Elections, Meet Academia; Academia, Meet Elections

“Elections are the way we measure the democratic process,” said Kathleen Hale, associate professor at Auburn University in Alabama. “As technology changes, and the pace of change accelerates, having top skills in the part of our government that measures democracy is critical.”

Her university and a number of others are doing their part to help measure democracy better—and otherwise help improve the election process.

If you’re a legislator from Alabama, California, Connecticut, Georgia, Indiana, Massachusetts, Minnesota, New Mexico, Ohio, Virginia and a few other states, count yourselves lucky. These states already get help from academia to improve election management.

And if you’re from other states? By reading on, you may feel just a tiny bit jealous—and then motivated to put the town-gown connection to work for the benefit of your state’s voters, election administrators and election policymakers. “Universities are filled with smart people who know how to solve problems,” says Merle King, director of the Center for Election Systems at Georgia’s Kennesaw State University. “Finding a match between that problem-solving capacity and the deadlines and budget constraints inherent to the election process is where the magic is.”

NCSL has gathered examples of “magic” in election-related teaching, research and service—the triad of values at the heart of the mission for most universities. These are followed by a few ideas on how legislators could wave their wands and create similar projects close to home.

Teaching

The 2014 report from the bipartisan Presidential Commission on Election Administration says “The last decade’s heightened demand for more professional administration of elections and modernization of the process demonstrates that there is an increasing need for technology acumen, public relations skills, and data savvy.” In that vein, the report calls for election administration to be included in public administration graduate programs.

Grad school training is great, but training for working professionals matters, too—and legislatures can have a huge impact on these requirements. This year, Connecticut’s SB 1051 would require the state to develop and deliver a certification program for local election officials. And Montana’s lawmakers have just updated training requirements for local election officials, including permitting the development and use of online classes.

Here’s what some schools are doing:

- Auburn University, along with the Election Center, provides the continuing education program used by most local election officials throughout the country, a program that leads to the designation of Certified Election/Registration Administrator. Auburn also includes election administration in its graduate program for public administration and works with the Alabama secretary of state’s office on training poll workers and more.
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- The University of Minnesota’s Program for Excellence in Election Administration—aka the Election Academy—is dedicated to identifying, recruiting and training the next generation of election administrators across the United States. It teaches graduate classes for budding administrators and has begun work creating online teaching modules as well. Outside the classroom, the Election Academy is noted for research on election issues and for championing the profession as a whole (and for a daily dose of election analysis at its blog).

**Research**

Legislators often ask questions such as, which costs more: early in-person voting or no-excuse absentee voting? Does online voter registration have any effect on voter turnout? What will security look like for the next generation of voting equipment? Academics can slice and dice data to find answers to substantial, real-world questions such as these. “Given that there are so many political science folks looking for jobs, this is an avenue that is largely unexplored,” says King.

Here are some schools that do election-related research of dramatically different kinds:

- The Center for the Study of Voting, Elections and Democracy at the University of New Mexico focuses on how to evaluate elections. For every general election, the center interviews poll workers and voters and does polling place observations. From this data, the director, Dr. Lonna Rae Atkeson, makes recommendations for tweaks to election procedures and policies for the next time around. It’s a “continuous improvement” process, one that academics in other states could duplicate. Here’s the 2012 report.

- Caltech/MIT’s Voting Technology Project has been studying technology and much more for over a dozen years. Unlike the state-specific approach used in New Mexico, the work of the VTP is applicable everywhere. It puts a focus on making its research readily accessible to anyone, even those without an advanced degree.

- Election Law at Moritz (Ohio State University) and the Election Law Program (William and Mary Law School in Virginia) are two of the nation’s leading programs in election law. Both do much more than prepare future litigators; Election Law at Moritz publishes frequently on election procedures and houses a database of Major Pending Election Administration Cases. The William and Mary program publishes Election Controversies: The Basics of Election-Related Litigation and a series of online election law lectures that can help bring lawmakers, legislative staff, judges, journalists and the curious public up to speed.

