



# THE CANVASS

## STATES AND ELECTION REFORM®



### can•vass (n.)

Compilation of election returns and validation of the outcome that forms the basis of the official results by a political subdivision.

—*U.S. Election Assistance Commission:*

*Glossary of Key Election Terminology*

## The Cost of Inaccuracy: Voter Registration Examined

You know how you can never reach infinity? There are lots of other things that are unreachable, too: the pot at the end of the rainbow, the horizon, perfection ... and 100 percent accuracy when it comes to voter rolls. We can imagine it; we can aspire to it; we can even approach it, but we'll never achieve an absolutely correct list of voters, even for a day.

Why not? Because voters move, voters stop voting, and voters die, to list the three most common reasons that voters' records get out-of-date. (A few others lose their right to vote based on felony convictions or mental incompetency.)

Based on the realities of a constantly changing electorate, the question shouldn't be, "How can we achieve complete accuracy?" It should be, "How accurate is accurate enough?"

It helps to know how accurate voter registration systems are right now. One source for that information can be found in a February report, "[Inaccurate, Costly and Inefficient: Evidence that America's Voter Registration System Needs an Upgrade](#)," from the [Pew Center on the States](#). This report, which was covered in virtually every major news outlet (for example, [The New York Times](#), [USA Today](#), [Fox News](#)), says that one out of eight registrations is inaccurate in some way. Because few people notify election

officials when they move, it takes time to catch up with the electorate.

There is some "good news" here. First, this is an issue that the right and the left can agree on. Hans von Spakovsky of the Heritage Foundation and Laura Murphy of the ACLU don't agree on much, but at a February [National Press Club event](#) they agreed on this: "Voter registration rolls are a mess that needs to be cleaned up," as quoted by NPR's Pam Fessler.

"This issue is non-ideological," adds David Becker, director of Election Initiatives at Pew. "It addresses concerns for eligible voters to get registered and also make it easier for election officials to clean up their rolls." Before jumping into inaccuracies, costs and efficiency in voter registration, let's look at a bit of history.

**History:** Voting came first, and registering to vote came later. Registration began in

the [early part of the 1800s](#). Although some say it came about as a way to control access to the polls, it also served as a way to run elections smoothly. Eligibility to vote (citizenship, residency and age) can be tested during registration, instead of waiting for Election Day. Worth noting, though, is that [North Dakota](#) continues today to run elections without any voter registration.

Traditionally, registration lists were maintained at the local level. The [Help America Vote Act of 2002](#) changed that, by mandating that states



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create statewide registration databases. Almost all states have now done so in one form or another, although California has not yet completed its new system.

Wyoming, for example, created WyoReg in 2008. It's more than a voter registration system; it is an election management system, says state election director Peggy Nighswonger. This real-time system is managed by the secretary of state's office, but data are entered by local officials throughout the state. If a voter moves within the state, the minute she registers in her new county, her former county will know that she's moved. The system also automatically checks registrations against felon records, death records and motor vehicle records. "We have not had a problem with voter registration," says Nighswonger.

Wyoming, which uses Election Day registration, is required by statute to purge inactive voters from the voter registration rolls following each general election. County clerks send notifications to those who didn't vote, saying that unless they send the notice back within 20 days, their names will be removed from the voter rolls. If they want to vote again, they simply re-register.

It's a good system, one that local officials have come to love. And yet, what if a Wyoming resident moves out of state? Or, dies out of state?

That's a question that the "Inaccurate, Costly and Inefficient" report tackles. We'll discuss these three concerns one at a time.

**Inaccuracies:** Inaccurate voting rolls have several negative consequences. An estimated "2.2 million votes were lost because of registration problems," according to a CalTech/MIT report, [2008 Survey of the Performance of American Elections](#). Election Day, then, may be a surprise and disappointment for those voters and a headache for election administrators. Inaccuracies also undermine voter confidence and provide fodder for partisan bickering.

With issues such as these, everyone wants voter registration rolls to be as clean as possible. Over the last several years, many states, including Wyoming, have made great

strides in data-matching. A 2009 state-by-state report called [Maintenance of State Voter Registration Lists](#) by the National Association of Secretaries of State describes the work involved.

Sometimes lawmakers have had to pass enabling legislation so that these in-state systems can share data across agency lines; in other states, this has been accomplished by administrative directives.

With the right legislation and adaptation on the part of administrators, it also is possible for states to check their voter registration data with information that comes from national sources, such as the Social Security Administration or the U.S. Postal Service.

Some states exchange their lists with neighbors; one example is the "interstate cross-check program" that began with four Midwest states in 2006. This voluntary program compares the voter registration lists of participating states to "clean up double registrations, and respond to any cases that look like double votes," says Brad Bryant, Kansas' State Elections Director, who manages the program. In 2012, 15 states are participating.

