What Should States Do About Voting Equipment?

After the 2000 presidential election cast massive negative attention on the use of punch-card balloting, many states bought computer voting machines, technically known as direct-recording electronic (DRE) devices, to replace punch-card and lever machines. Experts testified that touch-screen, paperless machines were the proverbial wave of the future, and in fact, the Help America Vote Act (HAVA) -- enacted by Congress in 2002 -- allocated $325 million for states to upgrade to the new equipment. HAVA essentially mandated that states install at least one DRE in each precinct to accommodate disabled voters.

In 2003, researchers began to question the conversion to DREs citing serious concerns that the machines were susceptible to fraud, manipulation or errors that would cast election results into doubt. In 2004 misuse of electronic machines led to the loss of 4500 votes in one North Carolina county -- enough votes to affect the outcome of several races. Then, in Florida's 2006 election for the 13th congressional district, there was a stunning "under vote" of at least 18,000 DRE ballots in a race determined by a slim 369-vote margin. A preliminary GAO investigation into the cause of the under vote was inconclusive. However, on February 8, 2008, the GAO released its final report to the U.S. House of Representatives, which established with "reasonable assurance" that the voting machines did not contribute to the large under vote. Although the U.S. House eventually dismissed a challenge to the FL-13 election, it was another episode that cast doubt on the reliability of DREs.

Many legislatures are reexamining whether the rapid shift to DREs was a good move. (Please see link for Back to Paper: A Case Study by electionline.org) In 2007, all or some voters in 33 states used DREs. However, in recent months state election officials in Florida, California, Maryland, Ohio, and Colorado have abandoned or decertified several of the most widely used electronic voting machine models. Florida will now use optical scan machines in which ballots are marked by hand, like a standardized test, and then fed into a reader for tabulation. Used in 29 states, optical scan provides a ballot that can be examined in the event of a recount or a post-election audit. In December 2007, Ohio's Secretary of State urged immediate conversion to optical scan and the legislature has since considered this proposal and measures to fund vote centers, expand vote-by-mail, and appropriate necessary funds to implement optical scan in the 56 of Ohio's 88 counties that relied on DREs in its controversial March 4th primary.
Ballot shortages, storms, floods, power outages and higher than expected turnout delayed final returns until well into the day after election day. Meanwhile, Iowa's legislature recently approved SF 2347 to enact a $4.6 million state-wide conversion to optical scan machines in time for the November elections.

Skepticism about the adequacy of DREs has prompted a growing contingent of states to require that the machines produce an auditable paper trail -- the so-called "voter verified paper audit trail" (VVPAT). VVPAT refers to receipt-like "ballots" -- a print-out of the ballot that can be verified by the voter before casting the actual electronic version. In the 2004 presidential election, only Nevada had a VVPAT law in effect. By 2007, 16 states required it. Two examples are Oregon House Bill 2169 (2005), and Wisconsin Assembly Bill 627 (2006).

Twenty-two states have adopted post-election audit procedures to help restore confidence in the election process. On January 15, 2008, New Jersey became the newest of these when S-507/A-2730 was signed. This distinctive law requires audits of election results in randomly selected districts and uses the results of elections to determine when and how an audit should proceed. In addition, several states, including Alaska, Georgia, Illinois, Indiana, Iowa and Tennessee are all considering legislation to improve accuracy or auditing capability with DREs. (See NCSL's online Election Law Database for these bills and others)

Fortunately, Congress has avoided mandating a one-size-fits-all approach for states, but has looked at legislation to force states to adopt VVPAT. New Jersey Congressman Rush Holt introduced "emergency legislation" (H.R. 5036) asking Congress to appropriate funds for any DRE state that is willing to convert to optical scan or other paper-based voting systems in time for November's election. The House rejected the measure on April 15, 2008. Rep. Holt's bill would have authorized funds for states that implement post election manual audits within the same time frame. Ω

Related Links

Ohio's EVEREST Study: http://www.sos.state.oh.us/sos/info/everest.aspx
Vote Centers: http://www.larimer.org/elections/votecenters_tab.htm
Oregon's HB 2169: http://www.leg.state.or.us/05reg/measpdf/hb2100.dir/hb2169.intro.pdf
Back to Paper: A Case Study by Electiononline.org: http://www.electiononline.org/
NJ SB 507 http://www.njleg.state.nj.us/2006/Bills/AL07/349_.HTM
Record Turnout in November Election Seems Inevitable: Plan Now or React Later?

