wrong precinct are still counted for races in which the voter was eligible to vote. ³¹⁵	Exemplary
SUPPRESSION/CHALLENGES		
Deceptive Practices Law	No deceptive practices laws.	Unsatisfactory

PENNSYLVANIA	CURRENT STATUS	ASSESSMENT
Challengers	No laws constraining challenges, no deadline by which they must be issued and no penalty for false challenges. ³¹⁶	Unsatisfactory
POLLING PLACE/POLL		
Workers' Training	State law requires that counties "instruct election officers in their duties," but does not specifically require that each election officer be trained before s/he serves. ³¹⁷ The Department of State has produced a standard training DVD for county administrators; in addition, the SoS is in the process of uploading the DVD online. ³¹⁸	Mixed
Recruitment	By law, 3 poll workers are required per precinct. ³¹⁹ A successful program allows high school students in good standing to serve as poll workers in addition to the 3 minimum. ³²⁰	Mixed
VOTING MACHINES		
Distribution	No law regarding machine distribution.	Unsatisfactory
STUDENT VOTING RIGHTS	State election law specifically states that students may vote in their university precinct. ³²¹ When identification is required to vote, a student identification is acceptable.	Exemplary
VOTER EDUCATION		
Registration Information	<p><u>Department of State Website</u></p> <ul style="list-style-type: none"> Information on eligibility, how- and where-to, identification requirements, deadlines and verification.³²² <p><u>Offline</u></p> <ul style="list-style-type: none"> 2008 Ready. Set. Vote campaign that includes multimedia advertising to encourage voters to register and go to website for more information.³²³ Posters to counties.³²⁴ Pamphlets.³²⁵ Distribute voter registration materials at events.³²⁶ <p><u>By Law</u></p> <ul style="list-style-type: none"> Secretary of State will make registration information and forms widely available by providing them to places such as state agencies, public libraries and schools, political parties and political bodies and candidates.³²⁷ Places to register, including days and hours of operation, must be publicly posted at the commission of elections.³²⁸ 	Exemplary
Polling Place Location/Hours	<p><u>Department of State Website</u></p> <ul style="list-style-type: none"> Polling place locator. Polling place hours.³²⁹ <p><u>By Law</u></p> <ul style="list-style-type: none"> Before each November election, a notice must be published by newspaper that includes the date of the election and the hours of polling places.³³⁰ County Board of Elections must publicly post the list of polling places at its offices twenty days before the election.³³¹ 	Acceptable

PENNSYLVANIA	CURRENT STATUS	ASSESSMENT
Sample Ballots	<ul style="list-style-type: none"> Sample ballots are not mailed to registered voters nor are they available on the Secretary of State Website. <p><u>By Law</u></p> <ul style="list-style-type: none"> Before each November election, a notice must be published by newspaper that may include a “portion of the form of ballot or diagram of the face of the voting machine.”³³² 	Unsatisfactory
Provisional Ballot Information	<p><u>Department of State Website</u></p> <ul style="list-style-type: none"> Explains when provisional ballots are available as an option and explains the process of casting a provisional ballot.³³³ 	Acceptable
Language Accessibility	<p><u>Voting Rights Act, Sec. 203</u></p> <ul style="list-style-type: none"> Pennsylvania’s statewide population does not fall under Section 203. One county in Pennsylvania falls under Section 203 for its Hispanic population.³³⁴ <p><u>Department of State Website</u></p> <ul style="list-style-type: none"> Voter-specific website and information available in: Spanish and English. Forms and additional information available in: Chinese, French, Khmer, Korean, Russian, and Vietnamese.³³⁵ <p><u>Offline</u></p> <ul style="list-style-type: none"> Voter information pamphlets in English and Spanish.³³⁶ Voter information poster has info in English and Spanish.³³⁷ <p><u>By Law</u></p> <ul style="list-style-type: none"> Bilingual forms may be provided where a language minority exceeds five percent; in such cases, a public education program will be conducted within that language group to inform electors of the forms’ availability and encourage voter registration.³³⁸ 	Exemplary
Absentee Voting	<p><u>Department of State Website</u></p> <ul style="list-style-type: none"> Information is available on who is eligible to vote absentee; application forms; where to send forms; and deadlines.³³⁹ <p><u>Offline</u></p> <ul style="list-style-type: none"> Print, radio, and TV notices³⁴⁰ 	Acceptable
Voting Machines	<p><u>Department of State Website</u></p> <ul style="list-style-type: none"> Provides list of counties with links to which voting systems they are using and instructional videos.³⁴¹ <p><u>Offline</u></p> <ul style="list-style-type: none"> Voter demonstrations that supplement county initiatives.³⁴² <p><u>By Law</u></p> <ul style="list-style-type: none"> During the thirty days before the elections, voting machines to be used in elections should be on public display for the instruction and information of voters. Voters who request it, should also receive instructions on the voting equipment at the polling places on Election Day.³⁴³ Cards of instruction must be posted inside each voting compartment as well as around the voting room. Also posted around the voting room must be at least five sample ballots and notices of penalties and voters’ rights.³⁴⁴ 	Exemplary

PENNSYLVANIA	CURRENT STATUS	ASSESSMENT
Voter Identification Requirement	<p><u>Department of State Website</u></p> <ul style="list-style-type: none"> • Outlines identification requirements for voting. • Provides examples of acceptable forms of identification as well as alternatives for those without identification.³⁴⁵ <p><u>Offline</u></p> <ul style="list-style-type: none"> • TV, print and Radio ads pointing voters to website for more info.³⁴⁶ 	Acceptable

