In September and October, the media consistently cast the 2008 presidential election as the "perfect storm." In typical accounts, the November 4 election would put states and local election officials to an extreme test in dealing with record-high turnout. Would the system be able to withstand those pressures with, perhaps, many polling places understaffed and operating with new voting equipment? Would the election be decided in one state, as in 2000 and 2004? Would absentee ballots -- or even provisional ballots -- constitute the deciding votes?

Despite dire predictions, the election system withstood the pressure. Votes were counted properly and reforms enacted over the past eight years helped lead to a relatively smooth 2008 election. On November 5, most observers were astonished by just how smooth the election was. "There really weren't any major problems, there were only minor problems," said Doug Chapin, director of electionline.org, a nonpartisan group that analyzes election processes. "But there were no big meltdowns like the ones that people had feared."

**Turnout:** In line with expectations, overall turnout appeared higher than normal as long lines confronted voters in many states. Still, the widespread use of early voting in other states seemed to lessen Election Day turnout into manageable levels. According to the Associated Press and other major media outlets, more than 130 million Americans turned out to vote this year. A report by the Center for the Study of the American Electorate at American University found that 131.26 million voters or 63% of the estimated voting-eligible population cast a ballot. 2008 was the highest general election turnout since 1960 when 64.8% of eligible voters turned out. Nine million more Americans voted in 2008 than in 2004.

Not unlike 2004, long lines occurred in several parts of the country -- in Detroit, St. Louis and Chesapeake, VA, some voters reportedly had to wait in line for several hours. Machine and electronic poll book malfunctions, too few machines per precinct, ballot supply errors and poorly trained poll workers accounted for some of the delays. Some voters, seeking to avoid long lines on Election Day, found lines long even during early voting -- notably in Florida, Georgia and Ohio. Addressing the problems with long lines will likely be the focus of legislation in a number of states in 2009 -- especially if research shows that longer lines occur in specific types of precincts.
Early Voting: According to the National Association of Secretaries of States, 29 million voters in 31 states used early voting in 2008. Early voting often refers to both pre-election day in-person voting and no-excuse absentee voting. Four states do not currently allow early or absentee voting (MD, OR, RI and WA). Oregon and Washington use predominantly all-mail voting. Reed College Professor Paul Gronke, Director of the Early Voting Information Center, notes that, "in the 2000 general election, 14% of those voting took advantage of early voting. In 2008, he predicts that the final percentage will be at least 30%.

In the battleground state of Colorado, 50.8% of active voters voted early using mail-in ballots. Another 13.8% used in-person early voting. In North Carolina, more than 40% of the state's registered voters had cast ballots before Election Day. Professor Gronke acknowledged that, "while early voting typically involves added expense and often necessitates vote centers to be cost-efficient, most states find value in the results."

Given its growing popularity, early voting is also likely to be a key issue for election reform legislation in 2009. In Maryland, voters passed a constitutional amendment last fall that will allow its legislature to enact early voting in time for 2010 elections. The amendment authorizes the General Assembly to enact legislation to allow early voting at vote centers up to two weeks before an election. The amendment also authorizes the Assembly to enact no-excuse absentee voting. The presidential battleground state of Colorado is reviewing the effectiveness of early voting and all facets of its elections system. The state's newly formed Election Reform Commission heard testimony November 12 from several county election clerks noting that, "it has gotten exceedingly difficult to manage elections. Some want to look at reducing voting options, which include mail voting, early voting at polling places and Election Day voting."

Razor-thin Margins: As predicted by The Canvass, the 2008 elections also saw razor-thin elections in a number of high profile races. In Minnesota, the race between U.S Senator Norm Coleman and challenger Al Franken was one of the closest elections in U.S. Senate history. Pursuant to Minnesota election law, an automatic statewide hand recount was conducted. Additionally, multiple lawsuits were filed regarding various issues of the recount and the final tally. The final margin will likely be less than 100 votes out of more than 2.4 million ballots cast -- a tiny fraction of less than one percent. At press time, the winner of the race was still undetermined and Senator Coleman has filed a legal challenge in Ramsey County District Court. A three-judge panel of district judges will review the challenge. The U.S. Senate may ultimately resolve the contest under Article 1 Section 5 of the Constitution, which gives it power as the "judge of the elections and returns of its own members."

