Getting Voter Information Out—Without Breaking the Bank

As long as politics have been partisan—and that’s from the very beginning—voters have been deluged during campaigns with election information from local and national media, advocacy groups, political parties, candidates, PACs, Facebook groups, friends and more. We suffer from “TMI”—too much information. So, is it still valuable for nonpartisan state agencies to provide “plain speech” to describe what’s on a ballot? Does it really help voters when they do?

Many states require some form of voter guide or pamphlet to be provided to citizens. Frequently these states permit citizen-initiated ballot measures, which lead to more complicated ballots, and thus to a greater need for explanatory materials. Other states require sample ballots to be mailed to all voters. (See NCSL’s Voter Information website.) Even states without these requirements may still want to offer citizens easy-to-understand ballot information; what are their options?

In states with a “paper mandate,” nonpartisan staffers explain each issue and race on the ballot in a voter guide that can easily surpass 100 pages. Doug Lewis, executive director of the Houston-based Election Center, is skeptical of the value of this effort and expense. “Do voters in these states participate more or make better decisions, or vote faster?” The answer is: “There is no empirical evidence. It may be desirable but it may not be necessary,” especially in tough financial times, he says.

And yet, citizens trust their state-produced voter guides. Kim Alexander, founder and director of the California Voter Foundation, which has produced voter guides for Californians for 20 years, says that “while we’re happy to produce our online voter guides, ultimately we know that voters are looking to government agencies for election information. Because of the nature of elections, with fearmongering and dirt flying, voters want to go to a reliable information source. Voters are naturally skeptical unless they see something from a ‘dot-gov’ address.”

California, which often has one of the nation’s most complicated ballots because of its initiative process, requires a state voter guide and a local guide. These pamphlets accounted for 11 percent to 46 percent of the total cost of elections for California counties, according to a March report, Mailbox, Inbox, Ballot Box: Delivering Information to California Voters in the 21st Century, funded by the Pew Center on the States. “States similar to California will certainly benefit from this study if they’re now giving out paper information,” says Lauren Hengl, the study’s author. (An issue brief based on the study is available at: The Cost of Delivering Voter Information: A Case Study of California.)

Given limited resources, counties and states can explore less expensive ways to provide voter information. One way is to permit counties to offer voters a choice to receive it.
Getting Voter Information Out—Without Breaking the Bank

electronically. California started allowing this in January 2011, and already voters are responding. In Sacramento County, 250 “opted out” in the first three weeks. “These voters have decided to ‘go green’ and view their pamphlet online beginning 29 days before the election,” says county spokesperson Alice Jarboe. “This is a great way to serve the public in light of our shrinking resources, both ecological and budgetary.” Allowing voters to receive information electronically could save individual counties upwards of 10 percent of the total election budget and increase access to voter information, according to the Pew report.

The study also reviewed the benefits of sending one guide per household instead of one per voter, again saving money and paper. California would reduce costs, energy, paper and waste while decreasing mailings by about 41 percent.

Concerns about the “Digital Divide”—the gap between those who have access to digital technology and those who don’t—are minimized when voters are given a choice. Because a mailed paper copy is the default in California, this isn’t a problem there. In fact, Hengl says that “with the same arguments that people don’t want to limit the possibility of receiving paper information, we also don’t want to limit the technology that will allow voters increased access to information electronically.”

Some states are seeking to improve voters’ information through voter guides, initiative summaries and sample ballots, while keeping an eye on the pocketbook. Currently:

- **Connecticut** lawmakers are considering allowing towns to share the cost of public notices for statewide elections.
- **New Jersey** legislators are considering a measure to reduce sample ballot mailings to one per household; a second bill would permit voters to opt out of the paper version for one sent electronically.
- **New York** lawmakers may require a sample ballot be mailed to voters.

If mailing a tome isn’t in the cards—and in tough economic times, adding such a mandate could be difficult—what else can states do?

Using the Internet is a relatively inexpensive way to communicate, especially if a state already has a written voter guide. In California, for instance, 86 percent of counties already post the state-required voter guide on their government websites. In states without a mandate to provide voter guides, Alexander says, “it would be up to state lawmakers to direct state election agencies to produce ballot information for voters.”

According to a March study, [The Internet and Campaign 2010](#), 73 percent of adult Internet users (54 percent of all U.S. adults) went online to get news or information about the 2010 midterm elections, or to get involved in a campaign in one way or another.