VIRGINIA	CURRENT STATUS	ASSESSMENT
VOTER REGISTRATION		
Rejection	Registration form must include: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated or convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored. ³⁴⁷	Unsatisfactory
Verification	ID numbers, name, and date of birth matched against motor vehicle and Social Security records. State uses an exact match standard for the number and date of birth, and "substantial match" for the name. If no exact match is found, possible matches are provided and reviewed by the general registrar. ³⁴⁸	Acceptable
Notification	If the voter's identification number is missing, incomplete, illegible, or unverified, the general registrar will attempt to contact the registrant by phone or by mail. The registrant is given the opportunity to correct the error or complete a new registration application. ³⁴⁹	Acceptable
Database	Code requires various state records-keeping agencies (State Registrar of Vital Records, Division of Central Criminal Records Exchange, Clerks of state Circuit Courts, Department of Motor Vehicles) to send the State Board of Elections monthly lists naming the persons for the purpose of clearing the voter rolls of ineligible voters (deceased, convicted of felony, mentally incompetent to vote, non-citizen, etc.) ³⁵⁰	Acceptable
3rd Party Registration	Groups and agencies not specifically designated to assist voters with registration must mail or deliver the registration within 15 days of the applicant's having signed the registration. ³⁵¹	Acceptable
NVRA Implementation	State law provides for Motor-Voter ³⁵² and §7 provisions. ³⁵³ Surveys had suggested a significant decrease in the enforcement of §7 provisions ³⁵⁴ , but more recently the state has taken successful remedial action. ³⁵⁵	Inconclusive
VOTER IDENTIFICATION	Any voter who votes in-person must either sign an Affirmation of Identity or provide an acceptable form of identification. ³⁵⁵	Acceptable
PROVISIONAL BALLOTS		
Distribution	Voter is allowed to vote provisionally if his/her name is not on the election register ³⁵⁶ or appears at the polling place without proper identification. ³⁵⁷	Acceptable

VIRGINIA	CURRENT STATUS	ASSESSMENT
Verification	Following the election the electoral board will meet to determine the validity of the provisional ballots; if a voter is found to have been eligible and registered to vote, the provisional ballot is counted. If the voter was not properly registered, the ballot is not counted and the voter is notified in writing that he/she was not registered. ³⁵⁸	Acceptable
Wrong Precinct	Provisional ballots are only counted if cast in the correct precinct. ³⁵⁹	Unsatisfactory
SUPPRESSION/CHALLENGES		
Deceptive Practices Law	A new law makes illegal to mislead a voter about election information. A violation is a Class 1 misdemeanor. In addition, state law prohibits giving a voter a ballot in a language s/he cannot understand and misleading the voter about the contents of the ballot. ³⁶⁰	Exemplary
Challengers	Any three qualified voters of the county or city may challenge a voter's registration. The general registrar must post at the courthouse or publish in the newspaper the names of the persons whose registration will be cancelled and send a notice to the last known address of the voter. If the challenged voter fails to appear at a hearing, his or her registration is cancelled by the registrar. ³⁶¹ Any voter may challenge another voter on Election Day by filling out a form. Then, the challenged voter must sign a form affirming that he or she is eligible. The voter may vote a regular ballot only if he or she signs the affirmation. ³⁶²	Unsatisfactory
POLLING PLACE/POLL		
Workers' Training	State law requires only that two poll workers per precinct receive training. ³⁶³ There are no statewide training standards. ³⁶⁴	Unsatisfactory
Recruitment	3 poll workers are required per precinct. ³⁶⁵ By law, underage high school poll workers are not permitted. ³⁶⁶ The SBE assists poll worker recruitment by contacting corporations and preparing advertisements. ³⁶⁷	Unsatisfactory
VOTING MACHINES		
Distribution	Precincts using mechanical voting devices must allocate one voting device for every 750 voters; precincts with more than 4500 voters should allocate a voting machine for every additional 500 voters in the precinct. Precincts using an "electronic system which requires the voter to vote a ballot which is inserted in an electronic counter" must provide one booth per 425 registered voters and at least 1 counting machine. ³⁶⁸	Unsatisfactory
Student Voting Rights	State law requires both "domicile" and "a place of abode" to vote. ³⁶⁹ The State Supreme Court has ruled that you must live in the election district with the intent to remain for an unlimited time. ³⁷⁰ The Secretary of State's website includes a series of questions for student voters that includes misleading information and seems designed to discourage students. ³⁷¹ Student identification from public universities is accepted.	Unsatisfactory
VOTER EDUCATION		

VIRGINIA	CURRENT STATUS	ASSESSMENT
Registration Information	<p><u>State Board of Elections Website</u></p> <ul style="list-style-type: none"> Information on eligibility, how- and where-to, identification requirements, deadlines and verification.³⁷² <p><u>Offline</u></p> <ul style="list-style-type: none"> Public service announcements on radio and television.³⁷³ Distributes Virginia Easy Voter Guide booklets that provide information on eligibility, how- and where-to register, identification requirements and deadlines.³⁷⁴ <p><u>By Law</u></p> <ul style="list-style-type: none"> Notice of the date, hours, and locations for registration on the final day of registration at least ten days before each final day is required. The notice for the final day shall be posted at the courthouse and published in a local newspaper. At least three days' advance notice shall be given for other times and locations for voter registration. This notice must either be published in a newspaper, on an official county website, or announced at least twice on a local television station.³⁷⁵ 	Exemplary
Polling Place Location/Hours	<p><u>State Board of Elections Website</u></p> <ul style="list-style-type: none"> Polling place locations.³⁷⁶ Polling place hours, though not easily located.³⁷⁷ <p><u>Offline</u></p> <ul style="list-style-type: none"> Voters should receive voter instruction cards that have the name and address of their polling places.³⁷⁸ Distributes Virginia Easy Voter Guide booklets that provides polling place hours.³⁷⁹ 	Acceptable
Sample Ballots	<ul style="list-style-type: none"> Sample ballots are not mailed to registered voters. <p><u>Offline</u></p> <ul style="list-style-type: none"> Distributes Virginia Easy Voter Guide booklets that explain right to see a sample ballot before voting and who to ask to see one.³⁸⁰ <p><u>By Law</u></p> <ul style="list-style-type: none"> Nothing in the Code can prohibit the creation of sample ballots.³⁸¹ The electoral board may designate times and places for the exhibition of voting equipment containing sample ballots, for the purpose of informing voters who request instruction on the use of the equipment.³⁸² 	Unsatisfactory
Provisional Ballot	<p><u>State Board of Elections Website</u></p> <ul style="list-style-type: none"> PDF Voter Guide explains provisional ballot option and when applicable.³⁸³ <p><u>Offline</u></p> <ul style="list-style-type: none"> Distributes Virginia Easy Voter Guide booklets that explain provisional ballot option and when applicable.³⁸⁴ 	Mixed
Language Accessibility	<p><u>Voting Rights Act, Sec. 203</u></p> <ul style="list-style-type: none"> Virginia's statewide population does not fall under Section 203.³⁸⁵ <p><u>Secretary of State Website</u></p> <ul style="list-style-type: none"> Information only available in English. 	Unsatisfactory

