

ELECTION 2004

Review and Recommendations by
The Nation's Elections Administrators



NATIONAL TASK FORCE ON ELECTION REFORM

created and sponsored by:
THE ELECTION CENTER,
NATIONAL ASSOCIATION OF ELECTION OFFICIALS
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Principals of Elections / Regulation Officials

We subscribe to these Principals:

- Freedom is an inherent human right, but it is also fragile and can be lost through neglect or misuse.
- Freedom requires responsibility.
- Freedom can best be maintained and nurtured through the democratic process. The success of the democratic process requires fair and open elections which accurately reflect the intent of the electorate.
- Therefore, it is our unique role as election officials to serve as gate keepers of Democracy.

It is our sacred honor to protect and promote public trust and confidence by our conduct of accurate and fair elections.

As the public's guardians of freedom within a democratic society, we are responsible for the integrity of the process. Our role demands that these principles must be placed above personal or partisan gain.

Nurturing and protecting Democracy is a team effort in the profession of elections administration. Our tack requires wisdom, courage and the desire to remain focused on our vision of free and impartial elections despite changes in our society and its laws.

By dedicated adherence to these Principles and Standards of Conduct, we demonstrate our loyalty to freedom, pride in our profession and a commitment to the excellence of the democratic process,



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May 2005

Fellow Americans:

The Board of Directors of The Election Center is proud to present this National Task Force Report on Election Reform. The aftermath of Election 2000, and again in Election 2004, created so much misinformation about the electoral process, we concluded that it would be necessary that one report be issued by the people who know the process best: the nation's elections administrators at the state and local levels.

That is the reason we formed and convened the National Task force on Election Reform for 2004. The experts are real and have some of the most extensive experience in actually conducting thousands and thousands of elections. Representing the nation's elections administrators, we chose a total of 39 elections professionals from the state and local levels to come together for a serious study of Election 2004 and to make recommendations about what should - and should not - be done.

We carefully balanced the Task Force with Republicans and Democrats, with large and small jurisdictions, with state and local, with race and gender, with liberal and conservative, and with every conceivable method of voting represented, all in an effort to be as representative of America as possible. The Task Force was co-chaired by two outstanding election administrators, from state and local levels. Kevin Kennedy from the Wisconsin Board of Elections, and Dawn Williams from the Marshall County, Iowa, elections office. We repeated the pattern for subcommittee co-chairs with one state level and one local level election official to assure policy makers and citizens that a fair hearing and examination of all pertinent issues would be had.

What Americans can be assured of in this report is that it is not directed by partisans who want to change the process so that it favors their candidates and their parties. Rather, it is from the people who know more about the process than any other single group in America: the professionals who have to make the process work for all of us in each election. In an impartial manner, they have reviewed the items that still remain to make this process work for all voters. The recommendations contained herein are born of the wisdom of decades of experience in making elections fair.

As members of the Board of Directors of The Election Center, we are pleased to present the final document to the public.

Ernest Hawkins, Former Registrar,
Sacramento County, CA

Gary Bartlett, Exec. Dir.,
NC State Board of Elections

R. Doug Lewis, Exec. Dir.,
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National Task Force on Election Reform

Election 2004: Review and Recommendations by the
Nation's Election Administrators

"It is our sacred honor to protect and promote public trust and confidence by our conduct of accurate and fair elections.

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Principles of Elections/Registration Officials

May 2005

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The Election Center
(National Association of Election Officials)
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"While it is true that any irregularity is magnified where the election is close - here decided by a single vote - the electorate and the candidates are entitled to a fair election, not a perfect one."

New York Supreme Court Judge Joan Lefkowitz

2005 in a judgment on case involving a race decided by one vote.

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Preface

Four years ago, the Election Center convened a dedicated group of election officials as the National Task Force on Election Reform to study and address questions that surfaced following the 2000 Federal Elections concerning the health of America's elections. Through their service on the Task Force, these individuals demonstrated a commitment to the improvement of elections in America. The body of work they produced detailing a set of recommendations to improve the process was published as: "Election 2000: Review and Recommendations by the Nation's Election Administrators." The consensus of the group was to send an unambiguous message that the nation's electoral process was not broken, while simultaneously recognizing that in order to insure the continued and improved health of America's elections, modernization and change was needed.

Congress demonstrated a commitment to improving the administration of elections for federal offices with the passage of The Help America Vote Act of 2002 (HAVA). That commitment was buttressed when Congress allocated federal funds for distribution to states to achieve the goals of the Act.

The great news is that both Congress and our country's election administrators clearly understood the need for balance when enacting change of this scope - balance between effecting improvements to the security and integrity of elections without diminishing an individual voter's right to participate in the process.

An example of the importance that election administrators place on maintaining this balance can be seen in the "Standards of Conduct for Elections / Registration Officials" printed on the inside back cover of this report. These standards were drafted by members of the election community and adopted by the Election Center in 1997. These principles are reflected in the action of Congress with the passage of HAVA.

Shortened timetables and late funding set the stage for a difficult election cycle. Although the process was stretched, thanks to the early achievements of HAVA, guidance from the newly created Election Assistance Commission and the professionalism and dedication of election administrators across the country, the election process withstood the test in 2004, albeit, a little bruised.

A mission to address remaining challenges brought the members of the Task Force back together in 2005. The 2005 group is comprised mostly of

returning members who bring continuity and experience to the effort and supplemented with new faces from around the country who bring new perspective to the table. We met this time with a direction for change and federal funding from HAVA. We make recommendations we believe will guide states and local jurisdictions through the final implementation of HAVA and strengthen the electoral process.

While the Help America Vote Act establishes important goals to improve the administration of elections, a vision for the future and a national framework to effect these changes, it is the spirit of change and level of respect for the process embraced by the membership of this Task Force and by election administrators everywhere that we find truly remarkable. The individual and collective experience that this group is able to share with the election community should be considered a national treasure. Our special thanks go to Connie Schmidt for sharing her time and talent to craft our work into a cohesive document. The opportunity to contribute to this effort and serve with these fine professionals is an honor.

Dawn Williams
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Kevin Kennedy
Executive Director
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National Task Force On Election Reform
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National Task Force Mission Statement

Our mission is to engender public confidence in the administration of elections by providing a detailed set of recommendations that present state legislatures with positive choices and direction when considering further election reform. In developing these recommendations, we draw on our professional experience and commitment to the integrity of the electoral process.

Introduction & Purpose of the National Task Force

The November 2004 general election was the most anticipated and scrutinized election in our nation's history. The events surrounding the 2000 presidential election mobilized Congress, state legislatures, election officials, citizens (individually and collectively through advocacy groups) and the media to take an active role in changing the way elections are conducted. State and local policymakers are now attempting to build on the changes that preceded the 2004 presidential election with more action.

As individuals responsible for administering elections at the state and local level, we offer our experience and recommendations to assist policy makers in the development of legislation to improve the administration of elections. We encourage a continuing examination of the election process along with recommendations for improvement. State and local election officials have a demonstrated record of adapting quickly to good ideas to improve the process and continue to lead efforts to provide innovations that serve the voters.

Despite the passage of the Help America Vote Act of 2002 (HAVA) and the appropriation of \$3 billion in federal funds, it is clear that there is room for improvement in the way our election system is administered. However, we must reiterate our statement following the November 2000 general election, in our professional opinion; America's election system is **NOT** in crisis. Proposals for change should be carefully weighed with due regard to what is

possible given the resources available to administer elections. Before considering proposals, a key question must be asked. "Will the proposal enable us to continue to protect the integrity of the election and ensure every voter's right to have their vote counted accurately while preserving the privacy of the voter and confidentiality of the ballot?" Ultimately our responsibility is to the voter.

Observers of the 2004 general election are issuing reports that describe the successes and shortcomings of the way elections are conducted in America and clamoring for legislative action. Attention has been focused on voter registration issues, long lines, provisional voting, absentee and early voting, poll watchers and voting equipment. The dramatic increases in voter registration and voter participation have exposed strains on the administrative process of elections. Observers have discovered administrative challenges that election officials have been wrestling with in relative anonymity for years.

A thoughtful analysis of the issues surrounding the 2004 general election reveals that most of the problems were the result of unrealistic expectations that a federal law would provide uniformity and guidance to state and local election officials despite the fact that it was underfunded and behind schedule at the time of passage. State and local election officials will have substantial difficulty meeting the January 1, 2006 deadlines imposed by HAVA due in part to the late appointment of the U.S. Election Assistance Commission, the delay in the appropriation and distribution of federal funds and the convergence of these delays with the 2004 presidential election.

Very few issues were reported nationally relating to problems involving voting machines. The problems were created by people, not machines, and any reform of substance should deal with what people do or do not do, rather than focusing on equipment that can only do what it is designed to do. The 2004 CalTech/MIT report shows the residual vote rate for the 2004 presidential election decreased significantly from the rate in the 2000 presidential election. This was due to election equipment changes, improving election administration practices, better poll worker training, increasing and improving voter education, and a more motivated electorate.

The process by which we elect our leaders at the local, state and national levels, the most fundamental of all of the elements of our government, must operate in a manner and environment which commands the trust, support and confidence of the American public. That confidence was shaken by the highly charged rhetoric that emanated from the individuals and groups that sought to reform the process following the 2000 presidential election.

As federal and state legislation evolved from the myriad of reports and recommendations, expectations for restoring confidence in the administration of elections grew. The requirements of HAVA and its funding have nurtured expectations for a uniform and nondiscriminatory framework for administering elections within each state. The 2004 general election provides a benchmark for making continued improvement that will restore the confidence lost following the 2000 presidential election.

It is the purpose of this National Task Force to analyze the issues that have been identified by observers and participants in the 2004 general election. These issues are driving reform efforts at the local, state and federal levels. Along with a description of these issues, this report discusses the facts and assumptions that are relevant to the issues. We offer a recommendation or range of recommendations for each issue, drawing on our experience as state and local election administrators.

HAVA established minimum requirements for the administration of federal elections and the states are responsible for designing the means for implementing those requirements. Our recommendations are designed to give state legislatures assistance in developing the standards to address the issues identified following the 2004 general election.

These standards should be developed in conjunction with state and local officials and lead to consistent processes within states. This will regenerate and maintain the public's confidence in an accurate, fair and consistent election result in every state in our nation.

The National Task Force was appointed by the Board of Directors of The Election Center, a non-profit organization committed to the professionalization and improvement of America's election process, including extensive training of the professionals who conduct elections.

Executive Summary

National Task Force on Election Reform

Voter Registration Recommendations

Issue: **Voter Registration Groups**

1. That states establish a legal requirement that registration applications be delivered to the registration office within a pre-determined amount of time. (i.e. 3 calendar days, but not later than the close of registration.) State law must also ensure that noncompliance on the part of a voter registration group does not invalidate properly completed voter registration applications if received prior to the close of registration.
2. That states prohibit payment to solicitors based on the number of registrations collected, however, compensation for time worked should be allowed. (See Appendix A for sample legislation.)
3. That states establish specific laws and penalties relating to violations of voter registration laws. All state and local election administrators should provide the list of violations and penalties to registration solicitors. (See Appendix A for sample legislation.)
4. That the United States Election Assistance Commission (EAC) redesign the federal voter registration application and states redesign state applications to accommodate registration information of voter registration solicitors.

Issue: National Voter Registration Act (NVRA)

5. That states evaluate how local jurisdiction and state responsibilities for file maintenance will change with the installation of the new computerized statewide voter registration lists.
6. That states review and update procedures with NVRA mandated agencies and mandate training.
7. That states establish formal procedures between NVRA agencies and registration offices to track applications.

Issue: Registration Deadlines

8. That states without same day registration establish a minimum 29-day voter registration cutoff to assure that all registered voters' names appear on the poll lists.

Issue: Voting Rights for Former Convicted Felons

9. That state and local election administrators use the connectivity available through the new statewide voter registration databases to more efficiently manage felon information.
10. That judicial and/or penal systems provide information on voting rights to felons, both at the point of conviction and at the completion of terms and conditions of the sentencing order. This information should specifically explain their loss of voting rights, restoration of voting rights and how to register to vote.
11. That judicial and/or penal systems provide written documentation to exiting felons to be used as evidence of eligibility to register to vote.
12. That states implement an automatic or expedited process for the restoration of voting rights for convicted felons who have satisfied their sentences.

Issue: Provisional Voting

13. That each state adopt uniform written standards and procedures for casting and counting provisional ballots.
14. That, for the purpose of data collection, states develop a uniform definition for reporting provisional ballots at the state and national level.
15. That states implement procedures to collect the number of provisional ballots that were cast on Election Day as a part of their election night procedures.