Yet, not all websites are created equal. Two studies, [Voter Information Websites Study](#) from the EAC and [Being Online is Not Enough](#) from Pew, have looked into the quality of voter websites. The best websites provide the where/when/how to vote, but also include state-approved descriptions of any ballot measures, candidates’ biographies, links to campaign websites, and definitions of some of the more obscure offices to be filled. Do most voters really know what the Secretary of State does, for instance?

Other options:

- Work with newspapers. Susan Lynn, a former Tennessee legislator who chaired the Government Operations Committee from 2002 to 2010, says newspapers serve a very important role: “Community notification creates an essential dialogue on policy issues and problems.” (Her comment was in response to a bill to remove the requirement to publish a sample ballot in the newspaper five days before an election.)
- Work in partnership with nonprofit organizations such as the [League of Women Voters](#) to disseminate solid, objective information.
- Require voter education in high school. At least four states currently are looking at legislation to do this: Kentucky, Mississippi, New Jersey and Texas.
- Staff the phone lines. Many people still prefer the telephone for gathering information. States need to accommodate these people, even while encouraging others to use the website to reduce the way-too-heavy workload on election officials.

In the current Age of Information Overload, citizens may feel factoid-rich and information-poor; some states are trying to help, at least when it comes to ballots and elections.  

1,215,876—That’s the number of people California Senator Bill Emmerson, from District 37, represents, according to new census figures. It is the most of any state legislator in the country, and will shift after redistricting is finished. By comparison, on average, each U.S. representative has 709,760 constituents.  

---

The Canvass / National Conference of State Legislatures
Poll Watchers, Explained

How many people does it take to staff a polling place on Election Day? Apparently many: one team to run the elections, and a couple more to watch them run the elections.

The extras are known as “poll watchers,” or occasionally “poll challengers,” and they are more prevalent today than in times past. “We have seen a steady increase [in poll watchers] since November 2000,” says Louise Stine, county clerk, Berrien County, Mich. “This generally occurs in the precincts where a controversial race or issue may be on the ballot.”

Poll watchers are partisan participants, either representing a candidate, a political party or an advocacy group. They watch to see that everything proceeds legally. These poll watchers face a lot of “may-nots.” They may not speak to voters, may not offer advice, may not participate in counting votes, and definitely may not electioneer. So what may they do?

Typically, they may listen to voting instructions, watch voters check-in, keep track of who votes, and observe the functioning of the voting equipment. They may take notes, and may speak to poll workers as long as it doesn’t interfere with the process. They may report to county election officials or even law enforcement if they think they see election fraud or mismanagement. And, in some states, they may challenge a voter’s qualifications to vote. (Michigan and a few other states separate the “watcher” function from the “challenger” function, with stricter requirements for the latter.)

How the mays and may-nots are taught varies greatly depending on the jurisdiction. In 2008 and 2010, Michigan’s Stine conducted training for poll watchers and challengers. She says that “since I give the same basic training to the election workers, everyone has the same information. I also caution everyone that it is their responsibility to make this a positive working relationship in the precinct.” In other places, poll watchers receive training from political parties. Most states supply pamphlets or guides on the rights and duties of poll watchers.

The management of poll watchers varies as well. Typical regulations address:

- Qualifications: Many states require that poll watchers be residents and registered voters.
- Numbers: Most states permit one or two per side; Iowa allows three.
- Selection: Often political parties submit the names to the local election officials, who then grant permission.
- Credentials: Some states require that poll watchers wear badges or other identification.

A few unique examples of disqualifiers (and one qualifier) for poll watchers:

- Pennsylvania prohibits anyone who has ever been convicted of election fraud.
- Colorado prohibits both candidates and their family members (many states prohibit candidates).
- Louisiana prohibits anyone who is “entitled to assistance in voting.”
- Tennessee permits anyone who will be at least 17 years old by Election Day.

Voter ID Costs

The pros and cons of stricter voter ID legislation have been argued for years, but this year, the cost of new rules has become a major issue. Now, thanks to an analysis done by Sean Greene of the Pew Center on the States, we have data to help sort out the costs. In an article in the March 17 Electionline Weekly, Debate Over Photo ID at the Polls Shifts to Costs, Greene says, “Most states are facing serious fiscal challenges and large budget shortfalls. Opponents of photo ID legislation have seized on this point to buttress their arguments against these new requirements.”