VIRGINIA	CURRENT STATUS	ASSESSMENT
Absentee Voting	<p><u>State Board of Elections Website</u></p> <ul style="list-style-type: none"> Explains who is eligible, how to receive an absentee ballot and where to send.³⁸⁶ <p><u>Offline</u></p> <ul style="list-style-type: none"> Distribute Virginia Easy Voter Guide booklets that include information on absentee voting.³⁸⁷ 	Acceptable
Voting Machines	<p><u>State Board of Elections Website</u></p> <ul style="list-style-type: none"> List of voting equipment used by locality.³⁸⁸ <p><u>Offline</u></p> <ul style="list-style-type: none"> Distribute Virginia Easy Voter Guide booklets that include information on voters' rights for instructions on voting equipment.³⁸⁹ <p><u>By Law</u></p> <ul style="list-style-type: none"> "In each county, city, or town in which voting or counting equipment is to be used, the electoral board may designate times and places for the exhibition of equipment containing sample ballots, showing the title of offices to be filled, and, so far as practicable, the names of the candidates to be voted for at the next election for the purpose of informing voters who request instruction on the use of the equipment."³⁹⁰ 	Unsatisfactory
Voter Identification Requirement	<p><u>State Board of Elections Website</u></p> <ul style="list-style-type: none"> Outlines identification requirements for all voters and lists examples of acceptable forms of identification. Provides information for identification requirements for certain voters and a list of acceptable forms of identification.³⁹¹ <p><u>Offline</u></p> <ul style="list-style-type: none"> Distribute Virginia Easy Voter Guide booklets that include information on identification requirements for all voters and lists examples of acceptable forms of identification.³⁹² 	Acceptable

WISCONSIN	CURRENT STATUS	ASSESSMENT
VOTER REGISTRATION		
Rejection	Information required: driver's license number, state identification, or SSN, name, address, date of birth, and affirmation of citizenship; proof of residence for ten days in the state; and proper voting age. No person may be disqualified from voting unless there is evidence "beyond a reasonable doubt" that the person is not qualified to vote. ³⁹³	Acceptable
Verification	State uses a substantial Match standard for death and felon information; a hybrid match standard is used for Department of Transportation information. An Exact Match of the identifying number is first attempted, and if none is returned then the election official searches the system manually for a substantially matching name and date of birth. ³⁹⁴	Exemplary
Notification	Voter registrations by mail, special registration, or on Election Day are verified by a registration notice within ten days of receipt of the registration form ³⁹⁵ ; registration will be rejected if the confirmation notice is returned "undeliverable". If registration form has insufficient information for registration, the clerk will notify the voter within 5 days. ³⁹⁶	Mixed
Database	After experiencing difficulties, statewide database id in compliance with HAVA; voter information can now be cross-checked against databases of other state agencies including transportation, corrections, and health services. ³⁹⁷	Inconclusive
3rd Party Registration	State law prohibits the compensation of a person collecting voter registration forms based on the number of forms collected. ³⁹⁸	Acceptable
NVRA Implementation	Because Wisconsin has Election Day registration it is exempt from the provisions of the NVRA. The Department of Motor Vehicles does not hand out or accept registration forms. ³⁹⁹	Acceptable
Voter Identification	To register by mail (first time voters), later or on Election Day, voters must present one of the following forms of proof of residence in order to register to vote: current photo identification, utility bill, bank statement, pay check, government check, or other government document. ⁴⁰⁰	Exemplary
PROVISIONAL BALLOTS		
Distribution	Provisional ballots are issued to first time voters who registered by mail who appear at the polls without proper identification, or Election Day registrants who are unable to provide their driver's license number. ⁴⁰¹	Acceptable
Verification	A provisional ballot is counted if the voter provides the election authority with his/her driver's license number, either in person or via telephone, fax, or email before 4:00pm on the day after the election. The voter can only provide his/her driver's license number; SSN or first four digits of SSN will not be accepted. ⁴⁰²	Unsatisfactory
Wrong Precinct	Provisional ballots are not given to voters who appear at the wrong polling place. ⁴⁰³	Unsatisfactory
SUPPRESSION/CHALLENGES		

WISCONSIN	CURRENT STATUS	ASSESSMENT
Deceptive Practices Law	State law prohibits the dissemination of false information to voters and attempts to influence their voting via force or coercion. ⁴⁰⁴ Individuals are also prohibited from posting materials at the polling place which may confuse voters about their rights and responsibilities. ⁴⁰⁵	Acceptable
Challengers	Election inspectors and other electors may challenge any person they believe is not eligible to vote. Challenges can be made at the polling place. ⁴⁰⁶	Unsatisfactory
POLLING PLACE/POLL		
Workers' Training	The state trains municipal elections officials and chief election inspectors every two years and provides training materials to local election officials for poll worker training, who must also be trained every two years. The content of the training materials is standardized by state law. ⁴⁰⁷	Acceptable
Recruitment	Depending on the voting system, 5-7 poll workers per precinct are required by law. ⁴⁰⁸ Split shifts are permitted by state law and offered by some municipalities, and a high school poll worker program exists. ⁴⁰⁹ The GAB encourages state employees to serve ⁴¹⁰ , and municipalities team up with non-profits such as LWV to recruit workers. ⁴¹¹	Exemplary
VOTING MACHINES		
Distribution	State law requires that polling places provide one voting booth for every 200 voters registered in that precinct. Municipalities using DREs are required to provide one DRE for every 200 voters registered in that precinct. ⁴¹²	Exemplary
Student Voting Rights	Students who attend school in Wisconsin may vote there ⁴¹³ ; election officials may not consider a student's status when determining eligibility to vote. ⁴¹⁴ Proof of residency is required to register to vote, and either a school identification or endorsement of another registered voter suffices. ⁴¹⁵ Election day registration makes student voting even easier.	Exemplary
VOTER EDUCATION		
Registration Information	<p><u>Government Accountability Board Website</u></p> <ul style="list-style-type: none"> Information on how- and where-to, proof-of-residency requirements and option of Election Day registration.⁴¹⁶ Eligibility requirements are listed under a FAQs section for Voters with Disabilities.⁴¹⁷ <p><u>Offline</u></p> <ul style="list-style-type: none"> Distributes registration information statewide through the news media.⁴¹⁸ 	Acceptable