The presidential nomination contests have already attracted more interest and media attention than anyone could have predicted. It should be no surprise that record levels of voter turnout have confounded even veteran election administrators. Polling places are experiencing ballot shortages, which have resulted in delays that in some instances may have caused eligible voters to leave out of frustration without voting. Will state and local officials be prepared if turnout exceeds historic levels in November? A few states have anticipated this situation -- providing a helpful roadmap to avert what looks to be an inevitable surge in voter turnout on Election Day.

Voters from both parties have been turning out in record numbers. Iowa, New Hampshire, Florida, California, Georgia and Oklahoma are just a few states that have witnessed stunning turnout. Enormous turnout, if not properly anticipated, can quickly deplete paper ballot supplies. In California, for instance, county officials across the state were caught by surprise by the number of "decline to state" (unaffiliated) voters who wanted to vote Democratic in the presidential primary. In Santa Clara County, the trend resulted in a mad rush to photocopy and distribute about 6,000 last minute ballots. In Alameda County, some polls stayed open two extra hours. In Palo Alto County, polling places encountered shortages, and one had no provisional ballots between 5:30 PM and 7 PM, according to local observers. In the so-called "Potomac Primary" held in Maryland, Virginia, and the District of Columbia, turn out was extraordinarily high despite a severe winter storm. Paper ballot shortages were reported throughout the day -- particularly in the District, which uses optical scan voting machines.

With an increasing number of states like California and Ohio switching to paper ballot systems (typically optical scan), the need to print and distribute an ample supply of ballots is critical to being prepared and ensuring that results are not unnecessarily delayed.

Finding the "right" number is a challenge, especially in the current fluid political environment where it is clear that registration and turnout are up, but no one can predict precisely by how much in each state. Factor in the long lead time that most jurisdictions require to print ballots (Kinko's isn't - yet! - in the ballots business), and you begin to see why it's such a challenge, says Doug Chapin, Director of Electiononline.org -- a project of the Pew Center on the States' Make Voting Work initiative -- funded by the Pew Charitable Trusts.

At least three states (Alabama, Georgia and Missouri) have laws in place to address unexpectedly high turnout and the resulting demand for paper ballots. Each state's method is distinct, but all three specify a clear minimum number of ballots that election administrators must have on hand. For example, in 2006, Alabama enacted Code Section 17-6-44 entitled, "Number of ballots per elector," which requires that there be at least one ballot prepared before election day for each registered voter:

There shall be provided for each voting place at least one ballot for each registered elector at that place.

Georgia has a similar provision, which requires a sufficient number of ballots be available equal to the number of active registered electors. Missouri requires election authorities in certain counties (based on population) to provide a supply of ballots 33 percent above the number of ballots cast in the voting district during the general election held four years prior (V. A. M. S. 115.393).
A landmark ruling on state voter ID laws is imminent. The Supreme Court heard arguments on January 9, 2008 in a case challenging Indiana's statute requiring voters to show government-issued, photo identification before voting or before their provisional ballot can be counted. *Crawford v. Marion County Election Bd.* originated in the U.S. District Court for the Southern District of Indiana.

A law Indiana enacted in 2005 requires that a voter present a government-issued photo ID when voting at the local precinct on election day. Absentee voters and residents of certain nursing homes are exempt from the ID requirement. The law also exempts anyone unable to afford documentation to obtain a photo ID (typically a birth certificate) and authorizes a provisional ballot for those without adequate ID. If the voter casts a provisional ballot, they have 10 days to bring a photo ID to an elections official, or they must sign an affidavit at the county election board.