Two very close races occurred in Montana and Texas. In Kalispell, Montana House District 8, a recount confirmed that Democrat Cheryl Steenson defeated Republican state Representative Craig Witte by a 14-vote margin. As such, the Montana House wound up tied at 50 Democrats and 50 Republicans. In the Texas House, Republicans eked out a 76-74 majority. House District 105 was retained by incumbent Republican Representative Linda Harper-Brown who prevailed by only 19 votes over her Democratic opponent, Bob Romano.

After the initial count in Texas House District 105, giving his opponent a 20-vote margin, challenger Bob Romano requested a recount from the Texas Secretary of State and filed suit to require the District Court to order election officials to count certain ballots from electronic voting machines that did not record a vote for either candidate. The Dallas County case involved straight-ticket party voting on electronic machines. The Democrats alleged that when a voter votes a straight-party ticket but then also selects a candidate of the same party in a particular race, the electronic machines "deselect" that
candidate. If no other candidate is chosen, no vote is counted. Texas Democrats call this practice "emphasis voting" and argued that state election law instructs officials to count those votes. A Dallas County judge dismissed Romano's state lawsuit to alter how the recount should be handled. The Texas Democratic Party also filed a federal voting rights act lawsuit against Dallas County election officials, accusing them of not obtaining pre-clearance from the U.S. Department of Justice before proceeding to reject deselected votes from the electronic machines. (Texas is a Voting Rights Act state.) Romano subsequently announced he would not contest the recount results. The Texas Democratic Party, however, has submitted amended court filings in an attempt to resolve the emphasis voting issue for future elections.

Currently, sixteen states still allow straight-ticket voting. Bills have been filed in Texas to end the practice. The recent trend has been for states to eliminate the option.

In Queens, New York, one Senate seat remained officially undecided -- pending litigation. At one point in the recount, Senator Frank Padavan, a Republican representing the 11th Senate District maintained a lead of only 500 votes over his Democratic opponent -- Councilman James F. Gennaro. At press time, Gennaro was initiating a lawsuit to require the Board of Elections to count 2,000 disputed ballots.

2008 was a landmark election year for its close races and the amount of systemic change that was navigated by election officials. Although many notable improvements have been made since 2000, legislatures will have an opportunity in 2009 to further simplify and strengthen election administration to engender greater public confidence.
Elections & Redistricting Statewide Ballot Measures

Last November 4, voters in 13 states considered 17 statewide ballot measures related to elections or redistricting. Additional measures in three states addressed the initiative process, and in another three states, voters considered campaign finance report questions.

The most significant among the three redistricting measures on the ballot this year was California's Proposition 11. It establishes a 14-member Citizens' Redistricting Commission to draw state legislative and Board of Equalization districts beginning with the 2010 census. The state legislature will continue to draw the lines for members of Congress under new requirements imposed by Prop. 11.

Among the more significant elections measures passed by voters last month are questions in Connecticut and Maryland. Connecticut will now become the 11th state to permit 17 year-olds to vote in a primary election if they will turn 18 by the date of the general election. The other ten states are Indiana, Iowa, Kentucky, Maine, Maryland, Mississippi, Nebraska, North Carolina, Ohio and Virginia.

With the passage of Question 1, the Maryland General Assembly is now free to enact no-excuse absentee and in-person early voting. The General Assembly passed a bill implementing early voting in 2005, even overriding a gubernatorial veto to accomplish the change. However, the state Court of Appeals found in October 2006 that the state constitution prohibited early voting. This year's Question 1 removes the constitutional obstacles for both early voting and no-excuse absentee voting.

To learn more about 2008 ballot measures on all topics, visit NCSL's StateVote 2008 page.