WISCONSIN	CURRENT STATUS	ASSESSMENT
Polling Place Location/Hours	<p><u>Government Accountability Board Website</u></p> <ul style="list-style-type: none"> • Polling place locations. • Polling place hours.⁴¹⁹ <p><u>Offline</u></p> <ul style="list-style-type: none"> • Distributes standard polling place notices to local elections offices for distribution.⁴²⁰ <p><u>By Law</u></p> <ul style="list-style-type: none"> • Notice of polling place hours and locations or direction to where polling place information may be obtained shall be published by the municipal clerk or board of election commissioners of each municipality once on the day before each spring primary and election, and each September primary and general election.⁴²¹ 	Acceptable
Sample Ballots	<p><u>Government Accountability Board Website</u></p> <ul style="list-style-type: none"> • Sample ballot should be available to voters who put in their addresses.⁴²² <p><u>By Law</u></p> <ul style="list-style-type: none"> • A sample ballot must be published in a newspaper or as a newspaper insert and posted at the polling place.⁴²³ 	Exemplary
Provisional Ballot Information	<p><u>Government Accountability Board Website</u></p> <ul style="list-style-type: none"> • Under “Information for Voters with Disabilities,” has a FAQ that explains when provisional ballots are used for first-time voters and what follow-up is required by those voters.⁴²⁴ 	Unsatisfactory
Language Accessibility	<p><u>Voting Rights Act, Sec. 203</u></p> <ul style="list-style-type: none"> • Wisconsin’s statewide population does not fall under Section 203.⁴²⁵ <p><u>Government Accountability Board Website</u></p> <ul style="list-style-type: none"> • Links to the U.S. Election Assistance Commission’s non-English glossaries of key election terminology. Languages available are: Chinese, Japanese, Korean, Spanish to English, English to Spanish, Tagalog and Vietnamese.⁴²⁶ <p><u>Offline</u></p> <ul style="list-style-type: none"> • Offers voter registration forms and absentee ballot applications in Spanish and Hmong.⁴²⁷ 	Acceptable
Absentee Voting	<p><u>Government Accountability Board Website</u></p> <ul style="list-style-type: none"> • Explains who is eligible, how to receive an absentee ballot, where to send and deadlines for requesting an absentee ballot.⁴²⁸ <p><u>By Law</u></p> <ul style="list-style-type: none"> • Absentee voter instructions shall include information on how to correct errors in marking a ballot and obtain a replacement for a spoiled ballot.⁴²⁹ • The municipal clerk offices must publish a notice with absentee voting qualifications, procedures for obtaining an absentee ballot, places and deadlines for application and return of application and the office hours during which an elector may cast an absentee ballot in the municipal clerk’s office or at an alternate site.⁴³⁰ 	Acceptable

WISCONSIN	CURRENT STATUS	ASSESSMENT
Voting Machines	<p><u>Government Accountability Board Website</u></p> <ul style="list-style-type: none"> Links to manufacturers' video demonstrations of voting equipment.⁴³¹ <p><u>By Law</u></p> <ul style="list-style-type: none"> At polling places where an electronic voting system employing the use of ballots and voting devices is used, the election officials shall offer each elector instruction in the operation of the voting device and ballot before the elector enters the voting booth.⁴³² 	Acceptable

WISCONSIN	CURRENT STATUS	ASSESSMENT
Voter Identification Requirement	Government Accountability Board Website <ul style="list-style-type: none"> List of acceptable forms of proof-of-residency. 	Acceptable

Endnotes

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RECOMMENDATIONS

REGISTRATION

After the 2000 election, researchers and elections officials cited problems with voter registration as the number one challenge to voting. In 2004, voter registration problems were exacerbated by the use of technicalities to reject registration applications, insufficient protocols for notification and correction of applications, and the continued wide gap between the registration deadline and Election Day. We expect significant registration problems in 2008 that could cause long lines, unnecessarily large numbers of provisional ballots, and in some cases, disenfranchisement.

Recommended Reforms

Immediate Reforms

- **NVRA compliance.** States should ensure full implementation of NVRA (also known as the Motor Voter law), especially public agency requirements. NVRA was passed, in part, to make registration easier and more accessible to a wider range of Americans. One way this was to be achieved was for public agencies serving various communities to offer voter registration on-site. States must live up to their obligations to ensure that these agencies are complying with the law and providing voter registration opportunities for those who may not otherwise be familiar with the voter registration process. In addition, as has been requested by Secretaries of State, the Veterans Administration should immediately begin offering veterans the opportunity to register at all of its facilities.
- **Election Day Registration.** Many of the problems associated with the voter registration process could be avoided if voters had the option to register to vote on the day of the election, as is currently the case in nine states. As an added bonus, those states with EDR consistently show substantially higher participation rates than the rest of the country, further demonstrating the extent to which early registration deadlines reduce voter participation.
- **Pre-registration.** Some states have lowered voting age to 17 for primary elections for voters who will be 18 for the general election. An even more elementary step would be to allow those aged 16 and 17 years old to register to vote, as Florida now does. Registrations could be tagged with the student's age and only activated when the student reaches voting age. This way, high schools could actively register young people to vote while they are still in school.
- **Remove barriers to registration,** such as proof of citizenship requirements. Arizona now requires all voters to prove their citizenship in order to register to vote. This has already resulted in the rejection of thousands of registrations of eligible voters. It is doubtful that many of these voters will be able or willing to go through additional hoops to register once they have been rejected. This requirement and others like it under consideration are unnecessary and will reduce and deter voter participation.
- **Remove unduly harsh restrictions on third-party voter registration drives.** Because the government currently does very little to actively ensure that Americans are registered to vote, third parties are an essential component in the effort to get voters involved in the political process, particularly voters from marginalized communities. Additionally, these third-party groups play an important role in monitoring the processing of registration applications through internal verification checks of the forms and tracking of the registration process at elections offices. Laws that place restrictions that are so harsh on these groups that they effectively put them out of commission must not stand.
- **Remove barriers to registration and voting for citizens with felony convictions.** Nearly 5 million Americans cannot register or vote due to a felony conviction. In ten states, people with felony convictions can still lose the right to vote permanently. In most other states, persons on probation and on parole are denied the vote, keeping substantial numbers of people from the polls, while many other citizens remain effectively disenfranchised either by misinformation about their voting rights or by unwarranted bureaucratic hurdles.
- **Collect e-mail contact information.** States should offer citizens the chance to provide an e-mail address in order to communicate polling place information, confirm receipt of absentee or provision ballots, confirm registration receipt and updates, and other information.
- **Clarify what must be on the registration form in order for it to be accepted.** In order to avoid situations such as occurred in 2004 in states such as Florida where registrations were rejected for failure to check off a redundant citizenship box, states should establish uniform and clear instructions on what must be included for a registration to be accepted as complete. Immaterial errors or omissions should not result in a registration application being rejected.
- **Improve procedures for notifying voters of incomplete registration forms.** When voters make mistakes or omit vital information on voter registration forms, states must have procedures in place that allow for officials to promptly and effectively advise them of the problems and allow them to make any corrections or amendments necessary. Voters should have the opportunity to correct and/or amend registration forms, even after the voter registration deadline has passed.