Issue Statewide Database List Maintenance

16. That state and local election administrators incorporate monitoring procedures within the statewide voter registration systems to insure that list maintenance functions are performed in a timely, uniform, and non-discriminatory manner.
17. That state and local election administrators maximize the benefits of statewide voter registration software including transfer of voter records within the state, increased and improved services to candidates and committees, and connectivity to web based services.
18. That states be encouraged to enter into agreements with one another to share voter registration data for list maintenance purposes. This should include disclosure of death records across state lines.
19. That states develop uniform and standard cancellation language to be used in interstate notifications and develop procedures for the timely transmittal of such notices.
20. That state and local election administrators urge Congress to amend the law to allow states to require full social security numbers for voter registration purposes, subject to non-disclosure under public open record laws.

Election Technology **Recommendations**

Issue: Voter Verifiable Paper Audit Trail

21. That guidelines be developed by the National Institute of Standards and Technology (NIST), through the EAC, for a scientifically sound, independently verifiable audit trail for direct record electronic (DRE) voting systems and that such guidelines not be restricted to contemporaneous paper replica but also include guidelines for electronic, audio, video or other media to provide verification of the integrity of recording and tabulating votes.
22. That, for DRE voting systems, guidelines be developed by NIST, through the EAC, for the contemporaneous recording of each ballot record, on a secure medium, to provide a redundant record of votes.
23. That states develop procedures to safeguard and retain any paper record receipt in the polling place to preserve secrecy of the voted ballot.

Issue: Logic and Accuracy Testing

24. That state and local election administrators develop and make available to the public written documentation describing their logic and accuracy testing procedures. These procedures should be standardized throughout the state for each voting system.
25. That the date and location of logic and accuracy testing be publicized through media releases and public web pages.
26. That all logic and accuracy testing be open to the public and further that election administrators publicize and invite all interested observers to view the public test.
27. That NIST provide testing standards and procedures by equipment type for use by local and state election administrators in conducting logic and accuracy testing.
28. That local election administrators develop internal staffing procedures to control, manage and document the logic and

accuracy testing of their jurisdiction's voting equipment. (See Appendix C)

Issue: Procurement of Equipment

29. That states adopt the voluntary voting system standards issued by the Federal Election Commission and the voluntary voting system guidelines issued by the U. S. Election Assistance Commission (EAC).
30. That the EAC develop and maintain a library of Requests for Proposals (RFPs), contracts, and customer complaints as a resource for purchasing jurisdictions.
31. That states are encouraged to assist in procuring voting equipment for local jurisdictions.
32. That purchasing jurisdictions carefully and thoroughly document each step of the procurement process.
33. That the acquisition process require acceptance testing, independent of the vendor, of all equipment and system components (hardware and software) as part of the procurement and contract requirements.
34. That election officials develop clear, uniform, and nondiscriminatory policies for determining the number of voting devices per polling site.

Issue: Electronic Poll Books

35. That states and local jurisdictions be encouraged to incorporate the use of electronic poll books in early voting sites and polling places.

Issue: Statewide Voter Registration Databases

36. That states work diligently toward implementation of the statewide voter registration database required in HAVA.
37. That states work to develop connectivity between statewide systems to track duplicate registrations throughout the country.

Redesigning Elections Recommendations

Issue: Early Voting

38. That states modify current election law to allow early voting. Decisions regarding number of days and whether to include options for in-person or by mail early voting are best determined by each state.

Issue: Vote By Mail

39. That state election officials and legislatures consider permitting certain types of elections to be conducted by mail. If states adopt by-mail elections they should look to the experiences of Oregon and Washington when developing laws for efficient and secure by-mail elections.

Issue: Permanent Absentee Voting

40. That states consider legislation offering voters the option of no-excuse, permanent absentee voting and develop adequate laws and regulations for its implementation.

Issue: Election Day Universal Vote Centers

41. That states modify current election law to allow establishing vote centers. (See Appendices F and G)

Issue: Poll Worker Recruitment and Retention

42. That states and local jurisdictions appropriate adequate monetary compensation for poll workers.
43. That states and local jurisdictions implement proven practices to encourage and promote participation of government workers, students, civic groups and corporations as poll workers.
44. That Congress authorize the use of federal employees to serve as poll workers.
45. That state and local jurisdictions implement supplemental training and recognition programs for poll workers.

Introduction to Committee Reports

The bipartisan National Task Force is comprised of 39 elected and appointed professional election officials from throughout the nation representing, not only a geographic diversity, but a balance of state and local level perspectives. These experienced officials represent the diverse communities, cultures, histories and traditions of the jurisdictions, states and regions from which they are drawn. These members also bring a wealth of knowledge and experience drawn from public service, leadership in the private sector and/or excellence in academe.

To conduct this review in a timely manner, the National Task Force divided itself into three committees: Voter Registration, Election Technology and Election Redesign. The full National Task Force met in Washington D.C. in January, in Orlando, Florida in February and by conference call in March. Countless hours of work was done by the committees via telephone, e-mail and fax during the periods between the Task Force meetings.

Individual committee reports follow detailing their discussion of the issues and the recommendations within each group's purview. This committee work formed a solid base for the Task Force as a whole to build consensus and led to our final recommendations.

VOTER REGISTRATION

Introduction

Under our Constitution, the right to vote has been deemed a fundamental right as it is preservative of all other basic civil and political rights. Our Constitution delegates to the states the sacred duty of protecting the free and unimpaired exercise of the franchise. While state law specifically defines the duties of registration officials, it is recognized that responsibilities of registration officials may extend beyond listed duties.

The process of voter registration and the accompanying election management systems provide accurate voter registration lists that help guarantee the "one person, one vote" standard that applies to elected government offices in the United States. Beyond providing information to enforce eligibility requirements, voter registration information provides election administrators useful information to ensure the uniform and non-discriminatory conduct of elections.

The Help America Vote Act (HAVA) places heavy emphasis on the importance of improved voter registration lists by establishing requirements for computerized statewide voter registration lists. HAVA recognizes the relationship between list integrity and the strength of our election process. HAVA sets numerous new standards for registration procedures while leaving specifics to the states and ensuring that standards remain in accordance with the Voting Rights Act and the National Voter Registration Act. All of this shall be accomplished without compromising an individual voter's rights.

New challenges to our system of voter registration were experienced in 2004 that resulted from heavy activity by groups conducting voter registration drives that were not subject to regulation. Late or lost registration applications from these groups generated distrust in the system and ultimately it was the voter that paid for this sometimes inefficient or unethical activity. In order for voter registration groups to continue to be a service to democracy, policy makers must be willing to identify and correct the weakness in this part of the process.

1. Issue: Voter Registration Groups

Discussion:

Campaigns and political activist groups operated vigorously during the 2004 election season bringing dramatic increases in voter registration numbers. The importance of these non-NVRA mandated groups dedicated to voter registration efforts is recognized and welcome. While it is the election administrator's responsibility to process voter registration applications in a timely manner, it is vital that procedures and policies be in place to assure the timely delivery of all voter registration applications to election offices.

Allegations of registration applications being made up, changed or discarded to suit strategic plans must be aggressively investigated and proven or disproved. Registration officials must work diligently to determine if or how much these instances are occurring and thwart any attempts at fraud. Motives for fraudulent registration applications are magnified when campaigns and/or political activist groups compensate registrars on a per registration basis.

The rights of citizens are directly impacted by registration forms that are delivered late or not received. When forms are delivered to registration authorities after the close of registration or not at all, usually at no fault of the applicant, voters find themselves not registered and not eligible to vote on election day. They will not have the option to vote an actual ballot on election day, and instead can only vote a provisional ballot that may not be counted in a later decision

Voter registration drives that occur late in the election cycle and target specific geographic areas largely contribute to disparities in the ratio of voting machines to registered voters across precincts within a county. Dramatic increases in registration numbers can be achieved by a targeted drive. However, this may create resource allocation issues if the election administrator receives the registration information too late to reevaluate, and reallocate or purchase additional equipment. Resource allocation is a process based on past history or usage and current numbers. It is nearly impossible to achieve equity when past history does not predict heavy need and current numbers rise sharply just prior to an election.

Recommendations:

1. That states establish a legal requirement that registration applications be delivered to the registration office within a pre-determined amount

- of time. (i.e. 3 calendar days, but not later than the close of registration.) State law must also insure that noncompliance on the part of a voter registration group does not invalidate properly completed voter registration applications if received prior to the close of registration.
2. That states prohibit payment to solicitors based on the number of registrations collected, however, compensation for time worked should be allowed. (See Appendix A for sample legislation.)
 3. That states establish specific laws and penalties relating to violations of voter registration laws. All state and local election administrators should provide the list of violations and penalties to registration solicitors. (See Appendix A for sample legislation.)
 4. That the United States Election Assistance Commission (EAC) redesign the federal voter registration application and states redesign state applications to accommodate registration information of voter registration solicitors.

2. Issue: National Voter Registration Act

Discussion:

The National Voter Registration Act of 1993 (NVRA) expanded the number of locations and opportunities where citizens can apply to register to vote. The NVRA identified and mandated specific government agencies to facilitate expanded registration opportunities to voters. Driver's license stations are the most recognized and utilized among the list of agencies, giving the bill the nickname "Motor Voter."

With this secondary duty to provide voter registration opportunities to their clients, the agencies are challenged to provide this service in a consistent manner and to transfer the registrations collected accurately and efficiently to voter registration offices. These processes have improved since the NVRA was first implemented, however, evidence of a breakdown between NVRA agencies and registration officials can still be found. Ongoing training from registration officials for those administering agency based voter registration is vital to continue this improvement.

The NVRA also requires voter registration file maintenance that is uniform and nondiscriminatory, prohibits removal of registration for non-voting and provides a mechanism for voters that have moved recently to vote.

The NVRA has been successful in achieving some of its intended purposes. However, states have been challenged when balancing the purpose of the NVRA with voter registration list integrity. The computerized statewide voter registration list requirements set out in HAVA Section 303 (a) will assist states in addressing these challenges. Increased efficiency in performing list maintenance requirements of NVRA should be realized with the new statewide systems. Improved communication between other jurisdictions and NVRA agencies will continue to improve the accuracy and integrity of the lists.

Recommendations:

1. That states evaluate how local jurisdiction and state responsibilities for file maintenance will change with the installation of the new computerized statewide voter registration lists.
2. That states review and update procedures with NVRA mandated agencies and mandate training.
3. That states establish formal procedures between NVRA agencies and registration offices to track applications.

3. Issue: Registration Deadlines

Discussion:

Registration deadlines before an election vary across the nation. HAVA does not address registration deadlines but it goes to great lengths to ensure accurate registration lists. Deadlines that are short with a goal of enfranchising more voters may actually result in the unintended consequence of voter registration records that are not accurate leading to possible disenfranchisement of voters as well as damage to the integrity of the process. States that have less than a minimum 29-day cutoff for new voter registration applications imperil the ability of the election official to assure the voter is on the roll and not disenfranchised.

Recommendation:

1. That states without same day registration establish a minimum 29-day voter registration cutoff to assure that all registered voters' names appear on the poll lists.

4. Issue: Voting Rights for Former Convicted Felons

Discussion:

The right to vote by persons convicted of felonies differs from state to state. In most states, procedures for restoration of voting rights are automatic upon the completion of terms and conditions of the sentencing order.

Information distribution and reporting differences between the court systems and registration offices are also problematic. Differences between the county of conviction and the county of voter registration can result in information not getting to the proper authority. Lack of direction over whether to report persons that are charged with a felony versus those that are actually convicted of a felony can result in citizens being erroneously removed from the registration list. The disconnect between the court system, the potential voter and the registration office when it comes to information distribution should be addressed. It is important that courts use the initial point of contact to inform potential voters about the restoration and/or registration process. Potential voters need to be aware of their responsibilities to become registered voters and registration offices need to make a special effort to ensure that their lists are accurate, reflecting both convictions and restorations.

Recommendations:

1. That state and local election administrators use the connectivity available through the new statewide voter registration databases to more efficiently manage felon information.
2. That judicial and/or penal systems provide information on voting rights to felons, both at the point of conviction and at the completion of terms and conditions of the sentencing order. This information should specifically explain their loss of voting rights, restoration of voting rights and how to register to vote.
3. That judicial and/or penal systems provide written documentation to exiting felons to be used as evidence of eligibility to register to vote.
4. That states implement an automatic or expedited process for the restoration of voting rights for convicted felons who have satisfied their sentences.