Indiana Representative William Crawford as well as the state Democratic Party and other plaintiffs challenged the law for violating the Constitutional right to vote and to equal protection, as well as the Indiana Constitution. They contend the law substantially burdens the “fundamental” right to vote, discriminates among voters and disproportionately affects disadvantaged voters.

Indiana countered that plaintiffs lack standing because they cannot identify a single individual that was denied the right to vote because of the law. The state also said that the statute was justified by a legitimate concern for preventing voting fraud, and it is a reasonable means to regulate the time, place and manner of elections.

The District Court held the requirement was both valid and reasonable. The 7th Circuit, in a 2-1 opinion, upheld the lower court decision. A decision by the Supreme Court is expected no later than June of this year.

In 2001, the National Commission on Federal Election Reform identified 14 voter ID states; only Florida designated photo ID. Arkansas, Delaware, Florida, Louisiana, Missouri, South Carolina and Tennessee required identification and signature verification. Today, 25 states require voter ID. Florida, Georgia and Indiana require photo ID. *Crawford* could impact ID litigation in 5 states. Photo ID legislation is pending in a number of states including Illinois, Kansas, Massachusetts, Missouri, South Carolina, Washington and Wisconsin.

**Related Links:**
Cornell University Law School Legal Information Institute Bulletin on *Crawford*:
http://www.law.cornell.edu/supct/cert/07-25.html

Reprinted *Crawford* Opinion by the U.S. Court of Appeals for the Seventh Circuit:

The National Commission on Election Reform:
http://www.american.edu/ia/cfer/index.htm

*Requirements for Voter Identification*, The National Conference of State Legislatures (NCSL) January 9, 2008:

Election Law Litigation, Election Law @ Moritz School of Law (The Ohio State University): Major Pending Cases:
http://moritzlaw.osu.edu/electionlaw/litigation/index.php
State Election Legislation: 2007 Recap

State legislatures continued to tackle key election reform issues in 2007 -- considering nearly 2000 pieces of legislation according to the NCSL election legislation tracking database. Since the voting controversy in 2000, legislatures have continued to work on reforming state election laws in light of a growing body of research and experience on how to make voting work for all involved -- especially the voter. Since 2000, states have considered well over 10,000 election reform related bills and enacted over 1,400. NCSL maintains a searchable database of pending legislation available to anyone on the NCSL website. The specific web address to access the database is: http://www.ncsl.org/programs/legismgt/elect/elections.cfm

As you can see from the table below, there is usually a spike of election legislation in the legislative session immediately following the general elections.

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*2006 is excluded because NCSL’s bill data is incomplete for that year.

Several elections topics received attention across the country in 2007. Below is a list of highlights from some of the most popular issues that states worked on last year.

**New 2007 Election Laws**

**Presidential Primaries**
Seventeen states changed their presidential primary laws during 2007 legislative sessions. Many of these laws moved the primary to the first Tuesday in February setting up the so-called Super-Tuesday. Others moved the date even earlier (Florida and Michigan), or permitted the political parties to choose an earlier date (Colorado). Arkansas now permits early voting in the presidential primary. Washington eliminated the requirement that parties provide primary ballots to unaffiliated voters.