Long-Term Recommendations

- **Automatic registration.** States should automatically register citizens to vote at any opportunity where government agencies are in a position to ascertain a person's address and eligibility. For instance, a state's Department of Motor Vehicles could proactively register citizens when they apply for driver's licenses. Even if the applicant has not yet reached voting age, which is common for first-time driver's license applicants, he or she could be registered with a flag in the database to activate the registration only when he or she reaches an eligible age. Other opportunities include public assistance agencies automatically registering their clients, military branches automatically registering members of the armed forces when they relocate or return from duty abroad, parole officers registering former felons who have completed parole requirements, and automatic registration of new citizens upon successful completion of their naturalization process. All of these procedures would have an opt-out option for those who actively choose not to be registered.
- **Lifetime registration.** Elections officials should undertake policies to update registrations of existing voters whenever they move based upon data readily available from U.S. Postal Service change of address databases, DMV databases, the Civil Service board, Social Security, Medicare, Medicaid, and state and federal income tax databases. Citizens should receive notices that their registration will be automatically updated to their new location unless they respond, to provide for those who may not wish to change their registrations, such as college students or those in the military who are only temporarily relocating and wish to vote at the permanent address. With the implementation of statewide voter databases, it should now be possible to implement lifetime registration policies for any relocations within a state, and in the future, states should push toward automatic address updates for moves between states. Given how frequently citizens tell the government where they live, there is no good reason to require them to yet again notify election officials of a new address.

VOTER DATABASES

When the Help America Vote Act was passed, the statewide voter registration database was considered an important tool in ensuring that all eligible voters but only eligible voters are registered and able to vote. These databases still hold enormous promise, but not if they are used ineffectively or as a means to take voters off the rolls injudiciously. With respect to use of databases, some states have nonexistent or poor data-matching procedures and others have rules that are likely to lead to disenfranchisement.

Recommended Reforms

- **Fair, effective, uniform, statewide matching protocols.** No matter how well a state's database is constructed, it will only work as well as the humans who are operating it and the rules that govern its administration. As a result, standards for matching voter registration information with information in current databases must be both fair and effective and not so technical that they serve to disenfranchise voters rather than to ensure clean lists. Specifically, states should not impose exact match standards, but rather employ substantial match standards, such as those utilized by Wisconsin. Moreover, the same standard should be employed uniformly throughout state.
- **No removal without verification and notification** of the voter, including persons convicted of felonies. No voter's registration should simply be rejected on the basis of a non-match. Since databases rely on the people who are operating them, mistakes will be made. As a result, no voter should be removed from the list without being given timely and effective notification of the pending removal and an opportunity to contest that removal. These procedures should also be followed in the context of any inter-state data sharing.
- **Automatic re-enfranchisement of ex felons.** While automatic re-enfranchisement of ex-felons is important as a matter of maintaining democratic values, it also will serve to simplify and streamline election administration. If ex-felons are automatically re-enfranchised after completing their sentences, administrators will be freed of the burdens of tracking an ex-felon's multiple possible eligibility statuses in an attempt to determine whether he or she should be on the list.
- **Voters should be able to confirm** their presence on the voter rolls by phone or on the Internet, as is already the case in Colorado, Michigan, New Mexico, Virginia, and Wisconsin. Many voter registration problems could be alleviated if voters were able to check easily to ensure that they are registered properly. That way, the voter has the opportunity to proactively address problems that may have occurred with his or her registration in a timely manner and make sure he or she is able to vote.
- **The database technology must be open and must be rigorously tested,** with vendors subject to restrictions on partisanship or conflicts of interest.

IDENTIFICATION REQUIREMENTS SHOULD BE LIMITED TO THOSE MANDATED BY HAVA

Many state legislatures, including some identified in this study, have passed or are currently considering passing restrictive voter-identification bills that go well beyond what HAVA requires. These bills would require all voters to present at least one form of acceptable identification at the polls on Election Day, in many cases mandating that all voters present state-issued photographic identification, before they would be permitted to cast their votes. Such requirements pose significant barriers for millions of Americans and should be rescinded where they have been enacted and prevented from being implemented elsewhere for the following reasons:

- They disproportionately impact people of color, rural voters, young people, the homeless, low-income people, the elderly, individuals with disabilities, frequent movers, and persons in large households. A number of studies have documented that certain segments of the population are far less likely to have state-issued identification than others Americans.
- Requiring voter identification is equivalent to a poll tax. By requiring voters to provide identification, states are in essence mandating that these voters pay for documents to verify their identities. Forms of identification such as driver's licenses, passports, and birth certificates cost money. The documents required to get those forms of identification also cost money. Not all eligible voters in this country can afford to purchase such pieces of identification. Moreover, not all Americans can take time during working hours to obtain such identification documents.
- Voter identification is not an effective means of preventing or catching voter fraud. Claims that fraud is rampant on Election Day are unjustified and unfounded. Individual voter fraud at the polls is rare. Based on recent studies and investigations, and the briefs and amicus briefs filed in the Crawford v. Marion County litigation, evidence suggests that polling place voter fraud is minimal and unlikely to impact election results. In addition, voter ID does not prevent more pernicious election fraud such as voter intimidation, voter suppression, misinformation, vote buying, and other threats to the integrity of elections.

ENACT AND ENFORCE LAWS PROHIBITING VOTER SUPPRESSION/INTIMIDATION

Efforts to suppress the vote and to intimidate voters continue across the United States. Some efforts push the lines of legality, such as targeted and mass challenges to voters' registrations and voters' rights to vote at the polls. Others are less subtle, such as distributing fliers with false information about election procedures in minority neighborhoods. States are doing little to address these ongoing problems. More must be done to prevent, punish, and rectify the damage of these activities.

