Aye for Modernizing Voting

As lawmakers look for ways to improve elections, they’re looking at technology—even if they don’t know it.

BY WENDY UNDERHILL AND AMANDA BUCHANAN
he election of 2016 was the best one to date—administratively speaking. Lines were shorter than in 2012, machine malfunctions were few and far between, no one ran out of ballots, and results in key races weren’t delayed for days.

Despite these successes, talk of modernizing voting systems continues and concerns about cyberattacks persist. At least half the states are, or soon will be, undertaking the complex process of procuring new election technology to replace the aging equipment that has been used for years to cast and tabulate votes.

Lawmakers from both sides of the aisle want to improve how Americans vote, from ensuring that only eligible voters are on the rolls to making sure hackers can’t break in. They also want to make it easier to cast ballots and transfer records from motor vehicle agencies to voter rolls.

And all of this involves technology.

Whatever policy goals lawmakers have for improving elections will require the right technology, in terms of costs, convenience, accuracy and security.

**The Goal: Cleaning Up Voter Rolls**

The concept is simple: Ensure that only eligible voters are listed on voter registration rolls. But reaching that goal isn’t so simple. For one thing, the National Voter Registration Act prohibits voters from being removed from the rolls without their permission, unless reliable information shows they have moved or died. Even with reliable information, federal law dictates how and when voters can be removed.

Automation, however, is making it easier for state officials to find inconsistencies and inaccuracies in data when searching prison files, health records, death notices and jury records. Interstate compacts, such as the Electronic Registration Information Center or the Interstate Crosscheck (run through the Kansas secretary of state’s office), allow voter records to be checked against records in other states, and against a host of other lists.

“Having a clean and accurate registration list is very important and serves to ensure that we aren’t unnecessarily registering individuals,” says Wisconsin Representative Kathy Bernier (R), chair of the Assembly committee on elections. In Wisconsin, officials send electors a postcard verifying election registration data that comes from the ERIC system to cross-check for potential multiple registrations.

**The Goal: Streamlining “Motor Voter” Operations**

When Congress passed the National Voter Registration Act in 1993, the internet was in its infancy and email was a novelty. Called the “motor voter” law, this federal mandate requires local motor vehicle agencies, in all but six states, to provide opportunities for voters to register, which, when it passed, meant offering paper applications.

Many states are going above and beyond the letter of the law today by automating the transfer of data between motor vehicle and voter registration agencies. How they go about it comes in two flavors: opt in and opt out.

The opt-in model was pioneered by the Delaware Division of Motor Vehicles. Those who come in to the DMV are asked, “Would you like to register to vote?” If the answer is “yes,” the office automatically transmits the person’s data to the voter registration agency. Those who decline must sign a declination form on the signature pad. Registered voters may also change their political party at the DMV. The process is easy one-stop shopping for the voter and far less work for the staff.

California, Colorado, Connecticut, Illinois, Rhode Island, Vermont, West Virginia and the District of Columbia have recently adopted the opt-in version.

Oregon took the other route, becoming the first opt-out state. There, a person who goes to the DMV and provides all the key information is automatically registered to vote. If they don’t want to be registered, or they want to select a political party, they must fill out a postcard and return it to the secretary of state.

Some people question whether it is right to register people without their permission. After the governor vetoed a measure to make Nevada an opt-out state, Assembly Speaker Jason Frierson (D) said, “Voting is a right, not a privilege and we should make it easy for Nevadans to hold their own government accountable.”

Whether it’s opt in or opt out, technology, programming and coordination are needed to make it all work. States that have made the shift to automating registration have saved money in reduced processing costs and time spent on provisional ballots.

There are other ways to expand automated registrations. In 34 states (soon to be 38), citizens can register to vote online. Adopting online voter registration (usually) takes legislative action, then programming to create the web-based application and, finally, citizen outreach. Getting online voter registration up and running costs states, on average, roughly $250,000.

**The Goal: Ensuring Voters Are Who They Say They Are**

Whether people should have to show an ID before being allowed to vote is controversial. Texas knows this well. Its voter I.D. law has been in and out of court since 2011. Most recently, a divided federal appeals court stayed a lower judge’s ruling that barred a revised version of Texas’ voter identification law from being implemented because it targeted minority voters, the judge ruled. The latest appeals court ruling allows the state to use the revised law beginning next year.

Iowa’s new voter I.D. law, passed this May, requires an education campaign and a “soft roll-out,” which will allow voters without a valid I.D. to sign a document attesting to who they are in elections next year.

Iowa Representative Ken Rizer (R) argued that “if you have to show an I.D. to board a plane, cash a check, get welfare benefits, buy Sudafed, then it makes sense that you ought to show an
ID in order to protect one of our most precious constitutional rights.”

Iowa’s new law also requires election officials to send a free voter ID card to every registered voter who does not have a driver’s license or one of three other valid IDs issued by the state.

Currently, 32 states require voters to show some kind of identification. Arkansas, Iowa and North Dakota enacted laws this year that either tightened existing requirements or added new ones where there weren’t any before. Voter ID is the classic example of the “access versus integrity” debate. It requires making a choice between fighting fraud or widening the voting pool. But, technology may soon end the debate.

First, polling places can be equipped with card readers that are attached to electronic poll books so driver’s licenses can be swiped, bringing up the voter’s name on the check-in screen in the blink of an eye.

Second, polling-place cameras may prove to be game changers. If a voter doesn’t have a photo ID, a picture can be easily taken and copied to the electronic record.

Third, the use of iris scans or fingerprints to identify us may prove to be game changers. If a voter doesn’t have a photo ID, a picture can be easily taken and copied to the electronic record.