**Electoral College**
Maryland and New Jersey passed National Popular Vote (NPV) bills. Bills in Hawaii and California were vetoed by the governor. NPV bills enter a state into an interstate compact and pledge that all of that state’s electoral votes will go to the national popular vote winner. These bills take effect only when states with a majority of the electoral votes (270) have passed similar legislation. **2008 Update:** Illinois recently became the third state to enact NPV. The states that have adopted NPV thus far represent a total of 46 electoral votes -- one-sixth of the 270 votes necessary for the law to take effect.
Making Voting More Convenient
One of the most popular areas of reform addressed by legislatures in 2007 was making voting more convenient. Arizona and Colorado established permanent early voting lists. Louisiana extended the dates during which early voting is available and established a committee to study the idea of no-excuse absentee voting. Maryland voters will decide in a statewide ballot referendum this November whether to adopt early voting. Tennessee extended the deadline by which absentee ballot applications can be filed. California voter registration applications will now contain a box applicants may check to permanently change their status to vote-by-mail, and certain overseas military voters will be able to return absentee ballots by fax. In West Virginia, overseas voters may now receive and return absentee ballot applications electronically. Colorado law now provides for emergency registration for overseas voters who return home after the deadline for voter registration and also permits cooperation between military commanders and the secretary of state to facilitate voter registration and absentee voting by soldiers. Texas will pilot a program to e-mail ballots to overseas military voters. Arkansas will now provide all overseas voters with instant run-off ballots. North Dakota will now permit counties to hold any election by mail. Oregon passed a law providing a way for homeless voters to register and vote by using the county clerk’s office for a mailing address. Voters in Iowa will now be able to register and vote on election day -- making Iowa the 8th state to implement election-day registration. North Carolina now permits voters to register and vote at any one-stop voting location -- effectively providing for election day registration during the early voting period. Illinois established a commission to study the idea of election day registration. Texas re-established an earlier pilot program providing for county-wide vote centers. Washington voters will now be able to submit voter registration applications electronically.

Post-Election Audits
Continued concerns about election integrity led six states to pass new requirements for random, manual post-election audits of paper ballots, and Colorado increased the percentage of voting machines that are subject to such audits.

Voting Equipment
Most Florida voters will now vote on mark-sense (optical scan) ballots. Electronic voting machines will be available only for disabled voters, as required by the Help America Vote Act. Iowa also took steps to move toward using only optical scan voting machines and passed a law requiring a supply of emergency ballots in each polling place in case of voting machine failure. Virginia and Montana are phasing out DREs as well.

Election Crimes
California, Hawaii and Virginia increased the penalties for voter intimidation, voter fraud and providing false information to a voter. New Mexico made it a fourth-degree felony to collect absentee ballots but fail to turn them in.

Robo-Calls
Idaho passed a new requirement that automated political telephone calls must start out by stating the name of the person on whose behalf the call is made, the purpose of the call and the contact information for the caller. At least 22 other states considered restrictions on robo-calls in 2007.

Proof of Citizenship
15 states considered legislation requiring individuals to present proof of U.S. citizenship when registering to vote as is the law in Arizona. None of the bills passed, but this issue remains a hot topic in 2008.

N.B. - The next issue of The Canvass will include 2008 session legislative updates for these important reform issues. Ω
NCSL Convenes Election Chairs in Aspen, Colorado

NCSL, in partnership with electiononline.org and Make Voting Work, a project of the Pew Center on the States, was pleased to convene a conference for election committee chairs and key staff last November in Aspen, Colorado. Entitled The Legislatures and Election Reform Institute, the conference engaged participants and faculty on the critical issues confronting legislatures regarding how states conduct elections and the laws that govern them.

Panel sessions and speakers covered noteworthy elections issues and how they relate to the 2008 election cycle. If you were not able to attend or you would like to review some of the key information shared at the conference, you can listen to audio by following these podcast links:

**Crawford vs. Marion County, Indiana: Indiana's Photo ID Law and the Supreme Court**
Interview with Michael J. Pitts
Associate Professor of Law, Indiana University School of Law
[www.ncsl.org/podcasts/buzz/112107pittsaspen.mp3](http://www.ncsl.org/podcasts/buzz/112107pittsaspen.mp3)

**2008 Issues in Elections Process**
Interview with Doug Chapin
Director of Electiononline.org
[www.ncsl.org/podcasts/buzz/112107chapinaspen.mp3](http://www.ncsl.org/podcasts/buzz/112107chapinaspen.mp3)

**Post-Election Audits: Making Sure it was Done Right**
Representative Sam Hunt (WA)
Lawrence Norden, Counsel, Brennan Center for Justice, New York
[www.ncsl.org/podcasts/buzz/112107aspensession.mp3](http://www.ncsl.org/podcasts/buzz/112107aspensession.mp3)