Recommended Reforms

- **Pass Deceptive Practices Laws.** Under such laws, state and local governments must prosecute deceptive practices criminally and have in place emergency procedures to immediately correct the information spread by deliberate misinformation campaigns. While it is sometimes impossible to catch the individuals or groups responsible for disseminating fraudulent information immediately, officials can take aggressive steps to quickly and effectively alert the public to the fraud and educate them about accurate election procedures. It is crucial that administrators use all educational and public relations resources at their disposal when such situations arise.
- **State and local government must enforce existing laws** and prosecute illegal activities intended to intimidate voters or disrupt turnout. Many suppression and intimidation activities continue to take place because those who engage in them believe there will be no repercussions for doing so. Too often, they are right. Sometimes no action is taken, while on occasion these malfeasants are simply told by an administrator to stop engaging in the offensive activity. This is insufficient and unacceptable.
- **Local and state election officials should allow international and nonpartisan election observers** to observe polling places without prior notice or permission, provided they do not disrupt Election Day. While concerns about crowding are real, international and nonpartisan observers serve not only to document possible disenfranchising or other illegal activity, but often deter it. They should, within reason, be a welcome part of the process.
- **Enact legislation on vote caging**, such as the bill introduced in the United States Senate. The proposed Caging Prohibition Act prohibits challenges to a person's eligibility to register or vote based solely on returned mail or a caging list and mandates that anyone who challenges another person's right to vote must set forth the specific grounds for their alleged ineligibility, based on first-hand knowledge, under penalty of perjury.¹
- **States must establish fair standards for challenges.** All states should have uniform challenge procedures characterized by transparency and fairness; such procedures must be designed in a way that prevents disenfranchisement or voter deterrence. States should enact stringent requirements for when someone can make

a challenge at the polls, and the bases upon which such challenges can be made must be narrowly defined. Such challenges should be based on personal knowledge. States should also require pre-election challenges to be filed well ahead of Election Day. The United States Department of Justice should also actively pursue vote caging and polling place challenges clearly based on race or ethnicity. As Project Vote has suggested, in the long term, rather than challengers, states should appoint one observer from each major political party for each polling place. Partisan challengers should be required to undergo training by nonpartisan election officials before they are appointed.²

VOTING MACHINES

There is little transparency regarding how decisions regarding the allocation of voting machines are made, and in many places, the standards for allocation are not sufficient to guide elections officials in such a way that they can protect against disenfranchising effect of long lines. It is not clear that elections officials have enough information to make these decisions in the first place.

Recommended Reforms

- **Conduct rigorous research on how to allocate voting machines most effectively.** Although there are ample cases of long lines due to insufficient numbers of voting machines, and legitimate allegations that certain populations routinely get few machines than voters in other jurisdictions, we are in need of more research that explores all the different factors that go into how many machines are needed in a given polling place, and provides guidance to states and localities on this matter.

Franklin County, Ohio, was the first county in the country to try addressing this problem in 2008. The county's Board of Elections hired consultants to look at how many voting machines would be needed based on factors like how long it took each voter to vote given the current ballot length. The remarks of the director of the Board were telling: "We want voters to know there was some fair, serious method that went into" this year's allocation of voting machines, said Dennis L. White, director of the Franklin County Board of Elections. He said that before, "It was all gut instinct. Now, we're using fair, defensible information." As a result of the study, the county intends to employ 250 more machines than in the past.

Other counties—and/or states—should follow Franklin's lead in at least trying to base such decisions on more than "gut instinct."³

- **All states should have legal requirements for the minimum number of machines** per a certain number of voters. Ideally, these would be modeled after Wisconsin's measured law on this matter. There should also be statewide uniformity on when decisions are made regarding voting machine allocation decisions, and the timing should be as late as is feasible in order to capture the true number of registered voters in a given election.
- **Enable voters with disabilities** to vote privately and independently and accommodate citizens for whom English is not their primary language. Voting systems should undergo rigorous testing by those with special needs, and a better public rating system should be devised.

THE POLLING PLACE: POLL WORKER TRAINING AND RECRUITMENT

Poll workers are critical to a smoothly run election. Too often in 2006, as in virtually all elections, inadequately trained poll workers and poll sites with too few poll workers caused problems that disenfranchised voters. There was ongoing confusion about implementation of voting rules, inadequate familiarity with voting machines, and ongoing accessibility issues. On the other hand, some states—as well as a number of individual counties—have made great progress in recruiting more poll workers and training them more effectively. However, because of the decentralized nature of poll worker recruitment and training, it is far too easy for innovative, effective practices to get "stuck" in a few counties. We have highlighted problem areas in our report along with the best practices some jurisdictions use to solve those problems in the hope that continuing challenges can be better addressed and innovations replicated elsewhere.

Recommended Reforms

- **Poll worker training should be, in the first instance, required** for poll workers by law. Such training should ensure that poll workers meet minimum standards for knowledge of election procedures. Such training should cover laws

and regulations governing identification and provisional ballots; how to assist non-English speaking voters; how to assist and provide accommodations for voters with disabilities; how to assist voters with various problems (e.g., the voter is not registered, the voter came to the wrong polling place, etc.); and how to operate voting machinery in use at the polling place.