**Service**

University centers can provide direct services to local jurisdictions, such as designing ballots, preparing poll books, acceptance testing of equipment and training for election workers. Or, they may provide support at the state level, such as testing voting equipment, establishing election procedures and providing information and analysis to the state’s policymakers. Some states use a decentralized model for running elections, and others use a more centralized model, so no one idea will fly everywhere.

Examples:

- Kennesaw State University’s Center for Election Systems works on behalf of Georgia elections. Elections are centralized in the Peach State, so this is the one-stop shop for technology decisions. KSU staff troubleshoots across the state on Election Day—a very hands-on service.

- Ball State University’s Voting System Technical Oversight Program (VSTOP) brings computer science and political science together and advises the secretary of state and the Indiana Election Commission on the state’s will fly everywhere.

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- Ball State University’s Voting System Technical Oversight Program (VSTOP) brings computer science and political science together and advises the secretary of state and the Indiana Election Commission on technology-related matters. VSTOP is even mentioned by its acronym in statute.

- The University of Connecticut’s Center for Voting Technology Research deals with electronic voting technology, election audits, electronic poll books and other tech topics. Work published at UConn or at Kennesaw or Ball State may be of use to policymakers in other states as well.

**What Legislators Might Do**

Charles Stewart III, MIT professor and co-director of the Caltech/MIT Voting Technology Project, has a dream. It’s that the elections world would have what the agricultural world already has: services provided to local jurisdictions by land grant universities. In the ag world, that means “extension services” that help farmers and gardeners take advantage of evidence-based research. For elections, every state could have a designated (cont. on page 4)
Felon Voting Rights: An Evergreen Issue

Long ago, when the United States was still young, many state constitutions permanently removed voting rights from individuals who were convicted of felonies.

In the mid-20th century, a few states began reversing these prohibitions, and that trend has slowly continued—although by no means has it moved in just one direction.

Proponents of automatic restoration of voting rights say that it is not just about voting: it is also about restoring that person to his or her place in society. For example, former Virginia Governor Bob McDonnell, in a letter detailing his 2013 decision to ease the process for restoration of voting rights, said, “I believe that a person who is a non-violent felon, and has served his time as well as probation or parole, and fully satisfied all court costs, fines, restitution, and other court-ordered conditions, should be able to regain his civil rights and resume his life as a fully engaged member of society.”

Opponents are likely to argue that those who break laws shouldn’t have a hand in making laws by voting. Additionally, there is a states’ rights argument: “States are and should be entitled to make their own decisions on this issue—a prerogative that includes implementing procedures to ensure that those who injure or murder their fellow citizens, steal, or damage our democracy by committing election crimes or engaging in public corruption like bribery have demonstrated that they can now be trusted again to exercise all of the rights of full citizenship,” writes Hans von Spakovsky, of the Heritage Foundation, in *Felon Voting and Unconstitutional Congressional Overreach*.

During the 2015 legislative session, 52 bills dealing with felons’ voting rights have been introduced in 15 states and Puerto Rico. The vast majority of these bills are aimed at restoring voting rights to some felons, depending on their crime and with some caveats, such as completion of incarceration, parole or probation. *Maryland’s legislature* has sent the governor a bill that will permit felons who have served their prison time, but may not have completed parole or probation, to vote. And *Wyoming* now requires the department of corrections to issue a certification of restoration of voting rights to certain nonviolent felons who are being released from the state’s prisons.

Congress also has legislation this year, including the **Civil Rights Voting Restoration Act of 2015**, introduced by Senator Rand Paul, and the **Democracy Restoration Act of 2015**.

How many people are affected by these laws? Lots. *Revive My Vote*, a Williamsburg-based group that helps Virginians with prior felony convictions restore their right to vote, says that 350,000 Virginians are disenfranchised because of previous convictions. The *Sentencing Project*, an advocacy group for prison reform, estimates 5.85 million Americans cannot vote because of their criminal records.

See where states stand at NCSL’s webpage, *Felon Voting Rights*. For this year’s legislation, see *NCSL’s Election Legislation Database*.

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### How States Address Felon Voting Rights

Two states have no restrictions on voting rights for convicted felons, even while they are incarcerated.

Maine and Vt.