**Comprehensive Election Reform in Florida**
Senator Lee Constantine (FL)
[http://www.ncsl.org/podcasts/buzz/012908FloridaElection.mp3](http://www.ncsl.org/podcasts/buzz/012908FloridaElection.mp3)
"Why is Election Reform Still Important and What Remains to be Done?" -- Ray Martinez III gives remarks at NCSL Election Institute in Aspen, Colorado


Ray Martinez III is currently Government Relations Director at Rice University. Prior to joining Rice University, Mr. Martinez operated a public policy and government relations firm, the Martinez Policy Group, in Austin, Texas. He has also served as adjunct faculty at the University of Texas (Austin) LBJ School of Public Policy. In addition, Mr. Martinez worked as Deputy Assistant to the President for Intergovernmental Affairs, at the White House, under former President Bill Clinton.

The title of his address was, “Why is Election Reform Still Important and What Remains to be Done?” In it, he recommended that election committee chairs focus on training, technical expertise, the new role of election administrators and voting system security. The full text of his compelling remarks is available on NCSL's website here: http://www.ncsl.org/programs/legismgt/elect/elect.htm.
The Supreme Court sides with Washington Voters in 7-2 Decision Upholding Their "Top-Two" Primary System

Washington State Grange v. Washington State Republican Party et al. - No. 06-713

In November 2004, Washington voters passed ballot initiative number 872 (I-872). That law created Washington's "top-two" primary system by which two candidates are chosen from a common ballot to advance to the general election -- regardless of their self-expressed "party preference" or status. Specifically, I-872 provides that each candidate must file a declaration of candidacy form on which he declares his "major or minor party preference, or independent status." The law further provides that voters may vote for any candidate in the primary, and that the two top vote-getters for each office, regardless of party preference, advance to the general election. Consequently, two candidates from the same party can advance to the general election.

**Issue:** Does Washington's top-two primary election system violate the First Amendment associational rights of political parties because candidates are permitted to identify their political party preference on the ballot?

**Procedural History:** The Washington State Republican Party filed suit in federal district court in May 2005 against a number of county auditors to enjoin the enforcement of I-872, and to declare that the law facially violated the Party's First Amendment right of free association; that is, the law violated the right of association in all of its applications. Plaintiffs claimed that I-872 violated a party's associational rights by "usurping its right to nominate its own candidates and by forcing it to associate with candidates it does not endorse." The Washington State Democratic Central Committee and the Libertarian Party of Washington state subsequently intervened on the side of the Washington GOP. The state of Washington and the Washington State Grange moved to intervene as defendants and the district court permitted the Washington to defend I-872 in substitution for the county auditors -- relieving them as defendants.

Initially, the district court ruled in favor of the Washington GOP. Upon appeal, The 9th Circuit U.S. Court of Appeals affirmed the District Court's permanent injunction, finding that I-872 unconstitutionally (severely) burdened the political parties' rights by permitting candidates to identify their party preference on the ballot, without regard for the parties' own preferences. However, the U.S. Supreme Court ultimately reversed the 9th Circuit U.S. Court of Appeals and reinstated I-872.

**The Opinion:** In its opinion released March 18, 2008, the U.S. Supreme Court upheld Washington's primary system in its current unimplemented status. Consequently, the law does not violate the political parties' rights to free association. In its 7-member majority opinion authored by Justice Thomas, the majority held that the top-two primary system is facially constitutional. "Because I-872 does not provide for the nomination of candidates or compel political parties to associate with or endorse candidates, and because there is no basis in this facial challenge for presuming that candidate's party preference designations will confuse voters, I-872 does not on its face severely burden [the parties'] associational rights." The Court, accordingly, held that I-872 is constitutional and reversed the judgment of the 9th Circuit Court of Appeals.
The Supreme Court sides with Washington's Voters in 7-2 Decision Upholding Their "Top-Two" Primary System - (Cont.)

The Court, and particularly Chief Justice Roberts (in a concurring opinion joined by Justice Alito), left open the possibility of an as-applied challenge to the law later upon proof that voters are actually confused by the designations of the candidates' party preferences on the ballot, e.g., thinking that the system is a traditional party primary to nominate a standard bearer for each party. In his concurrence, Justice Roberts emphasizes the fact that insofar as Washington was never given the opportunity to implement a ballot design for I-872, it would be premature to hold that voters would be confused by the inclusion of candidate-expressed party preferences. Accordingly, he writes, "I would wait and see what the ballot says before deciding whether it is unconstitutional."

