Election Dates May or May Not Matter

Ask the person on the street when elections are held, and they’ll say, “Duh, in November.” Ask an election official, though, and depending on what state they’re in, they may say, “Spring, fall and sometimes in between,” or “They never stop—we’re doing elections all year long.”

With all eyes on the presidential nominating races, it may be hard to contemplate the elections that take place outside November: municipal elections, special district elections, school elections and even special elections to fill vacancies. And yet, legislators are thinking about them—or at least thinking about when is the best time to hold them. Is it easier to run a lot of small elections, or to run fewer-but-bigger combined elections? What do these choices mean for costs? And for turnout?

Turns out this is an evergreen issue, one that can and does appeal to Democrats and Republicans alike. Each year, 50-plus bills are introduced around the nation dealing with election dates, and 2015 saw several notable enactments. Here’s what’s going on in terms of election dates—all of which will be addressed below:

- There is a quiet trend toward moving local and school elections to coincide with larger elections.
- Running concurrent elections does increase voter participation in the smaller “down ballot” races.
- Voters like the idea of voting less often. In 2008, Sarah Anzia, author of “Timing and Turnout: How Off-Cycle Elections Favor Organized Groups,” asked in a 2008 nationwide survey whether respondents favored combining small races on larger election days; 70 percent said yes.
- It’s not easy to change election dates because there are many stakeholders.

But first, a brief history of timing for elections. Since 1845, federal elections have been held on the first Tuesday after the first Monday in November. The dates for elections of state officials, such as legislators and governors, are generally prescribed by state constitutions. In most states these races coincide with federal elections, but Kentucky, Louisiana, Mississippi, New Jersey and Virginia hold big state races in the odd-numbered years.

As for local elections, traditionally these were scheduled on an ad hoc basis, with the dates shifting at the whim of local leaders. That changed during the Progressive Era, starting in the 1890s, when many states standardized the schedule for local elections. The choice was usually not to hold them with federal or state elections, in part because large elections were just not feasible (imagine hand-counting dozens of races), but also to keep partisanship out of generally nonpartisan local races.

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Ever so slowly, the pendulum is swinging in the other direction. Now, 11 states—Georgia, Idaho, Indiana, Iowa, Kansas, Montana, North Carolina, Ohio, Pennsylvania, Utah and Washington—hold their municipal elections in November of odd-numbered years. This scheduling takes advantage of the nation’s culture of voting in the fall, with the expectation that standardizing election dates will make it more likely that citizens will vote.

Five states—Arkansas, Kentucky, Nebraska, Oregon and Rhode Island—hold their municipal elections in November of even years, in conjunction with big general elections. Nebraska has been doing so for at least three decades, and in many places that means they run just one election every two years. "It takes a little bit of getting used to, but soon enough it becomes second nature," says longtime Nebraska state election director, Neal Erickson.

The effect election dates may have on turnout

The overriding reason legislators consider moving local elections is to increase participation. Otherwise, turnout below 20 percent is not uncommon for local races.

Does changing the date work? "When local elections are moved to the same day as state and national elections, voter turnout in the local races increases dramatically," says author Sarah Anzia.

More specifically, data (while slim) indicate that significantly more voters do cast a vote on down-ballot races.

Much of the research comes out of California, starting with Municipal Elections in California: Turnout, Timing and Composition, from the Public Policy Institute of California, published in 2002. This study showed that voter turnout in off-cycle municipal elections was 25 to 36 percent lower than elections held during statewide races. Then, in 2013, came Odd-Year and Even-Year Consolidated Elections in California from the Greenlining Institute. California gives its cities the choice of running their municipal elections with a general election or separately. That created a "natural experiment" which compared like-sized cities that had made different choices. The report looked at the votes for the last item on the ballot. The result: concurrent elections had significantly higher turnout all the way down the ballot.

More recently, Common Cause of California published Getting to 100: How Changing the Election Date Can Improve Voter Turnout in 2015. Based in part on this information, California Senator Ben Hueso (D) sponsored SB 415, which was signed into law in 2015. The new law still gives local jurisdictions the option to run concurrent elections or not—unless voter turnout is 25 percent less than the average turnout in that city; in those cases, the local jurisdictions are required to consolidate their elections with state elections. "This bill sends a clear message that elected officials support the effort to increase voter turnout and respect a democratic process," said Senator Hueso.