5. Issue: Provisional Voting

Discussion: Many states issued provisional ballots for individuals that did not appear on the list of registered voters before the passage of the Help America Vote Act. However seventeen states issued provisional ballots for the first time in November, 2004.

Under HAVA, if an individual claims to be registered to vote but his or her name does not appear on the official list of registered voters, that individual is permitted to cast a provisional ballot. The purpose of this requirement is to protect properly registered voters whose names are not on the rolls due to a processing error or other administrative mistake. Provisional ballots are also required by HAVA for any voters who cast a ballot during any court ordered extension of voting hours. It is important to recognize that the determination of whether or not to count a provisional ballot is left to state law. There are a number of differences in state laws regarding the use of provisional ballots. These include the use of provisional ballots:

- for fail safe voting to ensure that voters that were erroneously not on the registration list have the right to have a ballot cast and counted,
- to process registration address and name changes that occur after registration deadlines close,
- as part of the challenging process, or
- as a second chance voting opportunity for absentee ballot requestors that did receive a ballot in the mail.

Specific instances for when a voter must cast a provisional ballot should be left to state law to define. The need for provisional ballots can be minimized by allowing address or name changes up to, and including, Election Day.

Recommendations:

1. That each state adopt uniform written standards and procedures for casting and counting provisional ballots.
2. That, for the purpose of data collection, states develop a uniform method for reporting provisional ballots at the state and national level.

3. That states implement procedures to collect the number of provisional ballots that were cast on Election Day as a part of their election night procedures.

6. Issue: Statewide Database List Maintenance

Discussion:

The final waiver extended deadline for States to implement the computerized statewide voter registration list requirements as set out by HAVA is January 1, 2006. HAVA requires that the interactive centralized registration list shall be administered at the state level in a uniform and non-discriminatory manner. Increased efficiencies will enhance the quality of the data provided on the registration lists that are integral to effective election administration at the local level.

The ability for registration officials to protect voters' rights will be greatly improved if Congress amends the law to require voters to supply their full social security number for voter registration purposes. This unique identifier will assist officials to accurately transfer registration information between jurisdictions and NVRA agencies, prevent the erroneous removal of voters, assist in preventing fraudulent registrations, and facilitate checking lists for felons. Protecting the voter's social security number from public disclosure must be a priority if it is used.

Recommendations:

1. That state and local election administrators incorporate monitoring procedures within the statewide voter registration systems to insure that list maintenance functions are performed in a timely, uniform, and non-discriminatory manner.
2. That state and local election administrators maximize the benefits of statewide voter registration software including transfer of voter records within the state, increased and improved services to candidates and committees, and connectivity to web based services.
3. That states be encouraged to enter into agreements with one another to share voter registration data for list maintenance purposes. This should include disclosure of death records across state lines.

4. That states develop uniform and standard cancellation language to be used in interstate notifications and develop procedures for the timely transmittal of such notices.
5. That state and local election administrators urge Congress to amend the law to allow states to require full social security numbers for voter registration purposes, subject to non-disclosure under public open record laws.

ELECTION TECHNOLOGY

Introduction

The administration of elections has been the province of state and local election officials since the founding of our country. Over the course of time, state and local election officials have developed and applied increased professional management skills to ensure the integrity of federal, state and local elections. Election officials have met regularly through member organizations and the Election Center to share information on election administration.

The 2000 and 2004 presidential elections have focused public attention on the administration of elections and the subsequent implementation of new voting technology. A number of issues have been at the center of this discussion.

This section addresses the following issues: voter verified paper audit trails on direct record electronic voting devices, logic and accuracy testing of voting equipment, procurement of new voting equipment, electronic pollbooks and implementation of statewide voter registration/election management databases.

7. Issue: Voter Verified Paper Audit Trails (VVPAT)

Discussion:

Some states have already made the decision to require direct record electronic (DRE) voting devices be equipped with a voter verified paper audit trail (VVPAT). Other states are just beginning discussion on this topic.

All voting systems need the ability for verification that voters' ballots are recorded and tabulated in accordance with the choices made by the voter. Documented audit procedures are necessary on all voting systems to insure the integrity of ballot tabulation. For paper-based systems, this audit trail is created by the voter in the form of the marked ballot. For DRE systems, the voter creates an electronic ballot record. There are currently a number of DRE systems that have an internal paper audit trail as required by HAVA. Voters have an opportunity on current DRE systems to view and verify their

voted ballot prior to casting their official ballot. This does not necessarily require that the DRE print a voter verified paper ballot record.

Election administrators currently rely on a combination of an internal audit conducted by the DRE, security procedures and logic and accuracy testing to insure the integrity of their voting systems. While these mechanisms have worked well, the confidence in their reliability would be enhanced through increased audit capacity by way of an independent, highly secure, electronic ballot record, not exclusively dependent on the reliability of or “trust” in one vendor’s software.

The integrity of DRE election records have been challenged in, at least, two significant ways:

- the electronic audit trails provide no independent means of verification apart from the operating software provided by the vendor, and,
- insufficient protections exist against accidental and irretrievable loss of voted ballot records.

Voter verified paper audit trails have been put forward as the means to respond to these challenges. States and vendors are hampered because no national guidelines relating to the use of VVPAT have been developed. VVPAT guidelines developed by the National Institute of Standards and Technology (NIST) and adopted by the U. S. Election Assistance Commission will not be in place before states must acquire accessible voting equipment to meet the requirements of HAVA, Section 301.

The policy and administrative concerns of election administrators must also be considered as VVPAT is debated within each state. These concerns include the potential for lengthened voting times, jammed printers slowing the process and possibly exposing voters’ votes, and undermining the HAVA mandate for blind/visually impaired voters to vote independently.

Recommendations:

1. That guidelines be developed by the National Institute of Standards and Technology (NIST), through the EAC, for a scientifically sound, independently verifiable audit trail for DRE systems and that such guidelines not be restricted to contemporaneous paper replica but also include guidelines for electronic, audio, video or other media to provide verification of the integrity of recording and tabulating votes.

2. That, for DRE voting systems, guidelines be developed by the National Institute of Standards and Technology (NIST), through the EAC, for the contemporaneous recording of each ballot record, on a secure medium, to provide a redundant record of votes.
3. That states develop procedures to safeguard and retain any paper record receipt in the polling place to preserve secrecy of the voted ballot.

8. Issue: Logic and Accuracy Testing

Discussion:

Logic and accuracy testing is the foundation on which the integrity of electronic voting and computerized vote counting rests. Before deploying voting equipment for use on Election Day, election officials test the voting equipment to ensure that it presents the proper ballot choices to the voters and the equipment counts the ballot selections accurately.

Many states have detailed written procedures for conducting logic and accuracy testing. Georgia requires published notice and invites the media and political parties to witness their testing. Harris County, Texas invites the media, political party chairs, and security interest groups. Some states have solicited the assistance of local universities to help them conduct the testing. The State of Florida sent teams of observers consisting of university presidents, former legislators, and others throughout the state in 2004 to observe the logic and accuracy testing in various counties in the state. The EAC has also published best practices on logic and accuracy testing that state and local jurisdictions should consider. Some examples are set out in the appendix to this report.

Once the public has an opportunity to see the rigorous testing all voting equipment goes through before and after an election, the more comfortable the public will become with the accuracy of the equipment. While many jurisdictions, both state and local, routinely exercise rigorous logic and accuracy testing procedures, there is little documentation available upon which to evaluate the statistical adequacy of such procedures.

Jurisdictions must also have documented procedures for the physical security of voting equipment. Voting equipment must be secured before, during, and after the election. These procedures must document proper “chain of custody” of all equipment at all stages of the election process.

Recommendations:

1. That state and local election administrators develop and make available to the public written documentation describing their logic and accuracy testing procedures. These procedures should be standardized throughout the state for each voting system.
2. That the date and location of logic and accuracy testing be publicized through media releases and public web pages.
3. That all logic and accuracy testing be open to the public and further that election administrators publicize and invite all interested observers to view the public test.
4. That NIST provide testing guidelines and procedures by equipment type for use by local and state election administrators in conducting logic and accuracy testing.
5. That local election administrators develop internal staffing procedures to control, manage and document the logic and accuracy testing of their jurisdiction's voting equipment. (See Appendix C.)

9. Issue: Procurement of Equipment

Discussion:

The use of voting equipment is the most visible element of election administration. The voting system is the interface between the voters and the results of their decisions on the leaders and issues affecting local, state and national governments. Jurisdictions will live with the purchase for years. Each election will reinforce the wisdom or folly of the approach taken to acquire a voting system.

A national library of Requests for Proposals (RFPs), contracts, and customer complaints would be an invaluable resource for purchasing jurisdictions. Models for procurement on a statewide basis, modified statewide basis, and local basis would also be a helpful. Every state is unique and not one model for procurement meets all needs. For example, Georgia and Maryland, purchased a single system from one vendor for the entire state. Ohio and Michigan are allowing counties to choose from multiple vendors that have been approved by the state. This type of information, available through a

single organization like the EAC, would be helpful to state and local jurisdictions.

States may have resources to evaluate systems and may be able to obtain better pricing than local jurisdictions. The use of state contract procurement processes involving negotiated prices and strict certification policies could benefit local jurisdictions within the state. The assistance of trained negotiating teams may be of benefit to jurisdictions. Trained teams of negotiators can ensure not only the best price possible, but also that the best contract terms and service contracts are obtained. In addition, states are in a better position to withstand legal challenges if issues arise.

Purchasers of voting equipment, whether at the state or local level, should carefully document each step of the procurement process. This will not only assist in making the best decision for the jurisdiction, but also prevent any potential legal challenges once a decision is made.

Acceptance testing of all equipment by the state and/or local counties, independent of the vendor, should be negotiated into any voting equipment procurement process. This will ensure that all equipment is in proper working condition before final acceptance by the state and/or counties. Payment to the vendor should be contingent on successful acceptance testing of all equipment.

The decision on the number of voting devices to allocate for an election is best left to the appropriate state or local jurisdiction. The allocation of voting equipment can vary by election depending upon the number of registered voters and the projected turnout for the jurisdiction. Jurisdictions should adhere to a policy utilizing a uniform formula to allocate equipment to polling places.

Recommendations:

1. That states adopt the voluntary voting system standards issued by the Federal Election Commission and the voluntary voting system guidelines issued by the U. S. Election Assistance Commission (EAC).
2. That the EAC develop and maintain a library of Requests for Proposals (RFPs), contracts, and customer complaints as a resource for purchasing jurisdictions.

3. That states are encouraged to assist in procuring voting equipment for local jurisdictions.
4. That purchasing jurisdictions carefully and thoroughly document each step of the procurement process.
5. That the acquisition process require acceptance testing, independent of the vendor, of all equipment and system components (hardware and software) as part of the procurement and contract requirements.
6. That election officials develop clear, uniform, and nondiscriminatory policies for determining the number of voting devices per polling site.

10. Issue: Electronic Poll Books

Discussion:

Jurisdictions have begun to use what is known as an electronic poll book at polling locations. This allows poll workers to access the entire list of registered voters. This is done by placing the appropriate technology at the polling locations.

There are many advantages to the use of electronic poll books. They include:

- Reduce the time spent looking up a voter,
- Access to the complete registration lists facilitate accurate voter information including the proper place of voting,
- Improved efficiencies incorporating voter look-up and recording voter history into a single process,
- Phone calls to the election office are reduced,
- Elimination of manual numbered lists,
- Reduction in the number of provisional ballots needed.

Electronic poll books allow election officials to fully use technology to open up the election process to new and possibly more user-friendly means of voting. Electronic poll books allow jurisdictions to explore moving toward early voting and voting centers which voters have found more convenient.

Jurisdictions implementing electronic poll books can realize savings that will offset some of the initial startup cost and realize additional savings with continued use. Not only does the jurisdiction have the ability to save money on the printing of paper poll books, but it can also see a savings by using the technology of the electronic poll book to implement the concept of voting centers, which can save on the costs of voting equipment and paying poll workers.

Recommendation:

1. That states and local jurisdictions be encouraged to incorporate the use of electronic poll books in early voting sites and polling places.

11. Issue: Statewide Voter Registration Databases

Discussion:

Prior to the passage of HAVA, some states had already made the move to a centralized statewide voter registration database. With the passage of HAVA, all states are now mandated to implement a single, uniform, official, centralized, interactive computerized statewide voter registration list administered at the state level. While this has proven to be no easy task for many states, there are significant advantages to a statewide list of registered voters.