- **There should be a statewide standard curriculum** to train poll workers. In some states, voting machines can vary by jurisdiction, and in those cases accommodations can easily be made. However, federal and state law—as well as state level election rules—are consistent, and all poll workers across the state should be effectively taught those rules.
- Election officials should **use new media** to train their poll workers: as Ohio and Pennsylvania have found, both video and online trainings can effectively train and attract younger, more technologically fluent poll workers.
- **Conduct rigorous research on establishing the ideal number of poll workers per polling place.** Where they exist, rules regarding the minimum number of poll workers required vary widely, and given that election administrators routinely recruit more workers than state minimums, it is clear these standards are unrealistic. There is a dearth of research, information, and guidance on how many poll workers are really needed to effectively run an election at a polling site, taking into account the variety of factors that may differ from site to site. We need research and the recommendations that emerge from it to make the right decisions about how many poll workers are needed and where they should be placed.
- **Secretaries of State should work with local administrators to ensure that there are enough poll workers on Election Day.** To ensure an adequate number of poll workers, based on real data, minimum standards governing the number of poll workers per polling place—or perhaps per number of registered voters—should be set for each jurisdiction. Innovative approaches for recruitment should be explored, including using students and a random system of recruiting citizens (as, for instance, in recruiting for jury duty).
- **Poll worker training should cover the rights of people with disabilities** as well as ways to provide accommodations in a respectful, dignified way. This training should include matters such as the use of assistants and what constitutes an acceptable signature upon check-in. Poll workers and election officials should consult with people with a variety of disabilities and with disability advocacy organizations before Election Day.
- As much as is practical, jurisdictions should make an effort to **recruit high school and college student poll workers.** Where these programs exist, they are almost universally praised. Not only is the pool of potential new workers large, but the new workers also tend to be good with technology and better at physical labor. States that only allow voters aged 18 and over to serve as poll workers should consider amending their law to take advantage of high school poll worker programs.
- Take simple steps to **recruit poll workers in obvious places**, like recruiting at each polling place for future elections. Sign up sheets on Election Day have been quite successful at finding poll workers for the next election, as have news releases in local newspapers requesting more poll workers.
- **Give state employees paid leave on Election Day** if they wish to serve as a poll worker. Wisconsin has had a great success with such a program—it opens a large pool of potential poll workers, and these workers are often both good with technology and used to following complicated rules and regulations.

DEVELOP UNIFORM STATEWIDE STANDARDS FOR PROVISIONAL BALLOTS

When HAVA was passed, the hope was that provisional ballots would be the safeguard against a voter arriving at a polling place, being told he or she was not on the voting list, and then being turned away. HAVA's vagueness in describing how these ballots are to be administered created a number of problems in 2004, 2006, and the 2008 primaries. Some state rules for distributing and counting provisional ballots are overly technical and disenfranchise legitimate voters. Provisional ballots must be fully implemented as a meaningful safety net for voters when there are problems with registration or identification requirements, yet not be used as an automatic fallback whenever anything out of the ordinary occurs at the polling place.

Recommended Reforms

- **State law should require that each polling place be stocked** with a certain number of provisional ballots—for this election we recommend it be equal to ten percent of registered voters.
- **Voters should be allowed to cast a provisional ballot for federal or statewide offices** even if, for whatever reason, they are not in their own precinct. In no case should a provisional ballot cast at the wrong precinct but at the right polling site be disqualified. This simply means in many cases that a voter went to the wrong desk in the right school or gym. It is clear that voters not knowing where to vote is a major problem. Voters should not be disenfranchised due to failures in administration.

- **Provisional ballots should be utilized fairly when a voter does not have required identification.** If a voter arrives at the polls without identification, but was required under HAVA to bring identification, election administrators should allow that voter to vote by provisional ballot and make every effort to verify that voter's eligibility through available databases after the election. If such verification is made, the provisional ballot should be counted.

VOTER EDUCATION

Voter education is always an important part of the electoral process and educated voters will be particularly crucial for smooth elections this fall. From the research done for this report, state and local election offices appear to be realizing the importance of collaborating with others in those education efforts. Many of the state offices said that to broaden their voter outreach they are developing their relationships with local election offices as well as organizations and voting rights groups with grassroots connections in their states. This cooperation is commendable and encouraged, but accompanying the collaboration must be oversight by the state and accountability. States must strive to ensure that all of their voters receive accurate and uniform information regarding their rights and responsibilities to vote, regardless of where in the state they may live.

Recommended Reforms

General

- **Collaboration.** Collaboration can be a very useful tool in successful voter education since local offices and organizations have connections with people in the community and are familiar with area events and other opportunities for engagement. Election offices should continue to pursue the relationships they are developing with local offices and organizations. One possible means of collaboration is to offer voluntary training for third-party registration groups.
- **Partner with the Media.** Elections officials should also seek collaborations with the local media, recruiting them to be part of the civic effort and working with them to make voter education a part of the regular news broadcasts. This has been successfully done to great effect in elections where the Spanish-language press has played a major role in educating voters and encouraging participation.⁴
- **Oversight and Accountability.** Local elections officials should be required to report their voter education efforts to the Secretary of State. This will both facilitate information gathering and sharing of best practices and allow the chief of elections to make sure elections officials throughout the state are taking the steps necessary to ensure voters know how to register and vote effectively. Local offices also need to be held accountable for inadequate voter education—even if the only “punishment” is public shaming via publishing of efforts and subsequent outcomes. States must be responsible for determining that their local election offices are providing all of the election information necessary, which includes the following: registration deadlines, how to register, registration eligibility requirements, and where registration application are available; the availability of absentee ballots and instructions on how to obtain, fill out, and return those ballots; the option of voting a provisional ballot if unqualified to cast a regular ballot; familiarity with the ballot; knowledge of where polling places are and hours of operation; voter identification requirements, including a list of acceptable forms of identification and any acceptable alternatives to those forms of identification; and familiarity with what voting machine will be used at their polling place and instruction on its use. All of this information should be made available in minority languages spoken in the state to the extent possible.
- **Information sharing.** With states and local offices concerned about the resources required for voter education, all would benefit from sharing their experiences with each other in the form of a “Best Practices” publication disseminated by the Secretary of State or chief elections officer. This publication could be the product of the oversight and accountability efforts referenced above. In this way, offices can concentrate their resources on efforts with the greatest impact. Local election officials should also engage in their own information sharing activities, such as through listservs and intranet systems.
- **Online resources.** Although still not part of every voter's life, the Internet has become a common source of information in today's society. As that is the case, information on voter registration, absentee and provisional ballots, sample ballots, polling places and hours of operation, voter identification requirements, and the voting equipment being used in counties should all be available online. All of this information should also be made available online in the minority languages spoken in the state.
- **Free Information Distribution.** Election offices should explore and take advantage of opportunities to provide election information free of charge. This can be done in the form of public appearances and interviews or op-ed articles; it can also be done with the support of partners interested in encouraging civic engagement, such as providing election forms and information on public transportation or including election mailers with voters' utility bills.

- **Go to the voters.** One group that election offices should try to collaborate with is employers. For those employers that are willing, election information—including registration information, absentee voting, polling place information, and voter identification requirements—should be made available at people’s workplaces. “Workplaces” includes offices, construction sites, grocery stores, restaurants, etc.
- **Mailers.** Frequently dismissed as too expensive when working on a limited budget, sample ballots actually have a proven return on investment. According to research, mailing sample ballots to voters can increase voter participation by upwards of 2 percent. With such a real impact, all voters should receive sample ballots. Along with the sample ballot, voters should also receive by mail other vital election information: polling place locations and hours, and voter identification requirements, including a list of acceptable forms of identification.