Questions legislators may consider about consolidating election dates

- **How will political candidates see this move?** They might appreciate the greater turnout that comes with running an election concurrently with a general election—or they might worry that their messages will be lost beneath those of gubernatorial or presidential candidates.

- **Does the proposed change work in rural communities as well as in urban communities?** In Texas, which began shifting to a consolidated calendar in 2011, larger counties have been more likely to consolidate than the smaller counties.

- **If there are initial costs to making the shift, who would pay?** In most states, local jurisdictions are responsible for the cost of elections, although in a few places the state pays a portion of the bill. If local jurisdictions see additional expenses due to changing equipment or other factors, they are likely to oppose the change.

- **Does the state’s constitution include home rule cities?** If so, the state may not have the authority to determine when home rule cities hold their elections.

- **How will the transition be handled?** As with any policy change, election officials need time to work out new plans and train their poll workers and employees. Some amount of voter education might be required, too.

- **Would other laws need to be amended at the same time?** A state could review ballot rotation laws, time limits on voting that might need to be extended since consolidated elections will have longer ballots, and may need a temporary adjustment on the length of terms to make the transition, and more.

- **Does existing voting equipment allow for larger elections?** It depends on the limitations of the equipment. Of course, considerations such as security, verifiability, accessibility, reliability and costs come into play when thinking about equipment replacement.

California is hardly the only state with recent action. Michigan passed several bills in 2015, which continues a decade-long tradition of combining elections for the Great Lakes State.

In Kansas in 2015, HB 2104 was enacted, which moved local elections from the spring of odd years to the fall of odd years. "We had a very solid case from both the statistical side and the human side," in terms of turnout, said Senator Mitch Holmes (R), who championed the bill. He made that case with data from Anzia’s book and testimony from election officials in other states where local elections are combined with other elections. In short, those officials like the way they run elections, and are surprised more states don’t follow suit.

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Then and Now: 2012 to 2016 Comparisons

From now until the November general election, we will be taking a look at one major election administration topic showing how it has changed at the legislative level from one presidential year to another. This month: Same-Day Voter Registration

Amount of change: Significant

In 2012: Eleven states and the District of Columbia offered same-day voter registration.

In 2016: While the number has remained almost the same (12 states and the District of Columbia), the states have changed and three more have enacted legislation authorizing same-day voter registration.

Major changes:

- **Colorado** enacted same-day voter registration as part of a large election reform package in 2013.
- **Maryland** enacted same-day voter registration but only during the early voting period in 2013.
- **North Carolina** repealed same-day voter registration in 2013 (North Carolina had same-day registration during the early voting period only, not on Election Day).
- **Hawaii** passed same-day voter registration in 2014, which takes effect in 2018.
- **Illinois** enacted same-day voter registration in 2014.
- **Ohio**, in 2014, did away with a form of same-day registration, known as “golden week”, in which early voting began 35 days before Election Day; voter registration was and is available up until 30 days before Election Day, and during that overlapping period voters could register and cast a vote on the same day.
- **Vermont** enacted same-day voter registration legislation in 2015, which takes effect in 2017.

Opposition?

So if turnout goes up and costs go down, why haven’t more states made the move to holding fewer-but-bigger elections?

There’s the philosophical question of local versus state control. In Idaho, in 2009, the legislature consolidated elections to two dates per year. The state overcame opposition from local jurisdictions by including an appropriation that shifted some of the cost of running consolidated elections from the local jurisdictions to the secretary of state’s office.

Local elected officials, such as city council members, are a key constituency for legislators and indeed many legislators come from the ranks of local officials. Therefore, they are likely to be sensitive to the worry that campaign fundraising and publicity efforts will be drowned out by the bigger races. That’s how it worked in Kansas. "We had local officials on both sides of the issue, but opponents definitely outnumbered the proponents," says Senator Holmes. "It was surprising to me that the opponents emphatically made the point that they didn’t want “uninformed voters” voting in their elections. I believe that argument actually hurt them more than helped them in their effort to keep the status quo.”

One final thought: academics often say “more research is needed before conclusive evidence will be available.” This has never been truer than with the timing of elections—it’s a field ready for more detailed analysis. Have we got any takers?
Post-Election Audits Help States Confirm Election Results

If the term “audit” either makes you shudder or makes you want to snooze, you’re not alone. But a post-election audit can be an integral step in ensuring the integrity of the election process.

