
2012 will be a year jam-packed with elections—presidential preference primaries, state primaries and the big general election on November 6—plus literally thousands of school board, city and special district elections as well. What can we expect from this heavy election year, not in terms of winners and losers, but rather in terms of how we prepare for and run elections? And what can state legislatures do to make sure that elections are well-run? The Canvass interviewed a dozen national experts (aka election geeks), and below you’ll read their predictions for 2012, and what they wish for too. To sum it up, registration, resources and reaching out to voters are at the top of their lists.

Harnessing Technology to Serve Voters and Taxpayers

David Becker, director of election initiatives, Pew Center on the States

Because 2012 is a presidential election year, we know that advocacy groups, campaigns and political parties will be working to register and engage voters as much as possible. We can reasonably expect that much of this activity will occur right before the general election.

That means we’ll see states and localities having to process literally millions of paper voter registration forms in the final three or four weeks before the election. At the same time, of course, these same election officials are managing absentee ballots, getting ballots out to military and overseas voters, finding and training poll workers and more. These burdens will be exacerbated because election officials often are stuck with 20th century technology while trying to serve a 21st century electorate.

If policymakers are interested in alleviating some of the administrative burdens presented by a presidential election year, they may want to look at the pioneering way some states are harnessing technology to improve elections. The states that are leading the way are doing things such as registering voters electronically, using new technological tools to reach military and overseas voters, finding better ways to connect with other agencies in their states and even in other states, and constantly looking for ways that they can get information to voters at the time and in the place that voters are looking for it. We expect that at the end of the next election cycle, these states will be able to demonstrate efficiencies and reduce costs, and at the same time improve both the perception and the reality of greater integrity in the overall process.
Partisanship Is NOT the Story
Doug Chapin, director of the Program for Excellence in Election Administration, University of Minnesota

During the 36 months between presidential elections, people don’t pay much attention to the nuts and bolts of running elections. Now, though, we’re entering a 12-month period when people will be watching elections very carefully and focusing on the political impact of election policies.

There are people—like me—who work in the field and believe it really is possible to separate election administration from partisan considerations. Unfortunately, we will see that line become blurry in the public mind. Because the public will typically suspect that politics is behind every decision or change, elections officials will have to be extra careful to describe why that isn’t so.

In 2012, state legislatures will be thinking about the costs of election administration; we’ll see the desire to make every vote count run up against making every dollar count. And yet legislators don’t understand how a presidential election strains elections offices, and I’m not sure that elections officials understand the perspective of legislators, either. Using 2012 as an opportunity to make that dialogue happen would be helpful.

As for administrators, they will have many voters who are new to the process and many others who will be voting with new machines or regulations. Changes such as these can present a challenge for voters and election officials alike. One good response is to be sure to get the word out on where, when, and how to vote.

Local Administrators Run the Show
Elizabeth Ensley Deiter, president, International Association of Clerks, Recorders, Election Officials and Treasurers, and Election Commissioner, Shawnee County, Kansas

It seems as though many states are re-writing their election laws, by changing voter ID requirements, procedures for voter registration, or other changes. At the same time, redistricting will require lots of time and careful attention in 2012. Everyone wants it done accurately, but no one wants to allow the time to do this.

In most states, the real responsibility for putting these changes into effect is at the local level. It is local election officials who face big challenges as we make changes. In 2012 it will be a challenge to re-train office staff and poll workers to operate with these new rules. Notifying voters of what to expect is essential, and everybody needs to be on the same page as to how that is going to be accomplished. Election deadlines and calendar conflicts will be a serious challenge for us, too.

For the past few years almost every county and state has seen huge budget cuts. We all have fewer staff members now, and we’ve tried to reorganize our procedures, policies and people to get the job done with less money. That can work pretty well with smaller voter turnout elections, but in 2012, with a presidential election, when we can have 50 percent to 75 percent of our voters come out to vote, our staffing, equipment and planning will be tested to their highest level.

At the local level, travel is the first thing to be cut. States could offer scholarships for local officials to go to their national association meetings to learn about new ideas that they may need to implement and new equipment they’ll be purchasing soon. The tips we learn can pay for the trip many times over.

Turbulence Continues
Edward (Ned) Foley, director, the election law program at the Ohio State University Moritz School of Law

The last decade has been a particularly turbulent decade for election law, and that doesn’t seem to be abating. And yet if you’re a local election official, it causes heartburn knowing that there’s a new statute that you need to implement in less than a year. Most
administrators would say “we’d like a year to implement significant changes, and the closer you get to Election Day, the more complicated it is.”

Registration is an example of that. It is a legal topic and a computer science topic as well. How registration coordinates with other aspects of the process, such as provisional ballots and absentee ballots, can be incredibly complicated. My advice would be that any legislature that is considering something significant in election law should make the effective date after 2012.