<table>
<thead>
<tr>
<th>State</th>
<th>Measure #</th>
<th>Type*</th>
<th>Topic</th>
<th>Pass/ Fail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Proposition 105</td>
<td>I</td>
<td>Requires a &quot;yes&quot; vote by a majority of all registered voters (rather than a majority of those casting votes on the measure) to pass any initiative with a tax or spending increase</td>
<td>Failed</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Amendment 1</td>
<td>L</td>
<td>Removes archaic language regarding &quot;idiots or insane persons&quot; as well as poll taxes from the state constitution</td>
<td>Passed</td>
</tr>
<tr>
<td>California</td>
<td>Proposition 11</td>
<td>I</td>
<td>Legislative redistricting by independent commission</td>
<td>Passed</td>
</tr>
<tr>
<td>Colorado</td>
<td>Referendum L</td>
<td>L</td>
<td>Reduces age of qualification to serve in the General Assembly from 25 to 21</td>
<td>Failed</td>
</tr>
<tr>
<td>Connecticut</td>
<td>HJ 21</td>
<td>L</td>
<td>Permits a 17 year-old who will be 18 by the date of the general election to vote in the primary</td>
<td>Passed</td>
</tr>
<tr>
<td>State</td>
<td>Measure</td>
<td>Type</td>
<td>Description</td>
<td>Result</td>
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<tr>
<td>Hawaii</td>
<td>Amendment</td>
<td>L</td>
<td>Reduces age of qualification for governor and lieutenant governor from 30 to 25</td>
<td>Failed</td>
</tr>
<tr>
<td>Iowa</td>
<td>Amendment</td>
<td>L</td>
<td>Changes archaic constitutional language from &quot;idiot or insane person&quot; to &quot;person adjudged mentally incompetent to vote&quot;</td>
<td>Passed</td>
</tr>
<tr>
<td>Maryland</td>
<td>Question 1</td>
<td>L</td>
<td>Permits the General Assembly to enact no-excuse absentee and in-person early voting</td>
<td>Passed</td>
</tr>
<tr>
<td>Nevada</td>
<td>Question 1</td>
<td>L</td>
<td>Changes residency requirement for voting eligibility from six months to 30 days to comply with U.S. Supreme Court ruling</td>
<td>Failed</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Amendment 1</td>
<td>L</td>
<td>Permits school board elections to be conducted by mail-in ballot</td>
<td>Passed</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Amendment 4</td>
<td>L</td>
<td>Allows school elections to be held at the same time as other non-partisan elections</td>
<td>Passed</td>
</tr>
<tr>
<td>Oregon</td>
<td>Measure 54</td>
<td>L</td>
<td>Standardizes voting eligibility for school board elections with other state and local elections</td>
<td>Passed</td>
</tr>
<tr>
<td>Oregon</td>
<td>Measure 55</td>
<td>L</td>
<td>Changes operative date of redistricting plans; allows affected legislators to finish term in original district</td>
<td>Passed</td>
</tr>
<tr>
<td>Oregon</td>
<td>Measure 56</td>
<td>L</td>
<td>Removes &quot;double majority&quot; vote requirement for local tax elections</td>
<td>Passed</td>
</tr>
<tr>
<td>Oregon</td>
<td>Measure 65</td>
<td>I</td>
<td>Top-two primary</td>
<td>Failed</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Amendment J</td>
<td>L</td>
<td>Eliminates term limits for legislators</td>
<td>Failed</td>
</tr>
<tr>
<td>Utah</td>
<td>Amendment D</td>
<td>L</td>
<td>Clarifies the time when the legislature must conduct redistricting</td>
<td>Passed</td>
</tr>
</tbody>
</table>

*I = citizen initiative  
L = legislative referendum  
Ω
Democracy at a Distance Summit: Addressing the Critical Need for Reform of Military and Overseas Voting

At their jointly-held September Democracy at a Distance Summit on Military and Overseas Voting, the Pew Center on the States and the JEHT Foundation launched a new project to make voting work for the estimated 6 million voters who either serve in the military or work overseas.