With the mobility of our society today, it has become difficult for election officials to track voters as they move their residences. The implementation of statewide voter registration databases will assist election officials in keeping the number of duplicate registrations within each state to a minimum.

The development of statewide voter registration databases will also assist states in sharing information. Voters not only move within states, but also between states. Having statewide voter registration databases provides an opportunity for states to begin to work towards sharing information to track and locate voters who may be on more than one state's voter registration list.

Recommendations:

1. That states work diligently toward implementation of the statewide voter registration database required in HAVA.
2. That states work to develop connectivity between statewide systems to track duplicate registrations throughout the country.

REDESIGNING ELECTIONS

Introduction

The tradition of conducting elections on a specific day during specific hours at voter-specific locations is a legacy of our political past. This model of election administration, deeply embedded in election laws and regulations and refined over generations has served America well. While it provides reasonable protections and safeguards from fraud and can offer reasonable accessibility to voting for both the able-bodied and disabled voters, it has limitations. Using advances that are available in technology and new processes we can do better.

Over the last few years concerns have been raised by groups and interests spanning the full political spectrum over the adequacy of existing election administration practices to provide:

- all voters the opportunity to cast a ballot without undue obstacles or delays,
- protection of the right of valid voters, whose eligibility cannot be immediately determined, to properly cast a ballot that will be counted,
- fraud prevention measures,
- accessible voting sites,
- accessible voting equipment,
- trained and competent poll workers,
- efficient and well managed elections, and
- timely and accurate election returns.

Specific election administration reforms have been mandated to resolve many of these issues as they may occur in the existing voting models and election laws. The success of these reforms to address the issues above is still hard to measure at this point in the reform process. This committee has been asked to “think outside of the box” and consider “redesigning elections” to address the types of concerns previously discussed.

The committee was able to identify promising innovations that colleagues across the nation have used successfully. This report identifies some of these models, discusses the pro's and con's of each and offers recommendations for implementing these new voting practices. The committee also identified and will discuss another concern, poll worker recruiting and retention practices.

12. Issue: Early Voting

Discussion: Early voting in many states has provided the ability for voters to cast their ballot at a date, time and place convenient to the voter up to 29 days prior to an election. While it is difficult to provide statistical data that ties higher voter turnout to convenience in voting practices, there is documented proof that voters turn out in large percentages to cast their ballot prior to the traditional Election Day.

Early voting is in place in several states, including Texas, Nevada and Kansas. Some counties in Texas, where early voting has been in place for many years, report that consistently more than 50% of ballots cast in an election are cast during the early voting period. In Clark County, Nevada, two thirds or more of the vote is cast during early voting due to an effective and extensive early vote program. In the largest county in Kansas – Johnson County – voters overwhelmingly embraced advance voting – with a total of 35% of all ballots cast in November 1996. That percentage has continued to grow to 38% in November 2004.

By utilizing this information, election administrators now prepare projections for actual “expected to vote” on election day. A large percentage of early voters may provide the opportunity to consolidate polling places on election day. Consolidation of polling places reduces election costs on election day by reducing the number of voting machines and number of election workers.

Early/advance voting has already redefined elections in this country. What was one election day has become an “election period.” Instead of one day, there can be multiple days dedicated for voting purposes in every election. The parameters of early/advance voting vary by state. Some states only permit early/advance voting in person at locations throughout the jurisdictions. Some states permit early/advance voting in person or by mail.

There are numerous ways in which early voting is more convenient for voters. Election day restricts the voter to one location on one day. Early voting allows the voter a choice in deciding where and when he/she wants to

vote. An early voting location may be closer to home or work than the voter's regular polling place. Voters who may be out of town because of work, school, or vacation can vote early in-person, rather than rely on the mail to cast their ballot or just not vote at all. Weekend hours allow a convenient chance for commuters and college students who are home on the weekend to vote. Caregivers often find this type of voting more convenient. Voters with disabilities may be able to coordinate a stop at an early voting location with other transportation arrangements.

Early voting also provides a particular convenience for voters who have moved within a jurisdiction or have some other registration problem. The ability to update an address and immediately vote the correct ballot, coupled with the additional time available to solve registration problems, can greatly improve efficiency and reduce the number of provisional ballots.

The implementation of early/advance voting can be challenging as it relates to the unknown number of voters that choose to utilize this convenience. Whether all ballot styles are available at every early voting location or whether early voting regions are established, whether ballots are provided on paper or voting machine, and determining the number of location and finding public buildings with computer connectivity and sufficient parking are questions that need to be answered by states and local jurisdictions.

Based on the above examples, the ability to vote during a "period of time" instead of only on one day may be the wave of the future in voting. The success of early/advance voting has set the stage for regional vote centers, strategically placed around the county, open for several days including election day.

Through the use of technology – statewide voter registration and election management databases, electronic DRE voting machines and electronic poll books - election administrators will have the ability to embrace new voting concepts such as consolidation of polling places and vote centers.

These innovations will also positively address current challenges in election administration – the availability of ADA compliant voting locations and the shortage of election workers.

Recommendation:

1. That states modify current election law to allow early voting. Decisions regarding number of days and whether to include options

for in-person or by mail early voting are best determined by each state.

13. Issue: Vote By Mail

Discussion:

A number of states, notably Colorado, Arizona, Oregon and Washington, permit some or all elections to be conducted entirely by mail. Voting by mail presents a number of immediately recognized benefits.

Voting by mail is a rather generic concept which covers several different and distinct strategies. For purposes of clarity in the following discussion, these brief descriptions are provided:

- *All-mail or Vote-by-mail election:* All eligible voters automatically receive a ballot through the mail. There are no election day polling places.
- *Vote-by-mail precinct:* A precinct that has an insufficient number of voters to justify a polling place. Voters in these precincts receive a ballot through the mail, but voters in other precincts vote at a polling place on Election Day. Vote-by-mail precinct voters automatically receive a ballot in the mail. No request is required.
- *Absentee Voting:* Voting through the mail based upon a voter's request. Voter must request a ballot for each election or for a series of elections within a prescribed time frame.
- *Permanent Absentee Voting:* Based upon a single written request, voters are automatically sent a ballot for each election for which they are eligible.

In a Vote-by-mail Election:

- every registered voter receives a ballot well in advance of the election,
- voters can vote and return the ballot at a convenient time and place,
- voters need not go to a polling place to vote,
- there are no polls to rent, equipment to deliver or poll workers to hire and train, and,

- there are not two elections going on in-parallel, one polling place and the other absentee or early voting.

The infrastructure to conduct low-cost, secure elections by mail in these states was developed as an outgrowth of the extensive use of permanent absentee voting. This infrastructure must include digitized signatures for verification to insure the legitimacy of each returned ballot.

Absentee ballot management systems integrate with voter registration systems and use automation and bar-code technology to facilitate the management and processing of the mail. Automated preparation of the mailings reduces postage costs and reduces delivery time. Close working partnerships with the United States Post Office permit the timely identification and resolution of mailing issues.

While there is some evidence that by-mail elections may increase voter turnout in small special elections, opinions vary on the impact of voting by mail in major elections. (See Appendix D) Voting by mail, on a paper medium, does not offer a great deal of accommodation to some voters with special needs. However, the fact that the voting period extends over a period of weeks rather than hours, make accommodations less burdensome to voters. Rules must be developed to permit inactive voters to reactivate their registration status and vote. The challenges of provisional voting are generally eliminated as the main reasons voters require a provisional ballot no longer exist and election officials have more time to resolve any voter issues before resorting to a provisional ballot. Postmark and timely receipt requirements must be clearly defined and understood by voters. Procedures and processes to allow voters to return ballots by means other than the mail up through Election Day at field locations should be considered.

Because of the additional processing steps required to prevent fraud and ensure accuracy, it takes more time to prepare a by-mail ballot for counting than an Election Day ballot cast at a traditional polling place. There are two important implications of this increased workload; first, more physical space is required to process outgoing and incoming ballots and, second, final election returns may be delayed if laws do not permit a level of pre-processing of ballots before election day.

Recommendation:

1. That state election officials and legislatures consider permitting certain types of elections to be conducted by mail. If states adopt by-

mail elections they should look to the experiences of Oregon and Washington when developing laws for efficient and secure by-mail elections.

14. Issue: Permanent Absentee Voting

Discussion:

Permanent absentee voting (PAV) permits voters to make a one-time, written request to receive a ballot through the mail automatically for each election for which they are eligible. Permanent absentee voting laws generally do not require a reason other than personal choice or convenience to automatically receive a ballot. The main advantage of PAV in a world where absentee voting is already increasing is that it provides election officials advance information on the number and types of absentee ballots required. It also permits absentee ballots to be mailed earlier and more cost effectively than a scenario in which voters request ballots for each election and requests are received over a long period of time. (Note: Permanent absentee does not necessarily equate to “no-excuse” absentee since some states offer permanent absentee status to specific classes of voters, i.e. disabled.) (See Appendix E.)

Ballots for permanent absentee voters are mailed as early as 29 days prior to an election which permits adequate transit time and provides time to resolve any ballot delivery issues. The signature of every voter is verified by comparison to the signature on file. The signatures on the requests are also compared and verified prior to giving the voter permanent status. Voters may be removed from this status if mail is returned as undeliverable, the voter moves without registering or for failure to vote after a certain period of time.

Like by-mail voting, the same infrastructure of laws and practices must be in place in order for the elections to be conducted efficiently and without fraud. The advantages and considerations of PAV are similar to those discussed above in the by-mail voting section.

Permanent absentee voting is ideally suited to suburban counties where commuting is a major consideration for voters making it to a polling place on Election Day. Permanent absentee voting is also well-suited to rural counties in which polling places are remote and travel distances are considerable.

Recommendation:

1. That states consider legislation offering voters the option of no-excuse, permanent absentee voting and develop adequate laws and regulations for its implementation.

15. Issue: Election Day Universal Vote Centers

Discussion:

The vote center concept is worth exploring as an Election Day voting model with many advantages. In the State of Colorado, ‘vote center’ is defined as “a polling place at which any registered elector in the political subdivision holding the election may vote, regardless of the precinct in which the elector resides.” This model affords the voter the convenience of appearing at any vote center in the political subdivision to cast a ballot which contains every race and issue on which he or she is entitled to vote. The vote center model enables election officials to reduce the number of polling places from the traditional precinct sites to a smaller, more manageable number of vote centers.

Larimer County, Colorado, which pioneered the vote center model, has successfully conducted three major elections using vote centers: the 2003 Coordinated Election pilot and the 2004 Primary and General Elections. Larimer County is an urban and rural jurisdiction with 200,000 registered voters, 143 precincts and an average number of 30 ballot styles. The county uses an optical scan voting system with paper ballots. It offers “no excuse” absentee voting as well as early voting up to two weeks prior to Election Day.

Vote centers in Larimer County are geographically positioned throughout the county in both heavily populated urban cities and outlying rural towns. In urban areas, they are positioned near heavy traffic areas, larger residential areas, major employers and city bus routes. In rural areas, they are positioned at recognizable community landmark locations, often the same locations as the prior precinct polling places.

In Larimer County, vote centers significantly reduce the number of poll workers needed and enable the county to select Election Day personnel who demonstrate the skills necessary to run a modern polling place. An electronic poll book is used, necessitating the active recruitment of poll workers with computer skills. A student poll worker program is used pulling top students from the local high schools to work on Election Day. These

changes in poll worker profile brought the average age of a poll worker from 65 to 44 years old.

Larimer County accommodated a high voter turnout of 94.6% of the active registered voters in the 2004 General Election with ease and efficiency. This number is inclusive of the absentee and early voting figures, with a majority of voters visiting vote centers on Election Day. A division of labor within the vote center made it easy for election workers to learn details of election law as it applies to procedures required to implement voter processing on Election Day. This allows for faster processing of each voter and the average voter finished voting within 15 to 20 minutes of arriving at a vote center.

Control is centralized to the elections office rather than dispersed to the individual polling places. Poll workers have a direct line to elections staff so that questions and concerns are addressed immediately. Virtual network computing capabilities allows the elections office to monitor and assist with poll book activities in real time. Because the poll book is electronic and credit for voting is given in real time, no voter can vote twice in an election. Political parties and other interested persons can receive from the elections office up to the minute lists of those who have voted, increasing the efficiency of poll watcher efforts.