The Goal: Reducing the Difficulties of Finding Poll Workers and Polling Places

Ask any election administrator what his or her biggest headache is, and the answer will be finding poll workers and polling places. One policy solution is to create vote centers where citizens throughout a jurisdiction can go to cast their ballots instead of having just one polling place for each neighborhood. This tweak to Election Day is quietly spreading. In some way, shape or form, 23 states use vote centers, with Indiana and Texas being the leaders.

Although vote centers solve the problem of finding enough buildings to host voting and rounding up enough poll workers to staff them, a question remains: Can administrators ensure that citizens vote only once and not at other voting locations? Technology is making that possible. Vote centers rely on electronic poll books, basically computer files, to look up voters, rather than traditional paper rolls. “E-poll books can also perform a variety of additional functions that paper rolls cannot, such as ballot production, same-day registration and verification of ballot totals after polls close,” according to the Pew Charitable Trusts.

The Goal: Increasing Voter Participation in All-Mail Elections

Here’s another super-hot elections topic. Colorado, Oregon and Washington already mail ballots to every registered voter, and California will permit counties to do so in 2018. Utah counties already have that choice, and Hawaii has been on the brink of passing legislation for years.

“Throughout this time, we’ve been watching the elections-by-mail experience of our sister states in the West,” says Hawaii Senator Gilbert Keith-Agaran (D). “I think more policymakers and stakeholders interested in having a fair and efficient election system are becoming comfortable with conducting an entire election by mail.”

All-mail elections are convenient for the voter and cheaper for the government. But are they secure? MIT researcher Charles Stewart III has studied the issue and says that all-mail elections leave more votes uncounted than polling place elections. If a voter makes an error, for example, and votes for two candidates where only one vote can count, no vote is counted. If that happens in a polling place, the equipment will catch the error and give the voter a second chance.

Many believe the increased convenience is worth the trade-off. To make an all-mail election model work, a state needs paper ballots printed in large quantities and high-volume scanners to read them at a central location. In fact, elections operations in cities such as Denver; Portland, Oregon; or Spokane, Washington, resemble retail fulfillment centers more than polling places, what with all the conveyor belts, color-coded trays, assembly lines and clacking noise.

Since existing equipment will likely not support the changes needed to conduct an all-mail election, a good time to consider going to an all-mail way of voting is before your state commits to replacing aging equipment.
The Goal: Providing Secure, Independent Voting for Those With Disabilities

As states consider replacing voting equipment, many are following the “back to the future” approach and opting for paper ballots and scanners. The chief reason is that paper provides a good record of the vote, should a recount be needed. The catch: Paper is a not an easy technology for many people with disabilities to manage.

Ensuring that visually, physically and cognitively impaired voters can vote independently and securely is a laudable goal—and the Help America Vote Act requires it. Electronic equipment that can be managed with audio readers and personal-assistive devices such as sip-and-puff is familiar to people with disabilities and provides them with an independent voting experience.

“One of the great gifts afforded us through improved voting technology is the opportunity to serve all voters—including those with disabilities,” says Maryland Senator Cheryl Kagan (D). “States must work to ensure that the franchise is accessible, user-friendly, accurate and private.”

In 2015, Maryland was sued by the National Federation of the Blind for discontinuing a 2-year-old system that allowed people with disabilities to mark, print and sign their ballots at home. The state ended the method because it couldn’t certify it to be secure. The suit pitted two key goals against each other: the need for secure voting methods versus the right of people with disabilities to vote independently. After the final court review, Marylanders with disabilities are again able to use the at-home ballot system.

The Goal: Considering Options to Winner-Take-All

With our nation’s winner-take-all elections, the victor may win with less than a majority of the votes. Case in point: The governor of Maine was elected in 2010 with just 38 percent of the vote.

Ranked-choice (or instant-runoff) voting is appealing to those who believe the winner should have the support of a majority of constituents.

With this system, voters rank candidates. If no one candidate gets more than 50 percent of the first-choice votes, the candidate with the fewest votes is dropped and ballots are recalculated using second-choice votes. The process is repeated until the winning candidate makes it over that magic 50 percent mark.

Sound complicated? Not for techies! Although no technology has yet been certified by the U.S. Election Assistance Commission for ranked-choice voting, that may soon change. The Ranked Choice Voting Resource Center is developing a tabulator to work on existing voting equipment. Vendors, too, are trying to incorporate ranked-choice tabulators into their next generation of voting machines.

Voters in Maine passed a citizen initiative in November 2016 to move the state toward a system of ranked-choice voting, starting in 2018. The Maine Supreme Judicial Court, however, found parts of it violated the state constitution, which calls for some candidates to be selected by plurality, rather than by ranked preference. Senate President Mike Thibodeau (R) wants to repeal the ranked-voting measure, but is “open to figuring out a different path if that’s what gets people on board. …But we certainly can’t leave it unattended to,” he told the Bangor Daily News.

It remains to be seen what the legislature will do, but as this magazine went to press, it appeared the governor was ready to call a special session to address ranked-voting and other issues.

Technology Doesn’t Create Itself

Although the technology we use in elections today might confound our Founding Fathers, it is sure to be driving future changes in how we vote.

Still, technology is only as good as the people and processes behind it. Together, they play a huge role in the efficacy of elections. When we use technology to make elections more efficient, secure and accurate, the more trusted our voting systems will become.

What Bill Gates once said about business can apply to elections: “The first rule of any technology used in a business is that automation applied to an efficient operation will magnify the efficiency. The second is that automation applied to an inefficient operation will magnify the inefficiency.”