It's never been easy for Americans overseas to vote. At present, these military and overseas voters must navigate a patchwork of state and local regulations that often delay receipt and processing of both their registration forms and absentee ballots. Outmoded systems and sluggish domestic and international mail services also hamper overseas voters trying to cast their ballots in a timely manner. For example, in 2006, only 26.5% of the roughly 1 million absentee ballots requested by military and overseas Americans were cast and counted. In the same year, 35,000 military and overseas citizen ballots were returned to local election officials as undeliverable. These are just a few of the statistics indicating that the system is broken.

Pew and the JEHT foundation convened the Summit to explore short and long-term solutions to improve the voting process of military and overseas voters. The Summit drew over 160 attendees including, state legislators, Members of Congress, secretaries of state, other election officials and organizations representing military and overseas voters. Speakers included Senator John Warner (VA), Secretaries of State Jennifer Brunner (OH), Beth Chapman (AL) and Pedro Cortes (PA), Congressman Mike Honda (CA), State Representative Frank Corte (TX) and State Representative Jeremy Kalin (MN) as well as a dozen or more issue-specific authorities.

A common theme during the conference was the fact that the military postal system cannot deliver absentee ballots to military and overseas voters quickly enough to leave adequate time for them to be completed and sent back. A Pew research memorandum circulated at the conference noted:

The time of mail delivery is critical, especially for blank and voted ballots, because on average states don't send absentee ballots until 35-40 days before the election. For some states, like Rhode Island and Massachusetts, ballots are sent 21 days prior to the election. With the standard military postal delivery time being 24-36 days round trip there is little, if any room for delay or error. These delays are exacerbated by the fact that most military personnel transfer units every two to three years, and temporarily deploy overseas every 18-24 months.

Kil Huh, Research Manager with the Pew Center on the States, stressed that states need to provide a minimum of 45 days for complete ballot transit time. The Federal Voting Assistance Program (FVAP), likewise, recommends a minimum of 45 days between the date the ballot is mailed to the voter and the voted ballot return deadline. Mr. Huh noted, however, that only 10 states -- KS, KY, MI, MS, NC, OR, PA, SC, TN and TX -- mail ballots to all military and overseas voters 45 days or more before all elections. Other states will comply with the 45-day rule, but not for all elections. For example, Virginia mails ballots 45 days before November elections only. The Pew Center on the States is continuing to refine its state-by-state analysis of the time states allow military and overseas voters to request and cast their ballots. A detailed report on the subject, No Time to Vote was released January 5, 2009. A summary of the report follows this article.

Providing 45 days transit time is one critical step taken by states to improve the system. Leveraging electronic communications is another. State Representative Jeremy Kalin (MN) discussed newly enacted legislation he authored with Senator Sharon Erickson Ropes (MN) -- SF 1218/HF1259 -- which addresses the sizeable failure rate of ballots cast by military and overseas voters in Minnesota in 2006 -- 81%. SF 1218 was enacted to make absentee voting faster and easier. Among the bill's several enhancements to current law, SF 1218 allows absentee voters to request that a ballot and accompanying materials be delivered electronically. Once delivered, the ballot would still need to be printed out and mailed back to county auditors, but the new law is designed to cut the current overall mailing time in half. The bill also requires
that counties establish absentee ballot boards, made up of trained election judges, to examine absentee ballots and mark them "accepted" and "rejected."

Summit participants also heard about an innovative Texas pilot program authored by State Representative Frank Corte and State Senator Leticia Van de Putte. Representative Corte, a Colonel in the United States Marine Corps Reserves recently served a tour in Iraq for 6 ½ months in the Anbar Province, for which he was awarded the Bronze Star Medal. Drawing on his personal experience with military voting, Representative Corte noted the time lag involved with the U.S. and military mail systems. "It takes four weeks for U.S.-sent mail to reach Ramadi, Iraq," he said. Their legislation, SB 90/HB17, provides a fail-safe process whereby a military or overseas voter, who did not receive balloting materials sent by U.S. Airmail, can request that a blank ballot be sent electronically to his or her military e-mail address. The voter still has to print the ballot and mail or fax it back, but the secretary of state's office has confirmed that this significantly expedites the delivery of the ballot. The new pilot program took effect on September 1, 2007 and 16 Texas counties are currently testing it.