Summarized below are benefits of the vote center model:

- Vote centers provide easier and less costly compliance with accessibility requirements under the Help America Vote Act and the Americans with Disabilities Act (ADA). Larger, newer facilities that are already ADA compliant are used in most instances.
- Provisional ballot concerns are addressed more effectively. All ballot styles are available at each vote center allowing eligible voters to cast a correct ballot at any vote center.
- Administration is more efficient than for a precinct polling place model.
- There are cost savings in many areas including requiring fewer poll workers and fewer election supplies.
- Poll worker recruitment focuses on experienced and more qualified personnel, leading to more efficient and accurate elections.

- Political parties and candidates need fewer volunteers for poll watching.
- Vote centers are ideal for the use of electronic equipment which can contain all ballot styles and still provide precinct specific reporting.
- Vote centers provide additional convenience for voters, which fosters increased voter turnout.

The future of vote centers looks bright given their success in Larimer County. Other Colorado counties intend to implement the vote center model next year. Illinois, Florida and several others states are considering adoption of the vote center model.

In a country as diverse as America, one size does not fit all. Times have changed. America is a more mobile society than when the precinct polling place was developed. Voters often work, shop or recreate some distance from their home precinct. Local election officials must retain flexibility and control. In addition, our state legislators must serve their constituents by providing election officials the options needed to do their jobs as efficiently, economically and voter-friendly as possible. The vote center model is one of those options. Making it more convenient to vote can only be healthy for civic well-being and the democratic process.

Recommendation:

1. That states modify current election law to allow establishing vote centers. (See Appendices F and G.)

16. ISSUE: Multi-day and Weekend Voting

Discussion:

With the intent of increasing voter participation, multiple day voting and weekend voting scenarios have been used in a number of jurisdictions with varying degrees of success. Three jurisdictions have been selected as case studies: Santa Monica, CA, Multiple-day Election; Delaware, Saturday Primaries; and Louisiana, Saturday Elections. These case studies are found at Appendix H.

Compared to other strategies discussed in this report, weekend and multi-day voting, do not appear to be as viable. Despite the experiences in the case studies, there is not sufficient evidence that these innovations increase voter

participation or improve the efficiency of elections. Further study is required before these practices can be favorably recommended.

17. Issue: Poll Worker Recruitment and Retention

Discussion:

The human factor in the administration of elections is best represented by the faces of the nation's poll workers. Through the years this has historically been a position filled by senior citizens. With the implementation of the National Voter Registration Act, the Help America Vote Act, provisional ballots, voter identification, and computerized DRE voting equipment, there is a critical need to recruit poll workers from all age groups.

Several states have passed legislation providing paid leave for state and local government employees who choose to serve as poll workers on Election Day. This is a model that should be encouraged nationwide. A pilot program titled "Making Voting Popular" was implemented in 1998 in six counties surrounding the Kansas City Metropolitan Area. This was a bi-state effort between Kansas and Missouri counties. The vision was to encourage major employers to provide a paid "civic leave" day for employees who sign up to work as poll workers in their home county. This concept has been implemented in various counties across the country. This recruitment effort was successful in bringing business employees into the poll worker work force.

This effort has grown in Johnson County, Kansas to a program titled "Partners in Democracy". The program reaches out to businesses in the community to encourage working together to support the election process. Businesses can participate by releasing employees to serve as poll workers, providing building/meeting room space for use as polling places, or providing poll worker incentives. Public/media recognition of these businesses provides the incentive for them to continue in the program. Framed certificates are provided to participating businesses for public display.

Many states have passed legislation providing for student poll workers (students 16-17 years of age). Students are a welcome addition to the poll worker team. Partnered with experienced poll workers, they also bring knowledge of technology to the polling place environment. Again, this recruitment of young students provides a multi-generational work force on Election Day, and serves as a civic hands-on learning experience for

students. States should be encouraged to implement legislation empowering students to participate in the election process on Election Day. This experience serves as an introduction to democracy and can lead to lifelong participation as voters, candidates, and campaign workers.

By reaching out to service organizations and empowering their members to serve as election workers, allowing them to donate their earnings to their local Rotary Club, Optimist Club, church organization, local PTA, etc. the work of poll workers on Election Day can become a community-wide effort – not just benefiting the election process, but also providing for service needs within local communities. These programs have been successfully implemented in many jurisdictions and have become known as the “Adopt A Polling Place” program.

Election administrators need the support of legislators and local elected officials to bring this type of innovative recruitment to the business of elections. The goal is to develop a blended set of poll workers consisting of students, working adults, service organization members, and retired adults. The increasing demands and complexities of elections require changes in the staffing of polling places in order to assure successful and accurate elections.

Retention of poll workers is vital to the continuing success of elections. Retention in any job relates to job satisfaction and success. The nation needs to place a higher value on the position of poll worker. Proclamations establishing a Poll Worker Appreciation Week in communities nationwide would give local jurisdictions an opportunity to provide additional incentives to these employees, i.e. merchant coupons, etc. Recognition lapel pins are currently distributed in many jurisdictions to provide an additional “thank you” for serving as a poll worker. A simple effort to provide election workers the opportunity to serve as a team at a particular polling place can be the incentive that reinforces the “friends working together for democracy” theme. Efforts to provide poll worker assignments based on special requests requires extra administration within election offices, but the payoff is a committed, well-trained team of poll workers.

The experience in Guilford County, North Carolina, also indicates that additional training and recognition can contribute substantially to retention of experienced poll workers. In 2001 Guilford County initiated a “Precinct Officials Certification” program in cooperation with the local community college. The program requires 18 hours of class attendance and a written final exam. Recertification every two years requires continuing education participation as well as regular election service. While voluntary, more than 80 percent of Guilford County’s 636 permanent precinct officials have

successfully completed the course. Certified officials receive an additional \$35 per election in pay. Retention of officials has risen from roughly 75% to near 95%.

For generations, the administration of elections has relied on civic-minded citizens and retirees for its poll workers who are generally paid volunteers earning minimum wage or less. The reality facing election administrators is that in the current economic and demographic situation it is difficult to retain such volunteers. The increasing complexity of the work and increasing recognition of the importance of qualified poll workers requires a commensurate compensation. Although volunteerism is still the backbone of American democracy and expressions of appreciation and recognition can be effective; adequate monetary compensation for the services poll workers perform is critical to recruiting, augmenting and retaining qualified workers.

Recommendations:

1. That states and local jurisdictions appropriate adequate monetary compensation for poll workers
2. That states and local jurisdictions implement proven practices to encourage and promote participation of government workers, students, civic groups and corporations to serve as poll workers.
3. That Congress authorize the use of federal employees to serve as poll workers.
4. That state and local jurisdictions implement supplemental training and recognition programs for poll workers.

Conclusion

Election Officials continue to lead with voter service innovations. The status quo of election administration is no longer an acceptable or viable option and this profession is willing to change quickly when services are found that truly serve the interests of voters.

Decisions that are presently being made by policy makers and election officials regarding the acquisition of voting systems and the design and functionality of statewide voter registration systems will impact how we move forward. Which alternatives are possible and what the costs will be should be decided cooperatively with local and state election officials working with their state legislatures.

Policy makers and election officials should thoughtfully evaluate the recommendations in this report as voting issues arise. Concerns raised by voters, political parties and activists can be viewed as impetus for change and to make our system of conducting elections even stronger.

Glossary

Computerized Statewide Voter Registration List - The HAVA mandate that requires each State to develop a statewide voter registration list. The list shall be maintained and administered by the state, contain the name and registration information of every registered voter in the State and assign a unique identifier to each registered voter in the State.

See HAVA, Section 303 for more information.

DRE – A Direct Recording Electronic Voting Machine (DRE) records a person’s choices on electronic counters. The voter makes choices on a DRE by pressing electro-mechanical buttons or positions on a calibrated touch sensitive screen.

EAC – The United States Election Assistance Commission (EAC) was established by the Help America Vote Act of 2002. It has responsibility to:

- Promulgate voluntary voting systems guidelines and establish a program for the certification, decertification and recertification of voting systems.
- Maintain the national mail voter registration form, promulgating regulations relating to the national mail registration form, and reporting to Congress on the impact of the NVRA.
- Distribute federal funds to states for the purposes of carrying out the provisions of HAVA and improving the administration of elections.
- Administer grants to other organizations as specified in HAVA.
- Conduct research and issue reports on ways to improve the administration of elections.
- Communicate information about the administration of elections to election officials, the media and the public.

Visit <http://www.eac.gov> for more information.

Early Voting – The process by which a registered voter may vote in person at a polling location established for that purpose prior to the date of an election.

Electronic Poll Book – An electronic poll book is a computer in a polling place that contains a jurisdiction’s list of registered voters. It is used to determine whether a person is registered to vote, to update a person’s voter registration information, and/or to record that the person has voted.

HAVA – The Help America Vote Act of 2002 (HAVA) was enacted on October 29, 2002. The act authorizes money to states to replace punch card voting systems and to carry out the provisions of the act; establishes the United States Election Assistance Commission; establishes minimum election requirements for States and local jurisdictions responsible for conducting Federal elections and for other purposes.

Visit http://www.eac.gov/mission_statement.asp?format=none#hava for more information.

List Maintenance – A uniform program that makes a reasonable effort to ensure an accurate official list of names and addresses of eligible voters. The process includes removing persons no longer eligible to vote from the list of registered voters in accordance with State and Federal law. This includes people who have died, who have moved from the State and who have requested to be removed from the list of a registered voters.

NVRA – The National Voter Registration Act of 1993 (NVRA) was enacted on May 20, 1993. It is also referred to as “the motor voter law.” The act’s mandates include that State’s motor vehicle licensing agencies and certain other agencies must offer clients the opportunity to register to vote, requires the Federal Election Commission to promulgate a mail voter registration application, and establishes minimum standards for list maintenance.

Visit http://www.usdoj.gov/crt/voting/nvra/activ_nvra.htm for more information.

NIST – The National Institute of Standards and Technology (NIST) “...is a non-regulatory federal agency within the U. S. Commerce Department's Technology Administration. NIST's mission is to develop and promote measurement, standards, and technology to enhance productivity, facilitate trade, and improve the quality of life.”

HAVA assigns NIST the responsibility to: chair the Technical Guideline Development Committee (TGDC), provide technical support to the TGDC during the development of voluntary voting system standards, prepare a human factors report for Congress and to evaluate and recommend to the EAC independent testing laboratories for accreditation for certification, decertification and recertification of voting systems.

Visit <http://vote.nist.gov/> for more information about NIST's voting system activities.

Provisional Voting – The process by which a person who appears to vote at a polling place, but who cannot be confirmed as being eligible to vote at that polling place is permitted to cast a ballot. The ballot is not counted until the person's eligibility to vote can be established following the election in accordance with State law. HAVA requires the use of provisional ballots for a number of specific situations.

See HAVA, Section 302 (a),(c) and Section 303 (b) for more information.

RFP – A Request for Proposal (RFP) is a formal mechanism used by organizations to obtain bids from vendors for the procurement of hardware, software and services.

SSN – Social Security Number (SSN).

Touch Screen – A computer screen that lets people interact with a computer by touching various words or images on a screen attached to the computer.

Vote Center – A polling place where any voter in a jurisdiction may vote during Early Voting and/or on Election Day.

VVPAT - A Voter Verified Paper Audit Trail (VVPAT) is a contemporaneous paper record of a person's choices that the person is able to verify before the person casts his/her ballot. The record is available for post-election review and/or audit.

Appendix A

State Of Iowa

Iowa Code Chapter 48A

48A.25 Compensation for assistance in completing registration forms. A person may pay, offer to pay, or accept compensation for assisting others in completing voter registration forms only if the compensation is based solely on the time spent providing the assistance. Paying, offering to pay, or receiving compensation based on the number of registration forms completed, or the party affiliations shown on completed registration forms, or on any other performance criteria, is unlawful. This section shall not apply to state statutory political committees, as defined in section 43.111.

This section shall not apply to state and political subdivision employees who are required to offer assistance to clients as a part of their regular job duties, and who shall not be granted additional compensation for voter registration activities. A person assisting another in completing a voter registration form shall not complete any portion of the form without the knowledge or consent of the registrant.

