



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

Poll Workers: Everybody's Concern

Ask election administrators what their biggest headache is. The answer is almost certainly going to be finding enough civic-minded poll workers to serve during a presidential election. They'll tell you that the workers they get are generally good—it's just that getting enough of them is tough.

Or ask Virginia Delegate Mark Cole (R). "Each election it seems to be a little harder to find poll workers," he says. "We need to make it easier to recruit new poll workers."

The hours are long and the pay is minimal for a job with so much responsibility. The need for technical sophistication is increasing, and training often has not kept up. In short, it takes a smart person with stamina and a good sense of civic duty—and a free day in November—to become a poll worker. Besides, the nation needs around 1.4 million of them.

Cole's solution for Virginia was to sponsor successful [legislation](#) this year that will make recruitment easier by permitting poll workers to volunteer their time rather than receive the state-mandated pay. That may sound counter-intuitive—getting *more* workers by *reducing*

their pay to zero?—but it turns out that some willing workers couldn't serve previously because the poll worker compensation interfered with their pensions. [Volunteering is now an option.](#)

Poll worker recruitment is a bipartisan issue. In New Mexico, Senator George Munoz (D) passed [legislation](#) this year with a similar slant.

His new law permits retired state employees to serve as poll workers without having to suspend their pension for the days they work the polls. "For the average person who may make \$400 or \$500 working during the election season, to

have to call the Public Employee Retirement Association to suspend their retirement for the few days worked was a hassle," he says. "I know the law has made an impact, because a constituent reports that, with the bill's passage, 'Now we're good to go, George.'"

These may seem like small measures, but they are important. Why? Because poll workers are important. "On Election Day, the poll worker is the one who is going to be 'making law,' for better or worse," says Thad Hall, a political scientist at the University of Utah. "They're the people who implement the voter ID laws, they're the people who *(cont. on p. 2)*



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show voters how to use the voting technology, and you need well-trained people so they don't screw it up."

Hall's research includes ["Voter Attitudes Toward Poll Workers in the 2008 Election."](#)

Administrators really understand this: "If the people at the polling place don't know what they're doing, it's a problem for both parties, not just one," according to George Gilbert, election supervisor for 24 years in Guilford County, N.C. For more details on why poll workers matter, see Electionline's 2007 report, ["Helping Americans Vote: Poll Workers."](#)

Poll Worker History and Practice

The "poll worker problem" has a long history. "The greatest single problem of election administration is that of securing honest and capable precinct officers, who are essential to a satisfactory election administration," according to the 1934 tome, [Election Administration in the United States](#), by Joseph P. Harris. Back then, temporary election workers were paid between \$3 and \$6 per day. The wages have changed, but the concern remains the same.

In the early 2000s, several national task forces, including NCSL's ["Voting in America: Final Report of the NCSL Elections Reform Task Force"](#) addressed poll worker issues. NCSL's report offered five recommendations (listed in the sidebar).

Whose job is it to find the poll workers? In some states, such as [Kansas](#) and [Utah](#), poll workers are recruited directly by election administrators. In other states, such as [North Carolina](#), election officials select poll workers from lists submitted by political parties. No matter how poll workers come on board, they are deployed in a partisan balance at each polling place—although the balance may include unaffiliated voters.

Even in the states where parties submit lists of potential poll workers, "the buck stops here" on the election administrator's desk. They may recruit by posting an application on a website, putting notices in newspapers or talking up the opportunity whenever possible. Gilbert says he's found an additional and highly successful recruitment tool: an 18-hour training program at a local community college. (Poll workers who complete the

training are paid \$35 more per day than other poll workers.) "The training has a tendency to keep them around longer," he reports. "We have far fewer problems on Election Day than we used to because they can answer more voter questions, they approach the job with more confidence, and they know what they're doing and why they're doing it." The Guilford County certification program is a rarity; most training around the nation takes place in about two hours.