At the summit, Pew and the Overseas Vote Foundation announced the launch of a new online tool that allows voters to complete the Federal Write-In Absentee Ballot (FWAB) more easily and with fewer errors. This tool can be used by Americans covered under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) who have requested an absentee ballot from election officials but have not yet received it. The new FWAB tool, available at www.overseasvotefoundation.org, provides an immediate solution for registered voters whose ballots are late or lost in transit. The FWAB tool works by matching users' 9-digit zip code for their U.S. residence to their voting district. The system automatically presents candidate lists for federal races in one's district. Voters make their selections and then download, print, sign, and send the FWAB into the local election office -- FedEx delivery is either free or available at sharply discounted rates in 89 countries.

"Through our help desk, I've heard thousands of stories from voters who have been frustrated during presidential campaigns as they anxiously waited for their absentee ballots to arrive." Said Susan Dzieduszycka-Suinant, President and CEO of the Overseas Vote Foundation. "The new FWAB tool replaces that worry with an immediate user-friendly, online and secure process that overseas and military voters from all 50 states and the District of Columbia can use." The Canvass will continue to track this critical issue.
American military and civilians overseas face some of the greatest challenges when attempting to vote from overseas. A patchwork of different state laws; difficulty in receiving accurate information; confusing and overly complex restrictions; and the inherent problems in relying on military and overseas mail to send and receive ballots all act as barriers to those attempting to vote from abroad. Congress recognized these challenges, and the importance of protecting and aiding these voters, when it passed the Uniformed and Overseas Citizens Absentee Voting Act (otherwise known as UOCAVA) in 1986. Yet since that time, many of the same barriers remain in place.

In a new report from the Pew Center on the States, researchers found that one-third of all U.S. states do not provide enough time to vote for military personnel stationed overseas and as many as half of all states need to improve their absentee voting process to ensure that the votes of servicemen and women abroad will be counted. The report, titled “No Time to Vote: Challenges Facing America’s Overseas Military Voters,” is the first-ever detailed public analysis of states’ voting systems for military personnel stationed overseas.

For each of the 50 states and the District of Columbia, researchers calculated the amount of time it takes overseas military voters and election officials to complete each step of the absentee voting process. The researchers then determined if all of the steps could be completed in time for each state’s election deadlines and assessed whether overseas military voters have enough time to vote.

The report found that:

- The District of Columbia and 16 states do not provide enough time to vote for military personnel stationed overseas. These states send out absentee ballots after the date necessary for military voters to meet all required deadlines.
- Three states are “at risk” for not allowing military personnel overseas enough time to vote. These states provide just five or less additional days beyond the number necessary to complete the voting process. With such a limited cushion, minimal unanticipated delays at any stage of the process—due to mail delivery or the actions of election offices or voters—will result in voters from these states being less likely to return their completed ballots in time to be counted.
- Six states provide enough time to vote only if military personnel overseas return their completed absentee ballots by fax or e-mail – a requirement that raises concerns about access to technology and the privacy and security of their votes.

The analysis found that four policy options can help bring about improvements in the 25 states and District of Columbia that need to improve the voting process for military overseas voters, although not every reform is right for every state:

- Expanding the use of the Federal Write-in Absentee Ballot, a back-up measure for military voters who do not receive their state ballots in time;
- Allowing election materials to be transmitted electronically;
- Ensuring a minimum of 45 days to allow ballots to travel between voters and election offices; and,
- Eliminating a requirement that military voters have their completed ballots notarized before returning them.

Through this report and our ongoing programs, Pew’s Make Voting Work initiative is committed to the belief that every American, no matter where he or she lives, deserves an election system that is accurate, convenient, efficient, and secure. If you would like more information about No Time to Vote, please contact David Becker at dbecker@pewtrusts.org.
Felon Voting Rights

The variation and complexity in the state laws regarding the rights of felons and ex-felons to vote is staggering. This has also been an area of high bill volume over the past several years, with 43 states considering nearly 450 bills between 2001 and 2008. Given the heightened interest in felon voting rights in state legislatures, NCSL is pleased to introduce new 50-state research and data on this topic.