Justice Scalia, joined by Justice Kennedy in dissent, upholds the reasoning of the 9th Circuit Court of Appeals. In effect, Justice Scalia maintains that I-872 allows for the unauthorized expropriation of the reputation (and goodwill) associated with a political party's "trademark." He maintains that I-872 severely burdens the association rights of parties by denying them the right to disassociate from fringe and extremist candidates, e.g., notorious and despised racists. By allowing candidates to self-proclaim their preference for a party, without allowing repudiation by parties of that assertion on the same ballot, Washington has sabotaged the parties' core role -- to promote candidates who will implement party philosophy and policies. Assessing this severe burden, Justice Scalia noted no compelling state interest in the record presented by Washington and questioned even whether the state's purpose of "providing voters with a modicum of relevant information about the candidates" constituted a rational basis for I-872.

With this ruling, Washington will implement the top-two primary system beginning on August 19, 2008. The choice of ballot design could lead to future litigation and, at the very least, be a rallying cry for the parties this summer. Ø

"Electronic Balloting Gamble" by Mike Keefe
Pew Center on the States and JEHT announce $2.5 million award funding 16 innovative pilot projects aimed at improving elections

The Pew Center on the States—Make Voting Work initiative and the JEHT Foundation are joining with state and local officials and election experts across the country to study the urgent problems facing voters. In partnership with the JEHT Foundation, Pew is awarding $2.5 million to fund 16 projects involving innovative solutions designed to improve accuracy, convenience, efficiency and security for voters. An additional $1 million in funding will be awarded over the next six months.

“Elections should be a time to celebrate the strength of our democracy, but despite increased federal and state efforts, the 2008 elections find the rules of the game in flux with policies, practices and technologies being instituted and discarded without an adequate base of evidence. As a result the integrity of our elections is relentlessly questioned,” said Michael Caudell-Feagan, director of Make Voting Work. The goal of the funding initiative is to combine the expertise of election officials and academics with newly-identified partners from the private-sector and diverse academic disciplines. The 16 projects selected target five areas for improvement (participating states indicated):

- Voter Registration System Assessment ($669,000)  
  (CA, CT, FL, AZ, WA, OH & MN)

- Vote Centers ($568,000)  
  (IN, CO & TX)

- Audits of Elections ($467,000)  
  (MD, MI, UT & NM)

- Online Training for Poll Workers ($318,000)  
  (NH, OH & UT)

- Election Performance Assessment ($465,000)  
  (OR & MA)

Make Voting Work is convening working groups for each project together with respected election officials, experts from the private sector and other essential community stakeholders. NCSL will provide legislators and their staff members with updates on the findings and associated policy benefits from this research on NCSL’s website and in future issues of The Canvass.
The Ohio State University Moritz College of Law Releases Comprehensive Study of Midwest Election Systems

Election Law @ Moritz, a very valuable online election law publication of The Moritz College of Law at Ohio State University, recently published a comprehensive study of the election systems of five Midwestern states: Ohio, Michigan, Wisconsin, Minnesota, and Illinois. The result of 18 months of extensive research, From Registration to Recounts: the Election Ecosystems of Five Midwestern States, traces both some encouraging signs and some persistent reasons for concern. It can be downloaded in PDF format online using the link that follows and may also be purchased in hardcopy by contacting Laura Williams at williams.285@osu.edu.

Related Link:
http://moritzlaw.osu.edu/electionlaw/joyce/index.php

Tennessee Advisory Commission on Intergovernmental Relations Staff Report advises its Legislature to Trust But Verify electronic voting systems.