The Legislator's Role in Recruitment

What role can state legislators play? First, when they undertake any revisions to election law, they can consider the effect the change will have on poll workers. "Think about your election laws more holistically," counsels Hall. How will a change work for rural areas? Urban areas? How will it fit with existing law?

Then, consider timing. Implementing any new laws that affect how people vote, such as voter ID laws, will require changes in training for poll workers, he says. "We should take poll workers' work seriously and try to make sure we're training them well and not passing laws that make their lives difficult."

Second, legislators can write laws that make it easier to recruit good people. A few examples:

- Permit poll workers to work as volunteers, as Virginia did.
- Reduce the hassle factor for public retirees who are receiving a pension, as New Mexico did.
- Shorten the voting day; [Louisiana's Secretary of State Tom Schledler](#), asked his Legislature this year to reduce the hours from 12 to 11, in large part to reduce the burden on poll workers. (The measure failed.)
- Increase compensation or otherwise provide better incentives, as [Tennessee](#) did in 2008, raising the minimum pay for poll workers from \$15 to \$50.
- Move away from partisan nominations for poll workers, as [Nevada](#) did in 2011, by no longer permitting political parties to make recommendations.
- Encourage college students to serve (see the U.S. Election Assistance Commission's [Guidebook for Recruiting College Poll Workers](#)). (*cont. on p. 3*)



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- Permit 16 and 17 year-olds to serve. At least 32 states and the District of Columbia allow youth to serve as poll workers under certain circumstances. This has the added benefit of encouraging civic engagement among young people.
- Ease residency requirements, as [Tennessee](#) did this year, by changing the requirement from “within the legislative district” to “within the county.”
- Change the partisan balance requirements, as [North Carolina](#) recently did; “There are precincts where there just isn’t a Democrat there, or isn’t a Republican there,” says Gilbert. With recent changes to the law, he can now have one poll worker from outside the precinct.
- Permit “split shifts” as [Nebraska](#) has done, so that workers do not have to put in a grueling 14- or 16-hour day.

Drafting Poll Workers

Nebraska has been something of a laboratory for poll worker management. In addition to offering split shifts and permitting high school students to serve as poll workers, it is best known as the only state so far that has permitted jurisdictions to “draft” poll workers in the same fashion as courts select jury members. So far, only Douglas County is taking advantage of this statutory permission. The election officials draw from a randomized pool of registered voters and send out notice for those people to appear. The person can postpone his or her duty, but can’t decline. “Drafting has been a great experience for us overall, because we simply don’t run out of poll workers,” says David Phipps, Douglas County election commissioner. “Some of them stay on as volunteers because they enjoy it.” The volunteers and the draftees are treated just the same, and officials feel there is no quality difference.

Neal Erickson, Nebraska’s deputy secretary of state for elections, is even more enthusiastic about the “poll

worker protection” the Cornhusker State offers. Nebraska [statutes](#) now say that an employer must give workers time off to serve as poll workers and can’t force them to use sick leave or vacation.

The employer must pay the difference between what poll workers earn for a day at the polls and their regular wages, if that is more, the same as it would be for employees serving on juries. (Wages vary from county to county and according to the duties; it is never less than minimum wage. Most employers don’t bother doing the math, and just pay the regular salary.)

The law also requires that there be at least eight hours between the end of a job shift and the start of Election Day duties, and also at least eight hours on the other end.

One final piece of protection: the names of Nebraska’s poll workers are not released until after the election is complete. “We couldn’t find any rationale to know those names earlier other than nefarious ones,” so we don’t permit it, says Erickson.

A Final Word

While legislators and their kin generally are prohibited from serving as poll workers, they *can* solicit for poll workers. They can encourage others to serve by adding a sound bite to public talks, sending a quick tweet, adding a bullet point to press releases, or using an e-mail list as Virginia’s Delegate Cole has done.