According to the Sentencing Project, 5.3 million Americans were unable to vote in 2008 due to a felony conviction. This is about one in every 40 adults in the United States, and included in this total are about 2.1 million ex-offenders who have completed their sentences yet not regained the right to vote. Among African-American men, however, the disenfranchisement rate is much higher -- 17% (1.4 million men). If current rates of incarceration continue, the Sentencing Project estimates that 30% of the next generation of African-American men will lose their voting rights at some point during their lives, and in the states that permanently disenfranchise felons, as many as 40% of African-American men could lose the right to vote permanently.

The Present State of the Law: Who loses the right to vote?

- In two states (Maine and Vermont), people convicted of a felony are not disenfranchised. Even prisoners can vote in these states.
- In 13 states and the District of Columbia, felons lose the right to vote while they are incarcerated. They regain the right to vote after the completion of their sentence.
- In 23 states, felons lose the right to vote while they are incarcerated and under community supervision (parole and/or probation). They regain the right to vote after the completion of their sentence.
- In 10 states, certain offenders (generally people convicted of multiple or violent felonies) lose the right to vote permanently, while others regain the right to vote after the completion of their sentence.
- In two states (Kentucky and Virginia), all felons and ex-felons permanently lose the right to vote. The only way to regain that right is through a pardon by the governor.

The Present State of the Law: How are voting rights regained?

- In 37 states, voting rights are automatically restored when a sentence is completed. In some states, this includes the completion of parole and/or the payment of all fines and restitution related to the case.
- In four states, a waiting period of two to five years may apply after a felon completes his/her sentence before s/he can regain voting rights.
- In 9 states, certain felons can have the rights restored after completion of their sentence, while others (generally those convicted of multiple or violent felonies) permanently lose the right to vote.
- In cases where an ex-offender is permanently disenfranchised, the only way to regain the right to vote is through a gubernatorial pardon.

Barriers to the Restoration of Voting Rights

Even in states where voting rights are restored for ex-offenders, there are often significant barriers to actually registering and voting. These include:

- Complexity of the law -- There may be confusion over which ex-offenders are eligible for the restoration of rights and which are not, with eligibility dependent upon the exact crime completed, the date of sentencing, or the date of the completion of the sentence.
- Complexity of the process -- The process to regain voting rights may involve many pages of paper and documents that have to be obtained from various agencies. Multiple state agencies may have a role in the process as well, such as the department of corrections, the courts, a parole board, and election officials.
- Inconsistent communication among government agencies -- The methods for communicating information about the loss and restoration of voting rights among the various agencies listed above are not always consistent, timely or accurate. This can result in an uneven application of the law.
• Lack of information -- Sometimes ex-felons are not even aware that they have regained their voting rights upon completion of their sentence; lacking information, they continue to go through life believing they cannot vote when in fact they can.
• Underfunding of parole boards -- In states where ex-offenders have to apply to have their rights restored, there is in some cases a massive backlog of applications because there is not enough staff to process the applications in a timely manner. Ω

What they’re saying...

"UOCAVA voting is an area where e-mail should be tried."

Kentucky Secretary of State Trey Grayson, at Pew's post-election summit in Washington, DC, during the session entitled, Imagine We Could Start Over -- How Would You Design an Election System?

"I'm not convinced that people saw that something was really broken."