Starting this summer, a new data center that is the result of collaborations between election officials, researchers, technology experts and the Pew Center on the States comes online. It will compare registration lists with a wide variety of data sources, and use proven data-matching techniques and security protocols to ensure accuracy and security. So far, Colorado, Delaware, Maryland, Nevada, Oregon, Utah, Virginia and Washington are on board. The 2010 Pew report, [Upgrading Democracy: Improving America's Elections by Modernizing States' Voter Registration Systems](#), provides more details about how this will work. Two concerns come up:

- *Will this new data-matching effort automatically remove voters from the rolls?* No—the system will provide reports to the states, and with that information, state or local election officials can reach out to voters and make sure they are registered accurately.
- *How secure will citizens' information be in this pro-*

### Bookmark This

The blog, [Election Diary](#), written by Brian Newby, the election commissioner for Johnson County, Kan., details one "election geek's" thinking on all things related to elections—except who the winners and losers will be on Election Day. He's writing for an audience of other election administrators, but he does so in a way that anyone can understand. He even makes his work sound fun.



## The Cost of Inaccuracy: Voter Registration Examined cont'd from p. 2



David Becker, Director of Pew Center on the States' Election Initiatives

ject? “You always want to do this in a way that protects privacy, and that’s how it has been done,” says Pew’s Becker. [The Center for Democracy and Technology](#), a leading nonprofit organization in the field of Internet privacy and security, has worked on the data center from the very earliest stages and is still part of the process. Its assessment of privacy issues is found in the report, [“Pew’s Upgrading Voter Registration Design.”](#)

**Cost:** Inaccuracies on voter rolls translate into higher costs, especially for local jurisdictions. Notification cards, voter information packets and even whole ballots are printed and mailed to everyone on the list, whether they are still living at the same address or not. Some states reduce these costs by creating “inactive” lists for names on “undeliverable” returned mail. New Jersey is one of these states; when mail is returned as “undeliverable,” it sends one forward-able notice to the voter. Between checking with other data sources within the state, plus the mail responses, Bob Giles, director of New Jersey’s Division of Elections, says he’s “very comfortable in our approach to keeping our rolls clean.”

Wasted mailings are just one costly result of inaccurate and inefficient voter rolls. The cost of handling returned-mail, fixing errors and maintaining registration databases add up. Overall, the cost of registration accounts

for one-third of election-related expenses, according to an earlier CalTech/MIT report, [“Voting: What Is/What Could Be.”](#) On a per-voter basis, costs tend to be higher in sparsely populated states such as Wyoming, where centralized work, such as maintaining the database, is spread over few voters: 270,083 at the time of the 2010 general election.

**Efficiency:** Poll workers can attest to the fact that inaccurate rolls take their toll on efficiency on Election Day. Poor data slow down the check-in process and lengthen voter lines (and raise voters’ ill tempers). Election administrators feel the inefficiencies well before Election Day, too; if registrations are paper-based, errors in data entry are more likely and require staff time to fix. Spreading out registration work, instead of bunching it shortly before Election Day when election officials are the busiest, may be a more efficient (and more accurate) use of office resources.

In 2012, lawmakers in [Georgia](#), [Hawaii](#), [Massachusetts](#), [Michigan](#), [Minnesota](#), [Nebraska](#), [New York](#), [North Carolina](#), [South Carolina](#), [West Virginia](#) and [Wisconsin](#) are considering bills to update current systems. Privacy issues, however, are a concern in many states; no one wants Social Security numbers to get into the wrong hands, for instance. Before voting, lawmakers in these states may find themselves asking: How well-tested is the proposed system? What are the risks if the system fails? What are the privacy and security safeguards? Is the system tamper-proof?

These are important questions, even if they slow down technological changes. Our diffused election system doesn’t permit quick, wholesale change anyway—modifications come slowly, state by state. And that’s not necessarily bad because it gives states time to learn from each other.



## 51 million Eligible Citizens Not Registered

The report, [“Inaccurate, Costly and Inefficient: Evidence that America’s Voter Registration System Needs an Upgrade,”](#) from the Pew Center on the States, has been cited primarily for this startling fact: “Approximately 24 million—one in eight—voter registrations in the United States are no longer valid or are significantly inaccurate.” A second key point has received far less press: “51 million eligible U.S. citizens are unregistered, or more than 24 percent of the eligible population.”

Why? Some of the people who are eligible choose not to

vote or have let their registrations lapse; others might want to vote, but haven’t bothered or know how to register, [easy](#) as that may be. Whether having so many citizens unregistered warrants policy action is debatable.

If your answer is “yes,” here are some options: 1) Offer [online voter registration](#); 2) Provide registration opportunities at the time of naturalization, high school graduation or with matriculation at institutions of higher learning; and 3) Allow 16- and 17-year-olds to pre-register.