Issue Specific

- **Voter Registration.** In order to cast a ballot, electors must first register to vote. States should provide registration reminders and deadlines, using free and paid media. States should help facilitate voter registration drives undertaken by local offices and outside organizations. One way they might do this would be to offer *voluntary* training for individuals and organizations conducting third-party registration drives. Online, registration information and deadlines should be available.
- **Sample Ballots.** As noted above, mailing sample ballots to voters can increase voter participation sample ballots should also be made available online and published in local newspapers.
- **Polling Places.** Confusion over polling place locations is one of the most cited inquiry calls on Election Day, indicating a severe lack of voter education on this point. Polling place hours and the voter’s polling place location should be printed on postcards and sent to all registered voters. Polling place hours and locators should also be available online, like the one Pennsylvania (and other states) provides at <https://www.pavoterservices.state.pa.us/Pages/PollingPlaceInfo.aspx>. And considering those who do not yet have consistent internet access, notices with polling place information should also be published in local newspapers.
- **Language Accessibility.** The Voting Rights Act, Section 203, requires that voting information and forms be made available in jurisdictions with a significant number of minority language speakers.⁵ Those states and jurisdictions that fall under Section 203’s requirement should also provide voter information online: voter registration, provisional ballots, absentee ballots, voter identification, voting machines, polling places/hours, and sample ballots. States that provide such information should also conduct public awareness campaigns in the form of press releases, interviews and public service announcements to ensure that language minorities realize election information is available in their language. Those states and jurisdictions that do not fall under Section 203 should still provide basic voting information (registration eligibility requirements, forms, and instructions; voter identification requirements; absentee ballot requests and instructions; and polling place information) online and off line in languages frequently spoken in the state (this will most often mean Spanish).
- **Provisional Ballots.** Under HAVA, polling places are required to post voting information and basic voting rights that include how to cast a provisional ballot and the right to cast a provisional ballot. Election offices should ensure that information is highlighted at polling places; they should also strive to educate voters on their right to cast a provisional ballot prior to Election Day through notices in local newspapers and providing information on their websites.
- **Absentee Ballots.** Absentee voting is subject to a great deal of human error and to outside efforts at coercion. Therefore, it is important for election offices to provide simple and accurate instructions with all absentee ballots, as well as information on the right of voters to cast an independent ballot.
- **Voting Machines.** Voters must be familiar with the voting systems they will be using to cast their ballots. That includes not only know the type of voting machine but actually being exposed to how ballots are cast on the machine. To that end, before Election Day there should be public demonstrations in accessible locations throughout the state of voting machines with the most accurate sample ballot available at the time of the demonstration and Election Day demonstrations of voting equipment available at polling places. Online, election offices should provide either a list or map of which voting systems will be used in which counties, and either provide video demonstrations of how the voting machines work or links to such video demonstrations on their site.
- **Voter Identification.** With voter identification requirements changing in many states, election offices need to make sure that their voters understand what they are required to present at the polling place. Notice should be mailed to all voters prior to Election Day with sufficient time for voters to acquire adequate identification, if necessary. Election offices should also have public service announcements on television and/or radio that let people know what they need to take on Election Day. Voter identification information should also be available online, ideally with photographic images of acceptable forms of identification and explanations of possible alternatives to identification, when state law permits such alternatives.

STUDENT VOTING RIGHTS

Over the past three elections, the number of young people voting has risen and their participation in the 2008 primaries was unprecedented. State laws as they exist now do not adequately address student voting rights, at times leading local officials to have misguided ideas about what student voting rights are. Voter identification requirements too often threaten to disenfranchise student voters.

Recommended Reforms

- **Clearly provide student voting rights in the law.** States should enact specific laws that explicitly provide the right of a student to register and vote from school if that is where she considers her primary place of living to be. About 29 million Americans move every year.⁶ Students should not be singled out.
- **Educate and train local officials** as to the right of students to vote in their communities. Many problems likely arise because of misunderstandings.
- **Secretaries of State should provide student voting guides** such as that produced by the Pennsylvania Secretary of State (available at http://www.dos.state.pa.us/voting/lib/voting/guide/student_voting_guide_05.pdf) that includes accurate information on what a student in particular needs to know to register and vote. This document should be online and widely disseminated on campuses.
- **Provide sufficient machines.** Registrars should strive to place polling sites on college and university campuses and work to ensure there are sufficient numbers of machines at those sites. This will be particularly critical in 2008 given expected student turnout.
- **All student identification should be accepted** as proof of identity for voting. Especially considering that many forms of student identification do not have addresses or expiration dates, these should not be required to appear on the student identification (or educational institutions should work with elections officials to provide the information necessary in another way). Where utility bills are a major accepted form of identification, secretaries should work with colleges and universities to ensure students, who often do not receive such bills, have equivalent documents that will be accepted, as the Ohio Secretary of State has done.

ENDNOTES

- 1 “Caging Prohibition Act of 2007,” S 2305
- 2 Teresa James, “Caging Democracy: A 50 Year History of Partisan Challenges to Minority Voters,” Project Vote, September 2007
- 3 Barbara Carmen, “Elections Board Has Plans for Long Lines,” *Columbus Dispatch*, July 30, 2008.
- 4 See Tova Andrea Wang, “New Strategies for Latino Mobilization: The Nevada Democratic Caucus as a Case Study,” The Century Foundation, March 24, 2008.
- 5 Jurisdictions are covered by Section 203 of the VRA when the number of United States citizens of voting age is a single language group within the jurisdiction of: more than 10,000; more than five percent of all voting age citizens; on an Indian reservation, exceeds five percent of all reservation residents; or if the illiteracy rate of the group is higher than the national illiteracy rate. Available online at http://www.usdoj.gov/crt/voting/sec_203/activ_203.htm.
- 6 Lawrence Norden, et.al, “Better Ballots,” The Brennan Center for Justice, 2008, p. 10.

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1133 19th Street, NW, 9th Floor, NW, Washington, D.C. 20036
Tel 202.833.1200 / Fax 202.659.3716
www.commoncause.org