Voting machines go through lots of pre-election testing. They are tested against federal guidelines and state requirements, and then election officials do trial runs called “logic and accuracy testing” before each election to ensure they are working as they should (see NCSL’s webpage on Voting System Standards, Testing and Certification). But the pre-election testing doesn’t tell you whether or not the machine actually functioned correctly during the election.

To do that, many states do additional testing after the election—a post-election audit. As explained by Pam Smith from the Verified Voting Foundation, “A post-election audit is a tool that election officials can use to prove that their voting systems are working properly and a tool that the public can use to have confidence that the outcome of the election was correct.”

In a post-election audit, election workers check paper records from the election, either paper ballots or voter-verified paper audit trails (VVPATs) produced by electronic voting machines against the results produced by the voting machine to ensure that the votes were counted as cast. Think of it as a partial recount; if it doesn’t hit any discrepancies, then the vote tallying overall is working correctly.

Since an audit is one way to make elections transparent, it’s not surprising to see that they are often conducted publicly, so that interested members of the public can attend and witness the process. Some states restrict who can be physically present during the audit (often to political party observers) but may make audit results public.

As of 2016, 29 states and the District of Columbia have statutory or regulatory requirements for post-election audits. Conducting a post-election audit depends on the type of voting equipment being used in a state. A post-election audit needs a paper trail, verified by the voter, to compare against the machine tally. Some states that have requirements on the books don’t actually have the equipment that can accomplish a post-election audit. This was the case in Maryland, which passed legislation in 2007 requiring the state to purchase machines with a paper trail. This went into effect in 2015, when new equipment was leased statewide that will accommodate post-election audits.

New Jersey also has a law requiring post-election audits, but it can’t be put into practice until new voting equipment that provides a paper record is purchased. Tennessee also has a post-election audit requirement but most counties use equipment that will not accommodate it, so it has yet to be fully implemented.

For legislators, all this detail is important for two reasons. First, depending on the voting equipment used in your state, a post-election audit requirement may not be possible to enforce until it is time to replace equipment—and who pays for new equipment is always a question. Second, if the state is already considering new voting equipment as many are (voting equipment nationwide is aging – see the November/December issue of The Canvass) it may be a good time to consider post-election audits as well.

Conducting a post-election audit is most often left to local election officials, with support or oversight from state election officials. The process can burden local officials who have just completed an election—hand counting ballots requires a lot of manpower and concentration. And, it’s not without a cost—workers have to be paid to conduct the audit and that can be tough in many places. A local election official may have to pay for temporary workers to stay on longer, or pay overtime for full-time employees to conduct the audit. In states where the state official is the one conducting the audit, like Kentucky and Vermont, it may create some animosity between state and local officials, with the latter feeling as though they’re being “checked on” by the state.

For more on the different types of post-election audits and details on state policies, visit our Post-Election Audit webpage and our interview with Pam Smith.

The Pew Charitable Trusts has put together a great new interactive tool on online voter registration. The tool tracks which states offer online registration and summarizes the survey findings across five topics: legislation, development, features, access and processing. As online voter registration continues to grow across the country, legislators and election officials should find this to be the essential repository for all information related to voter registration.
From The Chair

Representative Barbara Flynn Currie chairs the Rules Committee in the Illinois House of Representatives. She represents the 25th District which is located entirely within the city of Chicago and includes parts of the southern lakefront. Representative Currie is also the first woman to serve as majority leader of the House. She spoke to The Canvass on April 14.

- "I think it is important for elections to be as easy and open a process as possible. It should be easy to register and easy to vote. We’ve done a number of things in Illinois to make registering easier, including online voter registration and same-day registration. I don’t expect that those changes will foment a revolution, but when it is easy to register, people are more likely to vote."

- "After online voter registration and same-day registration, the next logical step is making voter registration automatic. We’ve found that even with motor voter, as DMVs are required to offer voter registration, people often don’t register. I believe that at every interaction with government, people should be automatically registered, unless they say no."

- "Low turnout for youth isn’t a new problem. In Illinois 17-year-olds can vote in the primary if they will be 18 by the general election and I ran into several excited 17-year-olds who were voting in our recent primary. Young people in general are a particularly mobile demographic. They don’t always remember to update their registrations or realize how important their participation is. Strong civics classes and the 17-year old primary vote helps to set the stage for participation in the future. It may develop a habit of regularly voting."

Read the full interview with Representative Currie.