Greene analyzed the fiscal notes for photo voter ID bills in 14 states, and discovered a variety of ways to calculate the costs. Some states say the cost is negligible; others say it can be in the millions (Missouri’s 2013 estimate: $6.7 million.)

South Dakota, Missouri and the District of Columbia explicitly permit international election observers. New Mexico, North Dakota and South Carolina have bills this year to do so; the New Mexico and North Dakota bills are ready for the governors’ signatures. For more details, see NCSL’s video interview with Neil Simon from the Organization for Security and Co-operation in Europe.
2010 Election Legislation: A Summary
In 2010, state legislators introduced more than 2,000 bills that addressed state election policy; 185 of these became law. Legislation to comply with the federal Military and Overseas Voter Empowerment Act led the way, with 28 states passing laws to make it easier for overseas citizens to participate in state-run elections. Changes to ballot access (11 states), voter registration lists (10), and voting for people with disabilities (eight) were the next most frequent.

Other new election laws of note:
- Massachusetts ratified the National Popular Vote agreement.
- Minnesota now requires an affidavit of residency from candidates.
- New York now requires polling places to be located near public transit whenever possible.
- Rhode Island must inform inactive voters of their current precinct and polling place.
- South Carolina will permit its State Board of Canvassers to meet electronically.
- South Dakota passed a resolution guaranteeing the secrecy of the voting process.
- Tennessee directed its state administrators to report to the General Assembly on the distribution of Help America Vote Act funds.
- Virginia now requires caller ID information associated with campaign robo-calls to include appropriate information, such as the candidate's name.

For more on last year’s election changes, see Election Legislation Enactments: 2010.

From NCSL’s Election Team
Join Us at the Spring Forum.
NCSL will host two elections-related panels at its Spring Forum, one on pros, cons and costs of voter ID legislation, and the other on primaries. The forum is April 14-15 in Washington, D.C. These sessions will be on the 14th, 1:00–2:15 p.m. and 2:30–3:45 p.m. If you miss the event, NCSL will post materials and video from it soon after.

Harking back to our story about voter information, are you getting the elections information you want? Please let us know what’s on your mind.

—From Jennie Drage Bowser, Tim Storey and Wendy Underhill

Worth Noting
- Federal Update: The U.S. House of Representatives exercised its oversight of the U.S. Election Assistance Commission in March; the relevancy of the agency and its funding request for FY 2012 were both questioned. Congressman Harper from Mississippi chaired the hearing and referred to a bill he has introduced, H.R. 672, that would eliminate the EAC.
- The Wounded Heroes Initiative, funded by the U.S. Election Assistance Commission, reports that more than 30,000 U.S. servicemen in recent years have returned from combat with a range of disabilities, including loss of limbs, loss of sight and traumatic brain injuries. “Legislative relief might be required in some states to help these wounded heroes vote,” says Project Director Chip Levengood. We can expect a full report from the initiative in September.
- If the National Association of Secretaries of States (NASS) isn’t bookmarked in your web browser, it should be. NASS produces surveys and reports on election procedures and policies: the number of ballots required, canvassing time frames, rules for counting absentee ballots and HAVA spending, to name a few recent ones.
- On March 7, 2011, the Georgia Supreme Court upheld that state’s requirement that voters show photo IDs at the polls. The decision, written by Justice Hugh Thompson, notes that “an elector who does not wish to obtain a free photo ID can vote by absentee ballot by mail,” a process in Georgia that does not require a photo ID.

THE CANVASS
States and Election Reform
A Newsletter for Legislatures © 2011

Published by the National Conference of State Legislatures
William T. Pound, Executive Director
7700 East First Place
Denver, Colorado 80230
(303) 364-7700
(303) 364-7800
www.ncsl.org

In conjunction with NCSL, funding support for this publication is provided by the Pew Charitable Trusts through its Pew Center on the States’ Election Initiatives project. The Canvass seeks to inform legislators and staff through the sharing of research, analysis and legislative best practices, thereby helping legislatures to achieve voter-focused election reform. Any opinions, findings or conclusions in this publication are those of NCSL and do not necessarily reflect the views of the Pew Center on the States. Links provided do not necessarily indicate NCSL endorsement of these sites.

To subscribe, contact TheCanvass@ncsl.org

NCSL Elections Staff
Jennie Drage Bowser, Susan Parnas Frederick, Tim Storey and Wendy Underhill
Layout and design: Leann Stelzer