Tennessee is one of only 20 states that requires neither a voter verified paper audit trail (VVPAT) nor a routine post-election audit. Accordingly, in December 2006, the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) voted to review the entire elections process, including the examination of the advantages and disadvantages of voting machines currently used in Tennessee. Trust But Verify: Increasing Voter Confidence in Election Results (2007) "focuses on issues related to voting machines because any changes to voting systems will take time to implement." In particular, the report centers on the advantages and disadvantages of a voter verified paper audit trail.

With the possibility of federal legislation to amend the Help America Vote Act (HAVA) and federal appropriations to states for the implementation of voter verified paper audit trails in preparation for the 2008 or 2012 elections, Trust But Verify takes a thorough inventory of the key factors legislatures should consider before overhauling their electronic voting systems. The report recommends that the Tennessee legislature explore, among other options:

- Implementing voter-verified paper audit trails statewide -- that can be counted by hand and by machine -- within a reasonable period of time;

- Adopt a standard for VVPAT that would meet federal guidelines under consideration; and

- Consider making early voting and voting by mail more widespread.

Related Link:
Trust But Verify: Increasing Voter Confidence in Election Results; Tennessee Advisory Commission on Intergovernmental Relations Staff Report (2007):
http://state.tn.us/tacir/PDF_FILES/Other_Issues/trustbutverify_phase1.pdf
Local Election Officials Sound Off on Election Reform in 2004 and 2006 National Surveys

Election Reform and Local Officials: Results of Two National Surveys, a February 7, 2008 report by the Congressional Research Service (CRS), is a very worthwhile read for anyone looking for a "bottom-up" perspective on the election reform landscape in the aftermath of the Help America Vote Act of 2002 (P.L. 107-252). Two surveys of local election officials (LEO's) were performed in 2004 and 2006 by Texas A&M University with the surveys sponsored and conducted by CRS. The findings include:

- LEO's believed that the federal government has too great influence on the acquisition of voting systems, and that local elected officials have too little.

- LEO's were highly satisfied with whatever voting system they used but were less supportive of other kinds. However, their satisfaction declined from 2004-2006 for all systems except lever machines.

- The most common incident reported by respondents in the 2006 election was malfunction of a direct recording (DRE) or optical scan (OS) electronic voting system.

Related Link:

NOTE: NCSL provides links to other Web sites from time to time for information purposes only. Providing these links does not necessarily indicate NCSL's support or endorsement of the site.
FROM THE EDITORS’ DESK:

Welcome to THE CANVASS®!

A 2008 Margin of Less than 1%? It's no secret that close elections happen -- often. A cursory look at presidential elections between 1948 and 2000 tells the story. The National Commission on Federal Election Reform reported that, within those 52 years, half of all the states had at least one occasion when the winner of their electoral votes was decided by less than one percent of the vote. "In 1948 Truman carried California and Illinois each by margins of less than 1%; had he lost both states the election would have gone to the U.S. House of Representatives for decision." Recent state legislative elections reflect this growing trend. In the 2006 legislative elections, 77 legislative seats were decided by fewer than 100 votes. For example, Montana House District 58 was tied after the initial vote tally. Following a recount, the GOP standard bearer won by a mere three votes in the seat that determined control of the Montana House. In an already-remarkable presidential election year, the potential for seismic levels of razor-thin margins in both state and federal elections is considered by most observers to be inevitable.

As a legislator, your career in public service depends upon fair, effective, and transparent elections. As a policymaker, your current role is critical to building voter confidence and invigorating the public's faith in you, your colleagues, and the larger community comprising the legislature as you continue to examine how your state runs elections.

NCSL would like to be a resource for you. The Canvass, NCSL's elections newsletter, is designed to assemble data, legislative practices, and insight from the 50 states and U.S. territories into an "executive summary" for legislators and key staff. We hope The Canvass will give you an edge in perspective as you work to improve your state's elections.

We welcome and look forward to your feedback. Feel free to call or e-mail us with any questions or comments. And, if for any reason, you do not wish to receive a periodic e-mail with links to future editions of our elections newsletter, The Canvass, please e-mail Tom Intorcio at elections-info@ncsl.org or call us at (303) 364-7700. We hope you find this inaugural issue informative and on point.

Very respectfully yours,

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