This year several states such as New York and Texas have not yet reached closure on redistricting and that has ramifications in the voting process in ways I don’t recall seeing 10 years ago. This is, after all, the first redistricting in the post-HAVA, post Bush v. Gore environment.

There’s also a 2012 wild card: Americans Elect, which plans to use an internet-based nominating event. That is uncharted waters for us. It may fizzle out, but I can imagine issues arising on topics such as ballot access, campaign finance and tax law status for political parties. Is this a political party, or isn’t it?

Registration is the Key

John Fortier, director, Democracy Project at the Bipartisan Policy Center

In many ways, registration is the key issue on both sides—for those who worry that there are some people without access to the polls, and for those who worry that there are people on the rolls who shouldn’t be there. We have moved toward a system of statewide voter registration, but these systems are new to states, so getting the kinks out might be necessary. We talk of “registration modernization,” and some are skeptical. The vision down the road is that we can do a better job of identifying who is on the list and ensuring that they belong on the list. We also could do a better job of registering and unregistering voters by permitting states to talk to other states, and by allowing voters to input or confirm their own information.

For state legislators in 2012, I think they could focus more on improving their states’ recount laws. We can talk about all sorts of things to improve elections, and yet, even if we had a nearly perfect system, we’d still have very close elections and the potential for real conflict. States need a recount process that is fair and transparent but also has some relative certitude on the length of time it will take. If we thought about that at the front end, we’d have a better process.

2012 Is Not the Time for More Change

Richard Hasen, professor of Law and Political Science, University of California-Irvine

Things seem unsettled in terms of election law now, less than a year before a presidential election. New voter ID laws in many states will be subject to litigation, and some require pre-clearance by the Department of Justice. Also, redistricting matters are pending, which will have an effect on elections.

And once again we’re entering a period when national elections may be quite close—not just for the presidency but also for control of the U.S. Senate and possibly control of the U.S. House of Representatives.

When things are close, people jockey for advantage. There are well-minded people on both sides who believe in fair and efficient election administration, but since 2000, those voices have been overwhelmed by the voices of those interested in gaining partisan advantage.

I would like to see election improvement legislation being proposed and passed on a bipartisan basis. If it is something that can get bipartisan support, it’s likely to be good for elections. One specific idea is that state legislatures could call for an audit of their election laws. They could have experts look at their laws
Election Predictions, 2012  cont’d from p. 3

and see if there are any holes or outdated provisions on the books. This would minimize the risk of post-election problems in the case of razor-thin margins.

Ideally this kind of audit would be handled through a bipartisan commission headed by a neutral person who is respected by Ds and Rs. The commission would include local election officials, outside election law experts, and state officials. In the end it would recommend a package of election law reforms to the legislatures.

Know Before You Go

Jeannie Layson, communications director, the U.S. Election Assistance Commission

As part of our responsibility to serve as a national clearinghouse, all year we have been building a platform of knowledge and resources to help everyone prepare for 2012. That includes the Election Official Exchange and the “Preparing for 2012” roundtable series, which featured webcasts with election officials about voting equipment, contingency planning and ballot design, for example.

In working with election officials, we’re seeing new state laws and redistricting actions that will change the location of polling places for some people. Because of these changes, election administrators are increasing efforts to be sure that voters have the information they need.

Of course everybody’s doing more with less, so election officials are coming up with innovative and creative ways to get the word out. They’re being aggressive with social media and putting a lot of effort into publicizing online voter information tools, with the idea of providing “know before you go” information. We see a willingness to collaborate among election officials.

Any efforts state legislators can undertake to help support pushing voter information out to their constituents would be great; it’s customer service for local elections officials and for legislators. The bottom line is that there have been a lot of changes leading up to 2012; now let’s be sure that voters are aware of those changes and that they have the information they need.

Registration, Weekend Voting and Vote Centers

Norm Ornstein, resident scholar, American Enterprise Institute

In 2012 I expect to see a continued move in Republican-controlled states to pass more voter ID laws, laws restricting early voting and laws purging presumed ineligible voters from the rolls.

The real question for me is: Will states move forward on an agenda to alter registration systems to ensure that eligible voters can actually vote, while at the same time allowing officials to prevent ineligible voters from casting a vote? There are very few cases of people trying to cheat the system; in the overwhelming majority of cases, it is either people who go to the wrong place to vote or are inadvertently registered in two places. In any case it is something we ought to take care of.

The bigger problem with voter registration is the likelihood for false negatives, where people show up as ineligible to vote or as not registered, when in fact they are. States haven’t come into even the 20th century yet, so voter registration modernization is an urgent need, especially when that means interoperability across state lines for registration rolls.