Legislators also can suggest poll worker recruitment; as a cause célèbre to local editorial boards. Fremont County, Wyoming’s daily paper, *The Ranger*, took up the issue. It closed its editorial with these words, which are free for the borrowing: “Just in case, though, the next time you see that ‘Election Judges Needed’ advertisement, consider answering it.”





Recalls (Details for the Curious)

Generally speaking, recalls of state officials, including legislators, are few and far between. Recall attempts against legislators have succeeded in triggering an election only 36 times; the legislator was successfully removed from office 17 times.

Recall seems to be on the rise, especially in Wisconsin. Before 2011, no more than three legislative recall elections had ever been held in a single year; in 2011, 11 were held, and four more are scheduled for June this year. With a total of 17 legislative recall elections, Wisconsin takes the lead; California comes in second with eight.

The June recall of Governor Scott Walker will be only the third time in U.S. history that a gubernatorial recall election has been held. The first two were in North Dakota in 1921 and in California in 2003; both succeeded in recalling the governor. Enough signatures were gathered to trigger a recall election of Arizona's governor in 1988, but the governor was removed from office by the Arizona Legislature before the election could be held.

While the national media is doing a good job of covering the Wisconsin recalls, it hasn't covered how recalls work.

NCSL's webpage, [Recall of State Officials](#), does the job in depth. In short, 19 states permit recall elections. (Virginia, a 20th recall state, relies on a trial rather than an election.) Citizens gather petition signatures and, if they gather enough valid ones in the time allotted, a recall election is scheduled.



From this point on, each of the 19 states that permit recall elections handles them just a bit differently. The elections themselves come in two general flavors:

“Simultaneous” elections: In six states, one election is held to determine if the official should be recalled and, if so, to elect the successor. In California and Colorado, the ballot includes two questions: first, whether the official should be recalled, and second, which candidate should fill the slot.

In Arkansas, Nevada, North Dakota and Wisconsin, the recall ballot consists of a list of candidates for the office, which may or may not include the official who is the subject of the recall. In other words, a successful campaign to hold a recall essentially triggers a special election for the office.

“Sequential” elections: In the remaining 13 states, the recall ballot contains only the question of whether the official should be recalled.

If the majority votes "yes," the office is declared vacant. In Georgia, Illinois, Louisiana, Michigan, Minnesota, Montana, New Jersey, Oregon and Rhode Island, this triggers a separate special election to fill the vacancy. In Alaska, Idaho, Kansas and Washington the office is filled by appointment.

Minnesota most recently adopted recall procedures for state officials in 1996.

For those who want more information, check out [The Recall Elections Blog](#).



Bookmark This

The U.S. Election Assistance Commission, a national clearinghouse on elections, runs a [blog](#) that can be helpful for policymakers as well as elections officials. Readers stay up-to-date on primaries, special elections and planning for the general election, and get answers to election-related FAQs. If it is easier to get information in your inbox, subscribe to the [EAC Newslines](#), an e-newsletter that highlights free resources and tools for election officials, voters and policymakers to help them prepare for the 2012 elections.



From the Chair

Representative Andre Cushing III (R) is Maine's assistant majority leader and chair of the House Elections Committee. On May 2, 2012, NCSL asked him about the work that he and his state are doing on elections, especially since Maine is, as he puts it, a "retail" politics state, with small communities and small districts. An excerpt:



"When it comes to issues such as voting, my personal feeling is that it's a right, but there's a responsibility that comes with that right. Voters should know where to vote and be prepared to know who they're voting for and what they're voting for. If you have to stretch just a little bit, if you have to be more prepared to vote, then you treat the vote with more respect."

Read the full interview [here](#) for Cushing's views on elections in small states, same day voter registration, and encouraging participation in civic life.