Iowa Code Chapter 39A

Election Misconduct and Penalties

1. This chapter may be cited and referred to as the "Election Misconduct and Penalties Act".
2. The purpose of this chapter is to identify actions which threaten the integrity of the election process and to impose significant sanctions upon persons who intentionally commit those acts. It is the intent of the general assembly that offenses with the greatest potential to affect the election process be vigorously prosecuted and strong punishment meted out through the imposition of felony sanctions which, as a consequence, remove the voting rights of the offenders. Other offenses are still considered serious, but based on the factual context in which they arise, they may not rise to the level of offenses to which felony penalties attach. The general assembly also recognizes that instances may arise in which technical infractions of chapters 39 through 53 may occur which do not merit any level of criminal sanction. In such instances, administrative notice from the state or county commissioner of elections is sufficient. Mandates or proscriptions in chapters 39 through 53 which are not specifically included in this chapter shall be considered to be directive only, without criminal sanction.
3. For the purposes of this chapter, "election officials" include the state commissioner, the county commissioner, employees of the state commissioner and county commissioner who are responsible for carrying out functions or duties under chapters 39 through 53, and precinct election officials appointed pursuant to sections 49.12, 49.14, 49.18, and 53.23.

39A.2 Election misconduct in the first degree.

1. A person commits the crime of election misconduct in the first degree if the person willfully commits any of the following acts:
 - a. Registration fraud. Produces, procures, submits, or accepts a voter registration application that is known by the person to be materially false, fictitious, forged, or fraudulent.
 - b. Vote fraud.
 - (1) Destroys, delivers, or handles an application for a ballot or an absentee ballot with the intent of interfering with the voter's right to vote.
 - (2) Produces, procures, submits, or accepts a ballot or an absentee ballot, or produces, procures, casts, accepts, or tabulates a ballot that is known by the person to be materially false, fictitious, forged, or fraudulent.
 - (3) Votes or attempts to vote more than once at the same election, or votes or attempts to vote at an election knowing oneself not to be qualified.
 - (4) Makes a false or untrue statement in an application for an absentee ballot or makes or signs a false certification or affidavit in connection with an absentee ballot.
 - (5) Otherwise deprives, defrauds, or attempts to deprive or defraud the citizens of this state of a fair and impartially conducted election process.
 - c. Duress. Intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, a person to do any of the following:
 - (1) To register to vote, to vote, or to attempt to register to vote.

- (2) To urge or aid a person to register to vote, to vote, or to attempt to register to vote.
 - (3) To exercise a right under chapters 39 through 53.
- d. Bribery.
- (1) Pays, offers to pay, or causes to be paid money or any other thing of value to a person to influence the person's vote.
 - (2) Pays, offers to pay, or causes to be paid money or any other thing of value to an election official conditioned on some act done or omitted to be done contrary to the person's official duty in relation to an election.
 - (3) Receives money or any other thing of value knowing that it was given in violation of subparagraph (1) or (2).
- e. Conspiracy. Conspires with or acts as an accessory with another to commit an act in violation of paragraphs "a" through "d".
2. Election misconduct in the first degree is a class "D" felony.
- 39A.3 Election misconduct in the second degree.
1. A person commits the crime of election misconduct in the second degree if the person willfully commits any of the following acts:
- a. Interference with validity of election.
 - (1) Possesses an official ballot outside of the voting room unless the person is an election official or other person authorized by law to possess such a ballot.
 - (2) Makes or possesses a counterfeit of an official election ballot.
 - (3) Solicits or encourages a person to vote in an election knowing that person is not qualified to vote in the election.
 - b. Actions by election official. As an election official:
 - (1) Refuses to register a person who is entitled to register to vote under chapter 48A.
 - (2) Accepts a fee from an applicant applying for registration.
 - (3) While the polls are open, opens a ballot received from a voter, except as permitted by law.
 - (4) Marks a ballot by folding or otherwise so as to be able to recognize it.
 - (5) Attempts to learn how a voter marked a ballot.
 - (6) Causes a voter to cast a vote contrary to the voter's intention.
 - (7) Changes a ballot, or in any way causes a vote to be recorded contrary to the intention of the person casting that vote.
 - (8) Allows a person to do any of the acts proscribed by subparagraphs (1) through (7).
2. Election misconduct in the second degree is an aggravated misdemeanor.
- 39A.4 Election misconduct in the third degree.
1. A person commits the crime of election misconduct in the third degree if the person willfully commits any of the following acts:
- a. Election day acts. Any of the following on election day:
 - (1) Loitering, congregating, electioneering, posting signs, treating voters, or soliciting votes, during the receiving of the ballots, either on the premises of a polling place or within three hundred feet of an outside door of a building affording access to a room where the polls are held, or of an outside door of a building affording access to a hallway, corridor, stairway, or other means of reaching the room where the polls are held. This subparagraph does not apply to the posting of signs on private property not a polling place, except that the placement of a sign that is more than ninety square inches in size on a motor vehicle, trailer, or semitrailer, or its attachment to a motor vehicle, trailer, or semitrailer parked on public property within three hundred feet of a polling place is prohibited.
 - (2) Interrupting, hindering, or opposing a voter while in or approaching the polling place for the purpose of voting.
 - (3) As a voter, submitting a false statement as to the voter's ability to mark a ballot.
 - (4) Interfering or attempting to interfere with a voter when the voter is inside the enclosed voting space, or when the voter is marking a ballot.
 - (5) Endeavoring to induce a voter to show how the voter marks or has marked a ballot.
 - (6) Marking, or causing in any manner to be marked, on a ballot, any character for the purpose of identifying such ballot.
 - b. Actions by election official. As an election official:
 - (1) Serving as a member of a challenging committee or observer under section 49.104, subsection 2, 5, or 6, while serving as a precinct election official at the polls.
 - (2) Failing to perform duties prescribed by chapters 39 through 53, or performing those duties in such a way as to hinder the object of the law.
 - (3) Disclosing the manner in which a person's ballot has been voted to anyone except as ordered by a court.

- (4) Failing to carry out a duty with regard to access under chapter 22 to a public record that relates to an election or voter registration.
- (5) Furnishing a voter with a ballot other than the proper ballot to be used at an election.
- (6) Making or consenting to a false entry on the list of voters or poll books.
- (7) Placing or permitting another election official to place anything other than a ballot into a ballot box as provided in section 49.85, or permitting a person other than an election official to place anything into a ballot box.
- (8) Taking or permitting to be taken out of a ballot box a ballot deposited in the ballot box, except in the manner prescribed by law.
- (9) Destroying or altering a ballot that has been given to a voter.
- (10) Permitting a person to vote in a manner prohibited by law.
- (11) Refusing or rejecting the vote of a voter qualified to vote.
- (12) Wrongfully acting or refusing to act for the purpose of avoiding an election, or of rendering invalid a ballot cast from a precinct or other voting district.
- (13) Having been deputized to carry the poll books of an election to the place where they are to be canvassed, failing to deliver them to such place, safe, with seals unbroken, and within the time specified by law.

c. Miscellaneous offenses.

- (1) As a party committee member or a primary election officer or public officer upon whom a duty is imposed by chapter 43 or by a statute applicable to chapter 43, neglecting to perform any such duty, or performing any such duty in such a way as to hinder the object of the statute, or by disclosing to anyone, except as may be ordered by a court, the manner in which a ballot may have been voted.
- (2) As a person who is designated pursuant to section 43.4 to report the results of a precinct caucus as it relates to the selection and reporting of delegates selected as part of the presidential nominating process or who is designated pursuant to section 43.4 to tabulate and report the number of persons attending the caucus favoring each presidential candidate, failing to perform those duties, falsifying the information, or omitting information required to be reported under section 43.4.
- (3) Making a false answer under chapter 43 relative to a person's qualifications and party affiliations.
- (4) Paying, offering to pay, or receiving compensation for voter registration assistance in violation of section 48A.25.
- (5) Using voter registration information in violation of section 48A.39.
- (6) As a candidate, making a promise to name or appoint another person to a position or to secure a position for another person in violation of section 49.120.
- (7) Soliciting the use of influence from a candidate in violation of section 49.121.
- (8) As a public official or employee, or a person acting under color of a public official or employee, knowingly requiring a public employee to act in connection with an absentee ballot in violation of section 53.7.
- (9) As a person designated by the county commissioner of elections or by the voter casting an absentee ballot, failing to return an absentee ballot in violation of section 53.35A.
- (10) As an incumbent officeholder of, or a candidate for, an office being voted for at the election in progress, serving as a member of a challenging committee or observer under section 49.104, subsection 2, 5, or 6.

2. Election misconduct in the third degree is a serious misdemeanor. 2002 Acts, ch 1071, §4 39A.5 Election misconduct in the fourth degree.

1. A person commits the crime of election misconduct in the fourth degree if the person willfully commits any of the following acts:

a. Election day acts.

- (1) As an employer, denying an employee the privilege conferred by section 49.109, or subjecting an employee to a penalty or reduction of wages because of the exercise of that privilege.
- (2) Failing or refusing to comply with an order or command of an election official made pursuant to chapter 49 for which another penalty is not provided.
- (3) Circulating, communicating, or attempting to circulate or communicate information with reference to the result of the counted ballots or making a compilation of vote subtotals before the polls are closed in violation of section 51.11, 52.40, or 53.23.
- (4) Destroying, defacing, tearing down, or removing a list of candidates, card of instruction, or sample ballot posted as provided by law prior to the closing of the polls.
- (5) Removing or destroying the supplies or articles furnished for the purpose of enabling voters to prepare their ballots.
- (6) Violating or attempting to violate any of the provisions or requirements of chapter 49 to which another penalty does not apply.

b. Miscellaneous offenses.

- (1) As a public employee, acting in connection with an absentee ballot in violation of section 53.7.
- (2) Neglecting or refusing to return an absentee ballot in violation of section 53.35, or violating any other provision of chapter 53 for which another penalty is not provided.
- (3) Filing a challenge containing false information under section 48A.14.

2. Election misconduct in the fourth degree is a simple misdemeanor. 2002 Acts, ch 1071, §5
39A.6 Technical infractions -- notice.

If the state commissioner or county commissioner becomes aware of an apparent technical violation of a provision of chapters 39 through 53, the state commissioner or county commissioner may administratively provide a written notice and letter of instruction to the responsible person regarding proper compliance procedures. This notice is not a final determination of facts or law in the matter, and does not entitle a person to a proceeding under chapter 17A. 2002 Acts, ch 1071, §6

APPENDIX B

MARYLAND STATE BOARD OF ELECTIONS

VOTING SYSTEM HASHING

Background:

Prior to the Presidential General Election of 2004, the National Software Reference Library (NSRL), hosted by the National Institute of Standards and Technology (NIST), began receiving certified software from voting system vendors. When the NSRL receives these software files, it performs a 'hash' on them, essentially creating a form of 'digital fingerprint' for each file. The NSRL then distributes the results (hash values) of this hashing quarterly via the NSRL website, www.nsrll.nist.gov/.

What is a Hash?

As previously mentioned, a hash is, in effect, a digital fingerprint of a software file or program, in the sense that it provides a unique identifier for a particular piece of software, and only identical files will have the same hash values. A hash value is typically a fixed-length string of hexadecimal characters. Hashing is accomplished by applying an algorithm to the file in question, and the hash value is the result of this. While there are a number of different algorithms available, the NSRL primarily uses an algorithm called Secure Hashing Algorithm 1 (SHA-1) but also distributes the hash values of two other algorithms, known as CRC-32 (32 bit Cyclic Redundancy Check) and MD-5 (Message Digest).

Using the Hash Value:

The Maryland State Board of Elections (SBE) receives its voting system software from the Independent Testing Authority (ITA) rather than directly from the voting system vendor. The ITA examines the source code and performs a software build, and then distributes it to SBE. When SBE receives the files, it performs a hash on them and the resulting values are then compared with those distributed by NSRL. The two hash values should be identical. For confirmation, SBE performs the hash of the software three times, using the three different algorithms. All this is done prior to SBE distributing and installing the software on its voting system.

In addition to hashing the software prior to installation, SBE can at anytime revisit the software and re-perform the hash, and re-check the hash values in order to verify that nothing has been changed.

Benefits of Hashing:

SBE goes through this hashing process in order to ensure that the voting system software used in Maryland is the expected, certified and genuine version, and has not been modified in any way. As part of SBE's comprehensive security strategy, it helps maintain confidence in, and ensuring the integrity of, Maryland's statewide voting system.

The hashing process is not overly burdensome on SBE, and is in fact a comparatively simple and effective way of ensuring the trustworthiness of Maryland's voting system. To this end Maryland highly recommends that other jurisdictions adopt the hashing process.