Besides registration, if I had my druthers, I would move to weekend voting and to longer voting hours. If I could, I’d modernize the system so that people could have more options of places to vote—to go to a polling place near work or a vote center at a local Walmart or other big store with plenty of parking instead of a neighborhood precinct, if it were more convenient for them.
Election Predictions, 2012  cont’d from p. 4

National Popular Vote—A Bad Idea
Sean Parnell, president, Impact Policy Management and Outreach Director for Save Our States

With the addition of California, National Popular Vote advocates are now halfway to their goal of effectively abolishing the Electoral College. While it’s almost impossible to see them reaching their goal in time to affect the 2012 presidential election, there’s a very real likelihood they may get their way by the 2016 election. For those of us who value the carefully crafted system of checks and balances, protections for minority rights and small states, and the need of candidates to build broad national coalitions that the Founding Fathers established, this would be a serious blow.

The most important thing to understand is that adopting the NPV compact would create almost unimaginable election problems. Despite claims to the contrary, states most likely could leave the compact late in the election cycle in order to advance partisan interests, creating turmoil. In the case of a close election, such as those in 1880, 1884, 1888, 1960, 1968 and 2000, there are no NPV standards for recounts, leading to a chaotic situation where some states might recount while others do not, simultaneously making every state a replay of Florida in the 2000 election. These problems are just the tip of the iceberg when it comes to NPV’s potential for electoral chaos.

Protecting the Franchise
Tova Wang, senior democracy fellow, Demos

Issues around the voting process have become more controversial and political than ever, and a number of laws have been passed in the last year that threaten to disenfranchise many Americans. As a result, for 2012, we will have the reality of strict voter ID laws in a number of states. The question is: To the extent that we can, how do we mitigate the effects of these laws so that people are not disenfranchised? That may mean going out into the communities, helping people get transportation to the Department of Motor Vehicles, or helping them to get their birth certificates.

Because of continued unsubstantiated outrages about voter fraud, we also have the potential for problems related to large numbers of poll watchers or others showing up at specifically targeted polls in order to challenge voters. We saw some of this in 2010. These people aren’t always trying to do anything wrong or even realize that their activity is potentially illegal, but their presence can create an environment where voters feel uncomfortable or even intimidated, or they may cause confusion at the polling place. We also will be watching to detect any vote suppression measures directed at the Latino community; as Latino voting power has been on the rise, so have efforts to block it. There’s the intentional use of misinformation about times and dates and what’s required to vote. This has always happened, but now robocalls, social media and texting are being used. And, making sure that military and overseas voters have equal access to the ballot, including through full compliance with the MOVE Act, is something we’ll all be watching in 2012.

It would be wonderful if state legislators could think about how to increase the number of people who could vote, rather than adding more restrictions. Election day registration is very effective at bringing more people into the process, and as the citizens of Maine recently showed us all, is a system that works and that voters who have had it on the books for years really like.
Election Predictions, 2012  cont’d from p. 5

Better Ballot Access is Public Fairness
Richard Winger, editor, 
Ballot Access News

I believe that the majority of state legislators act in what they think is in the interest of public fairness. We believe in free competition in this country, and that should extend to candidate access to the ballot, especially for minor parties and independent candidates.

The issue is that some states make it harder than others for third parties to get on the ballot. Basically, small parties have to petition their way onto the ballot, and it takes time and money to do that. In terms of time, smaller parties often wait for the big parties to choose their nominees first, so having an early deadline for turning in signatures on petitions puts them at a disadvantage. And in terms of money, if the required number of signatures is too high, it can be prohibitively expensive. Unless the minor party has a really good presidential candidate, it can’t raise that money.

In 2011, we have had the phenomenon of four state legislatures passing early petition deadlines for minor parties that are identical to or worse than deadlines that previously had been struck down in those very same states. These states went the wrong way, and their new laws are likely to lead to yet more lawsuits.

Because of Americans Elect, a well-funded organization that plans to hold an Internet-based convention to choose its presidential and vice presidential nominees, many states with bad ballot access laws will, for the first time in over a decade, face the task of checking signatures on ballot access petitions. In previous years, the hurdles have been too high for minor parties and independent candidates to even bother submitting petitions at all. This will test their ballot access laws and systems in ways that I hope will lead to good legislative change to come.

From NCSL’s Elections Team

You’ll notice that The Canvass is a bit different this month, in that we’ve foregone the usual features—“Bookmark This,” “One Big Number” and “Worth Noting.” Instead, the entire issue is devoted to the perspectives and predictions from some of the luminaries of the elections world. If you think we missed a key person, please let us know; we’d like to feature expert voices throughout the year.

May 2012 be a year without election controversy—at least, without the administrative kind of controversy that engenders recrimination and leads to recounts.

Happy New Year to all!

Jennie Bowser, Susan Frederick and Wendy Underhill

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William T. Pound, Executive Director
To subscribe, contact TheCanvass@ncsl.org

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