The Election Administrator's Perspective

Candace Grubbs, County Clerk Recorder/Registrar of Voters, in Butte County, Calif., took office in 1987. While hers is an elected position, she operates as if it were an administrative one. On May 1, 2012, NCSL asked for her perspective on how elections have changed during her tenure, and the key issues for her office and state. An excerpt:

"In 2000, the general election cost was \$3.34 per registered voter in Butte County; it was \$6.61 in 2010. And since turnout is always well below 100 percent of registered voters, if you look at the cost per actual vote cast, it went from \$4.51 to \$9.87. That's an astronomical climb. The more we spend on elections, the less we have for things like the sheriff and other public needs. It's time to look at all of this and say, 'Enough is enough. Something has to change.'"

Read the full interview [here](#) for Grubbs' thoughts on who should pay for elections, voter ID, same-day registration and more.



2001 Poll Worker Recommendations: Worth Reviewing?

In 2001, NCSL convened an [Elections Reform Task Force](#) with a diverse bipartisan members list representing 22 states. The recommendations below represent what legislators and staff who served on the task force thought. Even though 11 years have gone by, these may bear reviewing.

- **Recommendation 9.1:** States should develop more extensive programs to train election day workers to properly interact with voters.
- **Recommendation 9.2:** States should remove barriers to the recruitment of election day workers.
- **Recommendation 9.3:** States should assist in funding the recruitment, training and retention of election day workers.
- **Recommendation 9.4:** Election day workers should be educated about disability etiquette and how best to serve voters with disabilities
- **Recommendation 9.5:** States should establish a policy requiring a sufficient number of election day workers at each polling place.



Worth Noting

- “*Uncertainty is the enemy of election administration.*” David Safford, supervisor of elections for Escambia County, Fla., and president of the Florida State Association of Supervisors of Elections, as quoted in [Electionline Weekly](#). He was referring to uncertain implementation for Florida’s new election laws.
- The folks at the [Voting Information Project](#)—a partnership that makes data from official sources available for inclusion in all kinds of human-friendly apps—held a “[hackathon](#)” at the end of April. Sixty computer engineers volunteered their time to build new applications using VIP information to help voters. One result: a tool to allow voters to find and/or report their wait time at the polls from a smartphone.
- Election [Data Dispatches](#) from the Pew Center on the States had a makeover. Not only is the web interface slick and new, but dispatches now will be produced both Tuesdays AND Thursdays. Double the pleasure, double the geeky fun.
- Speaking of makeovers, [Stateline](#) just got one, too. This is the place to look for daily news, divvied up by topic or by state.
- [Denver](#) is about to begin an iPad-based voting project, similar to Oregon’s experiments in the November 2011 election.
- When we think of “pre-clearance” under [Section 5 of the Voting Rights Act](#), we think of states with a history of discriminatory policies for voting, such as poll taxes. However, 10 small townships in [New Hampshire](#) were also listed under Section 5, because fewer than 50 percent of the adult population voted in the 1968 presidential election, a percentage that triggered the listing. With the exception of redistricting plans, New Hampshire has not sent its laws to be pre-cleared until recently. Once caught up, New Hampshire expects to ask to “bail out,” or be removed, from the “covered” list.
- Through the new online game, [American Democracy](#), players can put themselves in the shoes of a lawmaker and discover what it’s like to deal with public policy issues. Created for NCSL’s Trust for Representative Democracy, the game includes teacher guides and information geared to middle-schoolers, but the game is a good “family fun” activity, too.

From NCSL’s Elections Team

Do you know that [NCSL’s Legislative Summit](#) (August 6-9) is meant for all legislators and legislative staff? And that the Redistricting and Elections Standing Committee will be hosting several sessions that may be particularly up your alley? We’ll be learning about keeping registration rolls clean, voter ID from a couple of perspectives, redistricting court cases, the political landscape for the fall election and more.

If you are coming to the summit, please send us an email so we can be sure to meet you in person. If you can’t come, send us an email anyway with whatever elections-related questions or observations are on your mind. Thanks, and we hope to see you there.

—Jennie Drage Bowser and Wendy Underhill



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