APPENDIX C
MARYLAND STATE BOARD OF ELECTIONS
DRE (DIRECT RECORDING ELECTRONIC) VOTING SYSTEM SECURITY

- NIST (National Institute of Standards and Technology) Computer Security Policies and Standards address “CIA” - Confidentiality, Integrity, and Availability
 - **Confidentiality** – The information requires protection from unauthorized disclosure.
 - **Integrity** – The information must be protected from unauthorized, unanticipated, or unintentional modification. This includes, but is not limited to:
 - **Authenticity** – A third party must be able to verify that the content has not been changed in transit.
 - **Non-repudiation** – The origin or the receipt of a specific message or data must be verifiable by a third party.
 - **Accountability** – A security goal that generates the requirement for actions of an entity to be traced uniquely to that entity.
 - **Availability** – The information technology resource (system or data) must be available on a timely basis to meet mission requirements or to avoid substantial losses. Availability also includes ensuring that the resources are used only for intended purposes.

- Risks are categorized by NIST as:
 - **High** – Extremely grave injury accrues to U.S. (or State) interests if the information is compromised; could cause loss of life, imprisonment, major financial loss, or require legal action for correction.
 - **Medium** – Serious injury accrues to U.S. (or State) interests if the information is compromised; could cause significant financial loss or require legal action for correction.
 - **Low** – Injury accrues to U.S. (or State) interests if the information is compromised; would cause only minor financial loss or require only administrative action for correction.

- The following types of controls are implemented to manage risks:
 - **Managerial, Operational, and Technical Controls Management** – controls for managing risk address core or fundamental principles that are inherent in the protection of information systems.
 - **Operational** – controls focus on protection mechanisms that are primarily planned, implemented, and monitored by people.
 - **Technical** – controls are generally system or electronically-based and rely heavily on operational and management controls in addition to system-based restrictions.

NOTE: *Management and Operational Controls are put in place to mitigate the risks introduced by lack of technical controls in the voting system.*

- SBE implemented the following security controls and recommends that other jurisdictions using DRE (Direct Recording Electronic) voting systems do the same:
 - ***For 2002 and 2004, developed and implemented a Disaster Recovery and Incident Management (DRIM) Plan*** Developed a template for the local boards of elections (LBEs).
 - Instructed the LBEs to develop their own DRIM.
 - ***Hired a contractor to perform security and Independent Verification and Validation (IV&V) tasks.***
 - ***Hired three SBE security personnel: Chief Information Systems Security Officer (CISSO), Security Technical support person, and Administrative Aide with background in DOD security.***
 - ***Performed Background Checks (including fingerprinting) on all personnel who would be working with the tabulation server. Continuous security awareness training provided to election officials. Developed an IV&V (Independent Verification & Validation) process for:***
 - User Acceptance Testing of voting units and servers
 - System upgrades
 - Logic & Accuracy testing.
 - ***Developed an Information Systems Security Plan (ISSP).***
 - ***Developed Rules of Security Behavior with required signatures:***
 - Election Directors
 - Election Poll Workers.
 - ***Required vendor to make software changes that incorporated security capabilities:***
 - Unique PIN for DRE voting units in each county
 - Unique accounts and passwords on the tabulation servers
 - Encrypted data in modem transfers from polling place to LBE
 - Encrypted ballot image storage on DRE voting unit.
 - ***Required servers and DRE voting units to be under lock and key at all times.***
 - ***Installed virus protection software on servers.***
 - ***Installed software (Maresware) that can compare the software on the servers with the baseline software that was originally loaded prior to election with software on the servers after the election, without being installed on server. Audit logs are reviewed to confirm the integrity of the servers.***
 - ***Tamper tape is applied over door and key lock to memory card compartment.***
 - ***Tamper tape is applied to the servers.***
 - ***SBE performs a Public Test prior to, and performs Parallel Monitoring on, the day of the statewide elections.***

Appendix D

VOTER TURNOUT COMPARISON POLLING PLACE vs VOTE BY MAIL ELECTIONS

<u>Election</u>	<u>Date</u>	<u>Percentage of Voter Turnout</u>	<u>Increase by Comparison</u>
Last Non -Presidential Primary at Polling Sites	May-98	34.9	
Non-Presidential Primary by Mail	May-02	46.7	34% increase
Last Presidential Primary at Polling Sites	May-96	37.8	
Presidential Primaries by Mail	May-00	51.3	36% increase
	May-04	46.4	23% increase
Last Non-Presidential General at Polling Sites	Nov-98	59.0	
Non-Presidential General by Mail	Nov-02	69.1	17% increase
Last Presidential General at Polling Sites	Nov-96	71.3	
Presidential Generals by Mail	Nov-00	79.8	12% increase
	Nov-04	86.5	21% increase

Source: Oregon Secretary of State Website

Appendix E

State of California PERMANENT ABSENTEE VOTING COMPARISON BY COUNTY

PERMANENT A.V. VOTING BY COUNTY

COUNTY	2000			2004		
	PERM. A.V.	REGISTRATION	PERCENTAGE	PERM. A.V.	REGISTRATION	PERCENTAGE
Alameda	9,195	669,918	1.37%	188,699	709,261	26.61%
Alpine	771	771	100.00%	812	812	100.00%
Amador	3,068	18,856	16.27%	5,980	19,652	30.43%
Butte	4,250	113,576	3.74%	33,399	116,267	28.73%
Calaveras	199	24,816	0.80%	10,106	27,721	36.46%
Colusa	114	7,504	1.52%	1,057	7,761	13.62%
Contra Costa	6,857	493,826	1.39%	101,655	514,119	19.77%
Del Norte		12,773				
El Dorado	2,241	94,278	2.38%	29,391	100,219	29.33%
Fresno	9,349	329,115	2.84%	72,869	333,691	21.84%
Glenn	851	11,620	7.32%	3,936	11,954	32.93%
Humboldt	761	77,830	0.98%	17,073	83,418	20.47%
Imperial	289	50,030	0.58%	7,498	52,825	14.19%
Inyo		10,285				
Kern	1,285	271,730	0.47%	33,322	280,590	11.88%
Kings		44,912				
Lake	685	21,574	3.18%	7,879	31,411	25.08%
Lassen	408	13,539	3.01%	4,068	14,532	27.99%
Los Angeles	101,204	4,075,037	2.48%	201,426	3,901,106	5.16%
Madera	322	46,495	0.69%	17,944	49,997	35.89%
Marin	3,267	146,152	2.24%	64,163	145,784	44.01%
Mariposa	2,407	10,619	22.67%	3,642	10,738	33.92%
Mendocino	1,147	49,145	2.33%	7,996	48,761	16.40%
Merced		83,309				
Modoc	49	5,442	0.90%			
Mono	10	6,017	0.17%			
Monterey	4,002	160,342	2.50%	61,372	148,410	41.35%
Napa	1,363	67,277	2.03%	12,350	66,100	18.68%
Nevada	626	59,725	1.05%	16,624	62,706	26.51%
Orange	22,346	1,342,746	1.66%	320,550	1,495,824	21.43%
Placer	3,401	145,509	2.34%	50,857	183,593	27.70%
Plumas	156	12,329	1.27%	3,521	13,630	25.83%
Riverside	23,808	634,126	3.75%	109,872	717,811	15.31%

PERMANENT A.V. VOTING BY COUNTY

COUNTY	2000			2004		
	PERM. A.V.	REGISTRATION	PERCENTAGE	PERM. A.V.	REGISTRATION	PERCENTAGE
Sacramento	9,014	611,014	1.48%	145,719	650,701	22.39%
San Benito		26,534				
San Bernardino	12,365	691,548	1.79%	111,983	702,679	15.94%
San Diego	15,134	1,411,672	1.07%	215,000	1,423,302	15.11%
San Francisco	17,135	486,636	3.52%	108,328	460,758	23.51%
San Joaquin	3,490	233,989	1.49%	53,337	266,087	20.04%
San Luis Obispo	1,900	142,633	1.33%	53,475	163,115	32.78%
San Mateo	3,740	338,608	1.10%	119,239	368,410	32.37%
Santa Barbara	1,442	220,274	0.65%	68,231	197,627	34.53%
Santa Clara	8,820	789,332	1.12%	152,986	865,271	17.68%
Santa Cruz	1,075	145,214	0.74%	27,083	139,303	19.44%
Shasta	1,062	87,816	1.21%	31,760	95,267	33.34%
Sierra	70	2,266	3.09%	2,404	2,404	100.00%
Siskiyou	813	25,297	3.21%			
Solano	2,379	194,415	1.22%	40,001	195,932	20.42%
Sonoma	13,896	248,181	5.60%	99,255	238,394	41.63%
Stanislaus	1,427	201,210	0.71%	59,720	207,415	28.79%
Sutter	595	37,570	1.58%	8,044	40,300	19.96%
Tehama	1,418	27,288	5.20%	6,102	28,904	21.11%
Trinity		7,858				
Tulare	571	129,816	0.44%	35,947	141,887	25.33%
Tuolumne	4,022	31,240	12.87%	13,134	33,373	39.36%
Ventura	2,404	387,075	0.62%	88,674	398,652	22.24%
Yolo	872	83,385	1.05%	22,191	85,288	26.02%
Yuba	1,997	24,321	8.21%	4,712	26,147	18.02%
TOTALS	281,565	15,696,415	1.79%	2,855,386	15,879,909	17.98%

Appendix F

**Cost of Voting Equipment, Labor and Supplies for Presidential Election
All HAVA Compliant Machines
Guilford County, NC
Precinct vs. Voting Centers**

	Voters	Voters per machine	Machines	Total Voters	Cost / machine	Cost/ Precinct	Voting Sites	Precinct Voting	Voting Center Voting	Voting Center Cost Difference
Machines for Precinct Voting	120000	120	1000	120000						
Machines for Early Voting	100000	650	154	100000						
Machines for Reserve (5%)			58							
Total Machines	220000		1212		\$3,200			\$3,876,923		
Machines for Voting Center Voting*	220000		400	220000						
Machines for Reserve (5%)			20							
Total Machines			420		\$3,200		40		\$1,344,000	
Voting Machine and Computer Cost								\$3,876,923	\$1,344,000	-\$2,532,923

* While roughly 340 machines deployed in 40 Voting Centers would, theoretically, enable us to vote 220,000 voters, in reality, we must anticipate a disproportionate share of voters will choose to wait until the final days to vote. This projection would enable roughly 70,000 votes, 32% of the vote, to be cast during the final two days of voting.

Appendix G

Colorado Revised Statutes 1-5-102.7

CONCERNING COMBINING POLLING PLACES, AND IN CONNECTION THEREWITH, AUTHORIZING DESIGNATED ELECTION OFFICIALS TO ESTABLISH VOTE CENTERS WHEREE ANY ELECTOR REGISTERED IN THE POLITICAL SUBDIVISIONS MAY VOTE

1-1-104. Definitions. As used in this code, unless the context otherwise requires:

(48.8) "VOTE CENTER" means a polling place at which any registered elector in the political subdivision holding the election may vote, regardless of the precinct in which the elector resides.

1-5-102.7 Combining precincts and polling places - vote centers. , or

- (1) Notwithstanding any provision of section 1-5-101, 1-5-102, or 1-5-102.5, a designated election official may combine polling places or precincts or establish one or more vote centers for any election, subject to approval by the board of county commissioners. A designated election official who combines polling places or precincts or establishes a vote center shall publish the location of polling places pursuant to section 1-5-205.
- (2) If vote centers are used in an election in a political subdivision, precinct polling places shall not also be used in the election in that political subdivision, unless each precinct polling place has a secure electronic connection to provide voting information to and receive voting information from the computerized registration book maintained by the county clerk and recorder.
- (3) If vote centers are used in a general election in a county with a population of twenty-five thousand or more active registered electors, there shall be at least one vote center for every ten thousand active registered electors; except that the Secretary of State may waive this requirement for a county before the election at the request of the County Clerk and Recorder.
- (4) Each vote center used in a county shall have secure electronic connection to the computerized registration book maintained by the county clerk and recorder permitting all voting information processed by any computer at a vote center to be immediately accessible to all other computers at a vote centers in the county. A county may not use vote centers in an election unless the Secretary of State has certified that the secure electronic connection is sufficient to prevent any elector from voting more than once and to prevent unauthorized access to the computerized registration book.
- (5) The number, location, and manner of operation and location of vote centers, including providing for poll watching activities, shall be determined by the designated election official in consultation with the chairpersons of the county central committees of the major political parties and a representative of the county organization of any minor political party.