## From the Chair



*Assistant President Pro Tempore Sue Landske (R) is the chair of the Indiana Elections and Apportionment Committee. She also serves as a vice chair of NCSL's Redistricting and Elections Standing Committee. On Feb. 21, 2012, NCSL asked her about the work she and her state have done on elections, especially since Indiana was one of the first to require a photo ID to vote. Here are quotes from the [full interview](#).*

“There are still those who say that voter ID is an impediment for voters, but we’ve expanded the opportunities to obtain an ID card from the Department of Motor Vehicles. And if you don’t have your ID with you, you can cast a provisional ballot. Voter ID is working just fine here.”

“Our secretary of State’s Election Division is run by co-directors who represent each party. They stay in very close contact with local election officials. We try to get their local perspective at every step of the way. Our counties have some latitude, too. That seems to be the most

acceptable plan, and everyone seems satisfied with that.”

## The Election Administrator’s Perspective

*Michael Winn is the assistant director of elections for Travis County, Texas, and also the director of election officials for the International Association of Clerks, Recorders, Election Officials and Treasurers. On Feb. 23, 2012, NCSL asked him what the key issues are for his office, especially since Texas doesn’t have a final redistricting plan yet; Texas is required to get [pre-clearance](#) from the Department of Justice for any changes to election procedures, and it is waiting for DOJ’s response to its plan. This is an excerpt from the [full interview](#).*

“For us it’s a constant process to keep everybody informed of dates and projects and how they all will work together so we can pull off this year’s elections.”

“While we have redistricting going on, dates are constantly moving, and time frames are shrinking. Because Texas gained four congressional districts this year, redistricting has been especially complicated. The feds have to agree on the lines that the state set, and then these have to trickle back down to the state, and only when we hear that ‘you have been blessed to go forward,’ will the precincts get cut. Then we have to get those precinct lines approved before our governing authority.”



## MOVE ACT Waivers:

The Military and Overseas Voter Empowerment Act of 2009 (MOVE Act) was designed to make it easier for overseas U.S. citizens to vote. One of the key provisions requires that states send blank ballots to overseas voters at least 45 days before all federal elections. Most states have changed primary election dates to leave enough time between the primary and the general election to meet that requirement.

For states where compliance has been a problem, the [Federal Voting Assistance Project](#)’s director, Bob Carey, recently issued final guidance on [state waiver applications](#). A waiver may be granted if:

1. The state’s primary election date doesn’t give the state enough time to comply;
2. The state has been delayed in generating ballots because of a legal contest; or
3. The state constitution has requirements that prohibit it from being able to comply.

A state must show that one or more of these conditions exist, that complying would create an “undue hardship” and that it has a plan to provide enough time for overseas voters to have their ballots counted. Please contact Susan Parnas Frederick ([susan.frederick@ncsl.org](mailto:susan.frederick@ncsl.org)) in NCSL’s Washington, D.C., office with questions.



## Worth Noting

- Primary dates have just been finalized, and yet the next cycle of legislation on presidential primaries is already beginning; [Nevada](#) lawmakers are already thinking about replacing caucuses with a primary four years from now.
- Wisconsin held its spring primary on Feb. 21. Prior to that, the [University of Wisconsin](#) created a super-simple webpage to provide students with the information they needed to vote—how to register, what to bring and where to show up. UW also offered a free supplemental identification card valid for voting purposes only.
- Right now in South Dakota felons who are out on parole or probation can vote; if the governor signs [House Bill 1247](#), that will no longer be the case. Proponents of the bill say that this is fair; you can't vote until you've served your time—all your time. Opponents see felon disenfranchisement as a way of suppressing the minority vote, and believe the change would disproportionately impact Native Americans in South Dakota.
- Internet voting (aka submitting voted ballots electronically) is getting a certain amount of attention in legislatures this year; seven have bills to either study the idea or run a pilot program on it: [California](#), [Colorado](#), [Florida](#), [Illinois](#), [New Jersey](#), [New York](#) and [Virginia](#). This 11-minute video segment from [PBS NewsHour](#) may pique (then temper) your interest. And, if we have missed legislation in your state, please let us know.
- 52.7 percent to 84.5 percent: that's the range of confidence on the part of voters that their vote was counted as they intended it to be in 2008. Washington was at the low end, and Vermont was at the high end. This comes from the "[2008 Survey of the Performance of American Elections](#)," produced by the Make Voting Work Initiative at CalTech and MIT.
- Are you a [psephologist](#) and don't even know it? If you're reading this newsletter, your answer is probably "yes." This 50-cent noun means "one who studies elections." Pronunciation matters: see-FOL-uh-jist.

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## From NCSL's Elections Team

It was a toss-up this month whether to write about voter registration or voter ID; we opted for the former. Next month, though, we'll give you the rundown on legislation and court actions that will affect where—and whether—voters need to show IDs at the polls, come November.

If you've got any stories or perspectives on this topic (or others, for that matter), [please let us know](#). As always, thank you for reading.

Jennie Drage Bowser, Susan Parnas Frederick and Wendy Underhill



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