Fourteen states allow for restoration of voting rights upon the release from prison.


Four states restore voting rights upon completion of the prison sentence and parole.

Calif., Colo., Conn. and N.Y.

Nineteen states require the completion of the prison sentence, parole and probation.


Twelve states have permanent prohibitions on voting rights for some people, depending on the crime. Generally, rights may be restored by pardon or gubernatorial action.

Ask NCSL

Do absentee or mail ballots include prepaid postage for their return?

NCSL knows of just one state—Arizona—that requires local jurisdictions to provide prepaid postage. Generally speaking, voters are expected to put the stamps on. Some jurisdictions, such as San Francisco, may decide to include prepaid postage on their own. Even so, many or most jurisdictions have an account to cover the cost of ballots that arrive without sufficient postage. They do this so they will never have to turn away a voted ballot. Some say that it doesn’t cost that much to provide prepaid postage because most mail ballot users drop their ballots off, and the account is only charged for those that are actually mailed in.

This year, several states, including Colorado, Oregon and Washington (the three states that mail ballots to all voters), have bills to provide prepaid postage. Others do too: Hawaii, Maryland, New Jersey, New York and North Carolina.

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university that provides “extension services” to help local election officials take advantage of elections-related teaching, research and service.

Legislators could take steps towards this dream—or at least consider options such as these:

- Reach out to academics who are already working in the elections field; these may come from schools of public policy, public administration, computer science or political science. They could testify, or better yet, offer informal know-how before a bill is drafted.

- Don’t restrict your inquiries to those who are already working on elections. Ask other academics to apply their knowledge to election administration. The Center for Election Systems at Kennesaw State University was born from its computer science program.

- Think of elections in terms of infrastructure; the state builds roads and bridges, and it also builds capacity for basic democracy. Would having a university program devoted to elections build the elections infrastructure?

- Bring a specific research question to a university professor or dean and ask if it is something they could work on (perhaps by appealing to their sense of civic duty). One example: In 2011, professors Allan Wallis and Peggy Cuciti at the University of Colorado—Denver were asked by the Colorado secretary of state to study all-mail elections and other potential shifts in election policy. The result, Changing the Way Colorado Votes: A Study of Selected Reforms, is still being used in Colorado policy conversations.

- Universities are all about institutional knowledge; could they and would they serve as a repository for election materials?

Legislative Action Bulletin

- 39 legislatures are in session
- 11 legislatures have adjourned
- 2,173 election bills have been introduced
- 82 election bills have been enacted

Enactments of Note

Wyoming and Idaho will permit the use of electronic poll books (and Wyoming’s bill authorizes the use of vote centers as well).

Florida, Idaho and Michigan put their presidential primaries in March; Florida’s will be on the third Tuesday, and Idaho and Michigan’s on the second.

West Virginia eliminated straight-ticket voting.

Oregon becomes the first in the nation to register all people with driver’s licenses or state ID cards, with the option to opt out.
From the Chair

Senator John Murante, Nebraska, began his legislative career as a legislative aide, and his portfolio included election law. When elected from the 49th district, not far from Omaha, he was appointed to the Government, Military and Veterans Affairs Committee, which has jurisdiction over elections. He now chairs the committee. The Canvass spoke with him on March 30.

- It is our job as policymakers to make sure the door is as wide open as possible and to remove barriers to make voting easy—but not to push people through the door and influence the outcome of any election through election policy.
- Partisan influence is at a minimum here. We don’t see the gridlock that you do in Washington, D.C., where a member of one party won’t vote for a bill that was brought by a member of the opposing party. There are lessons to be learned from the Nebraska system. (Editor’s note: Nebraska has a nonpartisan, unicameral legislature.)
- We are progressing toward vote-by-mail in Nebraska. Currently we can vote by mail for special elections on issues, but special elections for candidates are not included. That doesn’t make sense, so we’re taking care of that this year.
- To elect the president of the United States from districts that are consistently criticized as being gerrymandered is just bad public policy. You’d better have a broad consensus on how those congressional districts are drawn, and especially in small states, do you really want your influence to be divided up? To me it makes sense for small states to speak with one voice and carry as much clout as possible. (Editor’s note: The Electoral College plan in Nebraska awards electors based on congressional districts.)