- (6) Each vote center shall meet all the requirements of federal and state law applicable to polling places, except as such requirements of state law are modified by the section.
- (7) The designated election official of a political subdivision shall not establish vote centers for a General Election unless vote centers were used in a previous election held by the political subdivision in an odd-numbered year or in a Primary Election held on or after January 1, 2006.
- (8) (a) In elections held before January 1, 2006, the election judges shall make one certificate for each vote center in the form required by section 1-7-601.
(b) In elections held on and after January 1, 2006, the use of vote centers in an election shall not affect the duty of the election judges to make a certificate for each precinct in accordance with section 1-7-601.

1-6-111. Number of Election judges. For any election in which polling places or precincts are combined or vote centers are established in accordance with section 1-5-102.7, the county clerk and recorder or designate election official may assign one set of election judges to perform the functions for all precincts and polling places so combined or for each vote center.

Appendix H

CASE STUDIES ON MULTI-DAY AND WEEKEND VOTING

Santa Monica, California

In April 1999 Santa Monica held a two-day special election on Saturday the 24th and Sunday the 25th. The election was held over the weekend with hopes of increasing voter turnout and to avoid conflict with special elections that were to be held in nearby cities around that time.

Opponents of the weekend election feared high cost and were also concerned with how the ballots would be kept secure overnight. In addition to these concerns, 12 churches and synagogues registered in opposition to the weekend elections. Despite the opposition, the election was held and 27.5% of voters turned out. This turnout was considered successful, because the election was off-season and because it was the first stand alone election the city had held in many years.

In addition to the fact that the election was held over the weekend, other aspects that might have contributed to voter turnout were the close to \$10,000 worth of advertising and the use of Starbucks and Legal Grind (coffee shops) as polling places. Although there had been concern over security of the ballots overnight, this was not a problem. The Saturday ballots were held in the City Clerk's vault where the Sheriff's Deputy stood watch overnight and remained there until the polls closed on Sunday. The Saturday ballots were then transported with police escort to the central counting location. The security of the Sunday ballots was the same as a normal Tuesday election.

Problems with the recruitment of precinct workers for the two-day election had also been anticipated; however, there were plenty of workers available and a waiting list of over 100 people to substitute. Securing polling sites was also not a problem, because over half of the normal polling sites were available for the weekend and coffee shops (as mentioned above) were also used as polling sites.

The two-day election in Santa Monica was perhaps more successful than if it had taken place on a Tuesday; however, it is unclear whether this was due to the election taking place over the weekend. Perhaps the actual reason for the turnout (27.5%) had more to do with media attention and the uniqueness of the situation rather than the fact that it took place over two non-working days. The issues of extra cost, security, and poll workers should also be taken in to account when considering holding a similar weekend election.

Delaware

In 1976 the state of Delaware began holding a Saturday Primary in September. This trend will end in 2006 when the statewide vote will take place on the second Tuesday in September, rather than on Saturday. The intent of holding the elections on Saturday had been to increase voter turnout, however, history has not shown this to be the case. The highest turnouts have been in districts with competitive local races (at around 25%), but the overall turnout rates have been very low for the last two primaries with only 10.3% in 2002 (even though it was a heated race) and 14.8% in 2004. Some have suggested that

having the primary on Saturday has actually decreased turnout due to issues such as weekend recreational plans and conflicts with Jewish religious observances. From news sources it is evident that a good deal of opposition to the Saturday primaries in Delaware came from the Jewish community. Jewish leaders have said that Saturday voting disenfranchises some residents because of the Jewish Sabbath, and Rabbi Sanford Dresin of the Adas Kodesch Shel Emeth Congregation in Wilmington is quoted as saying that, "Saturday voting has relegated Jewish voters to the status of second-class citizens." For many Conservative and Orthodox Jews the Sabbath is a day of prayer during which cars and other modern conveniences are not used from sundown Friday until sundown Saturday. This left these citizens with the option of voting absentee or not at all. The primary fell on the important Jewish holiday of Rosh Hashanah in 2002, which motivated the Jewish community to get involved with changing the day of Delaware's primary. This resulted in legislation which has moved the primary to the second Tuesday in September beginning in 2006. Some Seventh Day Adventists have also voiced opposition to the Saturday elections. With regards to availability of poll-workers; there were two factors that made recruiting workers for the Delaware primaries difficult. The fact that they were held on Saturdays made recruitment difficult because of recreational weekend events such as college football, beach going, and children's activities. With regards to the future of primaries in Delaware, while some are worried about Tuesday voting because it will take place when school is in session, others feel that it will be a good civic lesson for students and there is hope that a Tuesday primary will increase voter turnout because people are accustomed to voting in general elections on Tuesday.

Louisiana

All elections in Louisiana are held on Saturdays except for federal elections, which are held on Tuesdays along with the rest of the country. However, Federal Senate and Congressional runoff elections are also held on Saturdays. Louisiana election officials report that conducting the elections on Saturdays does not generally increase voter turnout. Turnout for State Senate, State Representatives, and gubernatorial races ranges from mid 40's to low 60's depending on the race. The recruitment of poll workers is really no different for their Saturday elections as opposed to Tuesday elections. Poll workers are generally retired people as in other polling places across the country. Although Saturday elections might pose the problem of additional work the following Sunday, results are reported quickly after the polls close at 8:00 p.m. on Saturday and work had only been done on Sundays on very rare occasions. In contrast to the opposition to Saturday voting brought by religious groups in Delaware, Louisiana has not had the same experience. This is perhaps due to the specific prohibition to holding elections on common Jewish holidays or Christian holidays. Another issue related to Saturday voting in Louisiana is the fact that voting on the weekend does create absentee voters due to weekend hobbies such as football games, outdoor sports, and NASCAR races.

ABOUT THE ELECTION CENTER

The Election Center is a nonprofit 501(c)(3) tax-exempt organization under the regulations of the Internal Revenue Service. The Election Center's purpose is to promote, preserve, and improve democracy. The Center is also known as the National Association of Election Officials.

Its members are almost exclusively government employees whose profession it is to serve in voter registration and elections administration, i.e., voter registrars, elections supervisors, elections directors, city clerk/city secretary, county clerk, county recorder, state legislative staff, state election director and Secretary of State for each of the individual states, territories, and the District of Columbia.

The Center provides its members a faxcasting service which informs and updates state, city and other elections and voter registration officials regarding legislation, regulations, court decisions, and Justice Department rulings which affect the conduct of voter registration or elections administration. Additionally, the Center performs research for such governmental units concerning the similarities and differences in state or local laws, regulations, or practices concerning voter registration and elections administration.

As the election profession's premier organization for training and certification of election and voter registration administrators, The Center also conducts annual conferences and several regional workshops and seminars throughout each year which are designed specifically for government elections units. Each of these programs is designed to improve the methods of operation and efficiency of the affected offices. The result is improved service to voters, the public, the taxpayers and to government. The Center trains between 600 and 1,000 election and voter registration administrators every year.

Continuing professional education is the cornerstone of continuous improvement of democracy through The Election Center's Professional Education Program. A joint effort of The Center and Auburn University's public administration faculty, the Professional Education Program offers college level instruction for professional growth and development of government officials in the elections and voter registration process. These classes are conducted in several locations throughout each year. The Professional Education Program won an award as the most outstanding continuing education program in America from the National College and University Continuing Education Association (1995).

The Center sponsors an annual Professional Practices contest to get government officials to submit a professional paper on the best of their office programs and practices. Such papers are then duplicated and made available to government officials throughout the U.S. for improving their own operations.

Acting as a catalyst for new ideas or working with difficult issues, it was through The Election Center:

- That state directors of elections formed the National Association of State Election Directors (NASSED) and served as an incubator for NASSED until the organization could operate on its own (1989).
- That the nation's elections administrators developed the first Code of Ethics for voter registrars and elections administrators (1997).
- That the United States Postal Service created the only logo for any mailer outside of the USPS itself. The national Elections Mail Logo identifies for voters and for

- postal employees official mail related to citizens participation in the democratic process.
- That the USPS and the elections community created the National Task Force on Postal Issues and an elections mail program that significantly improves the ability of election offices to reach voters with mail and to lower mail costs to state and local jurisdictions.
 - That created the National Task for on Voting Accessibility, a joint effort of the elections community and the disability community, to improve the ability of the nation's disabled and elderly to participate unassisted in voting, and to improve voting technology for such citizens.
 - That formed the National Task Force on Election Reform which was a report of the nation's elections administrators on problems and solutions related to Election 2000.
 - The Election Center is the principal focus for the U.S. Congress, federal agencies and state governments related to the elections and voter registration issues.
 - That has trained the elections officials of developing nations.
 - That serves as the best single source for news and information organizations concerning elections.

Member governments can also utilize many other services such as surveys, peer review programs, consulting services, technology reviews, recruiting services for employees, and other consulting related services. The consulting services are only for voter registration and elections offices. Due to the unique nature of the responsibilities for voter registration and elections administration, nothing else in industry, or government, is comparable to these functions. These services are fee based but are designed to save jurisdictions tax dollars for services at a fraction of corporate costs for such services. Additionally, the services are performed by people who have an understanding and knowledge of the special requirements necessary for the operations of these offices.

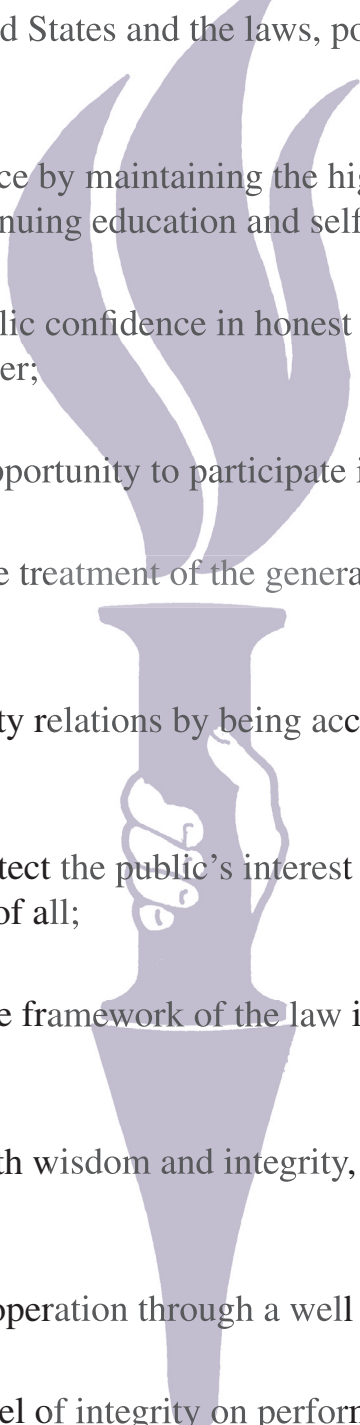
A small professional staff is maintained to develop and administer these programs and to provide research services for members, legislators, local, state and federal elections officials. Research projects can involve in-depth surveys of major issues or specific portions of laws affecting voter registration and elections.

The Center's members also include suppliers of election products and services, including voting systems, voter registration software, voting booths, ballots, election supplies, etc. Members are able to visit with the providers of those goods and services at the national conference where members can learn what is available in the latest technology and election products.

With more than 1,000 members nationwide, The Election Center has the largest number of the state and local election and voter registration administrators as members of any elections related organization in America.

Standards of Conduct for Elections / Regulation Officials

My Personal Pledge to Freedom, Democracy and My Profession:

- 
- I** uphold the Constitution of the United States and the laws, politics and court decisions of federal, state and local jurisdictions;
 - I** commit to excellence and competence by maintaining the highest level of knowledge and experience in the election process through continuing education and self evaluation;
 - I** am accountable for maintaining public confidence in honest and impartial elections which I conduct in a fair, efficient and accurate manner;
 - I** dignify voters by providing equal opportunity to participate in the democratic process;
 - I** am responsible for just and equitable treatment of the general public, elected officials and members of my profession;
 - I** manifest a positive role in community relations by being accessible and receptive to both individuals and groups;
 - I** have the courage and stamina to protect the public's interest from manipulation for personal or partisan gain while respecting the rights of all;
 - I** am flexible and innovative within the framework of the law in carrying out my duties on behalf of the public's interest;
 - I** conduct all fiscal responsibilities with wisdom and integrity, and I am accountable for all funds and resources committed to my charge;
 - I** maintain a productive and efficient operation through a well managed elections environment;
 - I** endeavor to maintain the highest level of integrity on performing all duties of my profession.

ELECTION CENTER

national association of election officials

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“ Freedom can best be maintained and nurtured through the democratic process. The success of the democratic process requires fair and open elections which accurately reflect the intent of the electorate.”

Principles of Elections/Regulation Officials