John Lindback, Director of the Oregon Elections Division, also at Pew's post-election summit in Washington, DC, referring to why the State's voters rejected citizen initiative 65 to create a top-two primary by almost a 2:1 margin.
"Top-Two" Primary Ballot Initiative Rejected in Oregon

Voters in Oregon overwhelmingly rejected Ballot Measure 65 which would have instituted a top-two primary in Oregon. The proposed Oregon top-two primary would have provided all voters, regardless of party affiliation -- including unaffiliated voters -- the same primary election ballot for all partisan state and local offices. (The proposed primary ballot would have included U.S. Senate and Congressional races, but not presidential and precinct committee hopefuls, since they are not defined in Oregon law as state offices.) Essentially, the top-two primary allows voters to choose from a full list of candidates, regardless of party affiliation, for a specific office. The two candidates who receive the most votes advance to the general election. Only 34.9% of Oregon's voters supported the measure, with 65.91% voting against it.

Only two states use the top-two primary. The "Cajun-style" system was enacted in Louisiana in 1976 and Washington state's voters approved a hybrid of it in 2004 by initiative. Washington voters do not register by party. Since the early 1900's, Oregon has required its voters to register by party; they may register as Democrats, Republicans, unaffiliated, or with one of the minor parties, e.g., the Libertarian Party. As a registration state, Oregon uses a traditional closed primary to nominate candidates for the general election ballot. Minor parties nominate without a primary directly to the general election ballot. Ballot Measure 65's supporters argued that more than 480,000 registered unaffiliated and minor party members are wrongfully excluded from voting in a party primary election. Opponents argued that Measure 65 would actually decrease overall voter participation as it could result in two members of the same party facing each other in the general election. To read the text of Measure 65 go here.

E-voting Equipment on the Decline

For the first time in the nation's history, fewer election jurisdictions used electronic voting equipment than in the previous election. According to a pre-election study by Election Data Services a Virginia-based consulting firm, nearly 10 million fewer registered voters were projected to use electronic voting equipment in the 2008 general election compared to just two years ago. In the November 2008 election, direct recording electronic (DRE) systems were still in use in 26 states, including 9 on a statewide basis. By contrast, optical scan systems were used in 41 states, including 17 on a statewide basis. Overall, 34.26% of the nation's counties used DRE systems, compared with 55.9% using optical scan equipment. Eighty-six counties changed voting systems since 2006, all to optical scan. Election Data Services specializes in election administration and redistricting issues. The nearly 32-year old company has been keeping track of voting equipment usage since 1980. This 15-page colored report contains excellent county maps, charts and graphs. For a PDF copy of the press release and results go here or access it through Election Data Services' website.
FROM THE EDITORS' DESK:

With the 2008 elections now in the rear view mirror for most Americans, Voting in America -- The Road Ahead --- seemed an appropriate title for the recent symposium sponsored by the Pew Center on the States and the JEHT Foundation. The two-day invitational meeting at Washington's Newseum brought together some 200 state and local election officials, policymakers and election experts. The speakers represented a Who's Who in elections: secretaries of state, election directors, academicians and a myriad of opinion leaders. Michael Caudell-Feagan, Director of Pew's Make Voting Work Initiative, noted that the program was constructed to give "particular attention to the views of local election officials (LEO's), who are an indispensable link between the voter and the election system."

Panel sessions and discussion groups covered several of the major issues surrounding the 2008 elections -- early voting, election costs, military and overseas voting, to name a few. Make Voting Work and the AARP also released a new national voter survey, conducted by the Massachusetts Institute of Technology. "Overall, voters give the election system very good grades. But the data points to issues with voter wait times, absentee voting and inconsistent application of election laws. With momentum building for reform, now is the time to wrestle with where and how to improve our system based on voters' direct experience in navigating it," Caudell-Feagan said. What made the symposium exceptional was its candid exploration of a third frontier in election reform. One session was dubbed, "Imagine We Could Start Over -- How Would You Design and Election System." Warren Slocum, Chief Elections Officer and Recorder for San Mateo County, California, posed a key question, "how would elections look if Apple designed the system from scratch?" In the next issue of The Canvass, we will highlight some of the observations exchanged at the conference and how they might be translated into cost-effective election policy.

As you consider election-related legislation in 2009 sessions, please do not hesitate to contact the elections staff at NCSL if you have questions about how other states run elections or how many manage them like your state. Feel free to email your questions to elections-info@ncsl.org. ❄️

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William T. Pound, Executive Director

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