Read the full interview with Murante.

The Election Administrator’s Perspective

Don Blevins is the county clerk in Fayette County, Ky.—the second largest county in the Bluegrass State and the home of Lexington. His office handles land records, marriage licenses, vehicle registration, elections and more. The Canvass spoke with him on April 16.

- Our primary issue is voter turnout. Ever since the motor-voter act in the 1990s, our registration numbers have not been an issue. It is getting people to the polls and the consequences that come with low voter turnout that is the biggest issue. In addition, we have laws that require employers to give employees time to go to the polls. There really is no excuse.
- Fayette County is one of only two counties that don’t use printed ballots. We have held out on buying new machines because it looked like the feds were going to require something nationally. If we do get new technology, we are looking in the direction of providing support to precinct workers and the behind-the-scenes work, such as electronic poll books. Our state board of elections is looking into it.
- Electronic voter registration is worth exploring further, but with the importance of the signature in our election process it could be difficult.
- We have a required number of steps to complete an absentee ballot. The process is onerous for a reason: to prevent voter fraud. Unfortunately, particularly for elderly citizens who have a harder time, following the directions exactly can be difficult and sometimes results in a vote not being counted. In one election we had a 20 percent rejection rate because they didn’t follow the directions exactly. Preventing fraud while making it easier for the voter is a tough balance to strike. A review of the laws to ensure that we are doing the best we can with fraud protection, but also tweaking the laws to make the efforts of the legitimate voter payoff, would be ideal.

Read the full interview with Blevins.
Worth Noting

• We’ve begun hearing about “open-source software” and how it might be used for the development of the next generation of voting equipment. If this concept is new to you, start with the Trust the Vote Project blog, produced by the Open Source Elections Technology Foundation.

• NCSL’s Meghan McCann wrote a post recently about New Mexico’s legislature sending a bill to the governor that includes online (aka electronic) voter registration. It has now been signed into law. Oklahoma’s online voter registration bill has also been signed.

• The fifth annual State Testing and Certification of Voting Systems Conference is being hosted by the Washington secretary of state in Seattle, Wash. on May 19-20. The goal is to provide a venue for practitioners and academics to exchange information, share best practices and discuss common challenges for voting system testing and management. It may be too geeky for most readers of The Canvass, but we can be glad these experts are meeting. The proceedings from previous years are readily available. Send an email for more information.

• Speaking of voting equipment, Virginia’s state board of elections recently decertified one kind of electronic voting equipment based on security concerns (although there are no known instances of hacking). Here’s the report that details the concerns. Learn all about it from electionlineWeekly, The Election Academy or National Public Radio.

• Turnout for November 2014 elections was historically low, and it was particularly (dare we say abysmally?) low for voters between 18 and 24 years of age. The California Civic Engagement Project has looked at the “how come?” factor for the Golden State.

• You all know that NCSL is hosting a conference, Policy and Elections Technology: A Legislative Perspective, June 3-5 in Santa Fe, N.M. The U.S. Vote Foundation is conducting a 3-hour interactive workshop, The Future of Voting, on June 3 at the same hotel where our meeting takes place and right before we get started. The point: if you’re coming to one of these meetings, you may want to come to the other, too. The U.S. Vote Foundation’s plan is to look at verifiable Internet voting and specifically at “end-to-end verifiability,” which addresses the unanswered question of whether remote absentee voting can be conducted securely online (an issue of particular interest for military and overseas voters as well as voters with disabilities).

• The Electronic Registration Information Center (ERIC) is a multi-state consortium that compares voter registration data from participating states and provides election officials with monthly reports on duplicate records, probable inaccuracies and citizens who aren’t registered. The Pew Charitable Trusts is offering financial assistance to states that would like to join the consortium. Applications must be received by 5 p.m. EDT on May 31.

• When NCSLers are out of the country helping with democracy building, the most common question is this: how the heck is your president elected? Here’s an animated answer from TED-Ed that describes how the Electoral College works.