The Election Administrator’s Perspective

Jon Dolson is the clerk for Sheboygan County in east central Wisconsin. The county is home to the bratwurst capital of the world (city of Sheboygan), the cheese capital of the world (city of Plymouth) and its Lake Michigan coastline is known by surfers as the “Malibu of the Midwest,” because it’s one of the more challenging places to surf in the world. Dolson spoke to The Canvass on April 14.

- "I ran for the office and won the first Republican primary for clerk in the county history. Elections just intrigued me, especially the whole behind the scenes process and how little people know of it. There are months of preparation leading up to a single election day and people seem to think everything just magically appears on a ballot."

- "Certainly, our outdated but still functioning equipment; we wonder how much longer it, and the software to program it, will last. Expectations are higher each election that we have preliminary results soon after the polls close, because almost everyone has a smart phone or tablet connected to the internet, but faster results requires better equipment. It could be a half a million dollars just for our county—how do you pay for that? What we have works for now but it’s something we are thinking about and planning for."

- "Every clerk would love to have their legislators come and work the polls one time (and the whole day!) so they know what’s involved on Election Day. I know there is a lot of demand at the top for different changes in elections but you have to consider how it affects the people on the ground running the elections, and ultimately, the voter. There are many things that can affect elections that legislators may not realize."

Read the full interview with Dolson.
Worth Noting

- West Virginia seems to fly under the radar when it comes to election news, but they’ve been an active player for several years now on things like online voter registration (they adopted it) and straight-ticket voting (they eliminated it). The Mountain State’s latest election change is perhaps the most interesting—lawmakers have combined a new voter ID requirement with establishing automatic voter registration in the state. Check out the NCSL Blog for more information as well.

- The October 2015 issue of The Canvass looked at common election myths, including the one of “dead people vote.” Well it looks like “dead cats vote” may be the newest myth, now that a voter registration group in Florida solicited a woman’s dead pet cat with a voter registration application.

- The Commonwealth of Massachusetts has fired its longtime ballot printing company, Bradford and Bigelow, after a dispute about the ballots used in the March presidential primary. The company says the smudging problem was the result of the state using old voting equipment, not poor printing.

- The Canvass often asks local election officials “what keeps you up at night?” NPR has a look at one thing that does for many officials—long lines at the polls.

- These graphs from Bloomberg Politics of the reasons why American’s don’t vote will make your head hurt. Still, they provide great insight into what keeps people from the polls no matter the stakes in an election.

- The Heritage Foundation has gathered together a sampling of voter fraud cases throughout the country from the last dozen years. An interesting read in any election year.

- There has been no shortage of questions this year about primaries and how they work. And here is one area where there truly are 50 different ways of conducting a presidential nominating event. California made the switch to a top two primary in 2011 and it’s causing a bit of confusion for voters when it comes to the June presidential primary. Why? Because the “top two” process doesn’t apply to presidential candidates.

- Speaking of primaries, Maine is one of several states considering switching from party caucuses to a primary for its presidential nominating contest. Legislation to do that is making its way through the legislature.

- The State Certification Testing of Voting Systems 6th Annual National Conference, June 20-21, in Cambridge, Mass., sounds geeky, but we NCSLers, who aren’t too tech-savvy, have benefitted by attending the last few conferences. MIT, the University of Connecticut, and the New Hampshire office of the Secretary of State are co-sponsoring this year’s conference. Participants can expect to hear from practitioners and academics about best practices for voting system testing and management. Here’s a link to last year’s conference to give you a flavor for this event. Contact Merle King for more information.

Be sure to sign up for the next NCSL elections webinar: Spring Cleaning Your Voter Lists—The Legislative Role on Friday, May 6 at 2 p.m. ET/1 p.m. CT/12 p.m. MT/11 a.m. PT. Registration is free. Here’s how we’re advertising it:

They say cleanliness is next to godliness and that’s especially true when it comes to voter lists. Join representatives from The Pew Charitable Trusts, the Electronic Registration Information Center (ERIC) and others to discuss why accuracy in the voter registration rolls is vital for smooth-running elections especially in a big election year, and how accuracy can help avoid problems on Election Day. Hear ideas to help your state maintain voter lists year after year.

Look for #NCSLElections on Twitter for all NCSL election resources and news.

Thanks for reading, let us know your news and please stay in touch.

—Wendy Underhill, Katy Owens Hubler and Dan Diorio