

electionline Weekly – February 28, 2008

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UPDATE: *I am delighted to report that my colleague Dan Seligson has received word from the D.C. Board of Elections and Ethics that he will, indeed, be invited back to serve as a poll worker in future city elections. Dan's [electionline Weekly piece](#) about his Potomac Tuesday experiences in his home precinct generated strong and overwhelmingly positive reactions from our readership. I am pleased that Dan will be allowed to continue and expand his service to his home city as an area representative, and I salute the D.C. BOEE for recognizing the value of retaining such an experienced poll worker. - Doug Chapin, director*

I. In Focus This Week

Ohio Preview: All Eyes Once Again on the Buckeye State

State prepares for 'historic' primary; some election observers see potential problems

By [Sean Greene](#)

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While Florida became the poster child for troubled elections after 2000, that torch was arguably passed to Ohio after its own deeply flawed vote in 2004. Since then, the state's election process has been under a microscope, and next [Tuesday's](#) primary could be among the most scrutinized in Buckeye State history.

A close, high-stakes race along with significant changes in election administration have combined to create the intense pressure – and warrant the attention.

First, the [close](#) race for the Democratic presidential nomination brings with it both the national spotlight and the likelihood for historically high turnout. Second, Secretary of State Jennifer Brunner (D) made several changes to the state's election process. In [Cuyahoga County](#), the state's most populous jurisdiction, and one with a history of election administration troubles, the changes have been significant and implemented over a short time period.

A Brunner spokesman said the [secretary of state's](#) office has been working diligently to help counties prepare.

"Our office has been working up to this point since taking office in January 2007. We knew that we had a short window of opportunity to assist Ohio's 88 county boards of elections prepare for what is going to be a historic March primary," said Patrick Gallaway, Brunner's director of communications. "Some of the most visible preparations are our 16 field staff who are on the ground throughout the state, working in their regions to provide the best possible customer service to their boards of elections."

Extra preparations have been in order since the state has altered the way some counties vote. In January, Brunner [ordered](#) 53 of the state's 88 counties currently using [direct-recording electronic \(DRE\) voting systems](#) – which, in Ohio are all equipped with voter-verified paper audit trails - to offer voters the opportunity to cast their ballots on paper.

For Cuyahoga County, the changes are more profound. In late December 2007, Brunner cast the [tie-breaking vote](#) to have the county immediately scrap DRE systems and move to paper-based central count optical scan (CCOS) technology.

The directives stem from the state's December 2007 [voting system study](#) that found "critical security failures" in both DRE voting technology and precinct-count optical scan technology (PCOS).

The paper-ballot directive mandates that each county provide a minimum number of paper ballots (to be centrally counted) equivalent to 10 percent of ballots cast at previous similar elections.

One jurisdiction, Union County, disputed Brunner's authority to issue this order and took [legal action](#). The initial lawsuit was dismissed by a lower court but the county has now taken its case to the state's Supreme Court. A decision is pending. (The Ohio State University's Moritz College of Law provides [details](#) on the case.)

Some news reports and election officials have questioned whether there will be enough paper ballots available, with a *Columbus Dispatch* [poll](#) earlier this month finding that 54 percent of the state's Democratic voters and 38 percent of Republicans preferring paper ballots. Shannon Leininger, deputy director of the Ashland County Board of Elections and president of the Ohio Association of Election Officials, said counties should be prepared.

"I'm hoping (counties) are taking into consideration that turnout might be greater than anticipated," she told the *Dispatch*.

The secretary of state's office [does not think](#) paper-ballot shortages will be an issue.

"Boards of Election have been determining what is most comfortable for them as they provide this added option for a voter," Gallaway said. "The voter will not be asked if they have a preference, it is to be available if they do ask for a paper ballot. Many counties have estimated the number to be higher than the minimum 10 percent per precinct of past similar elections, such as the March 2004 primary. If they should run out, there is the option of utilizing additional absentee ballots."

[Franklin County](#), the state's second-largest jurisdiction, is one of the counties going beyond 10 percent. The county is providing more than [110,000 paper ballots](#) at its 854 precincts, which is about 4 times the state's minimum, said Matt Damschroder, director of the county board of elections. More paper ballots will be in reserve at the county's warehouse.

Damschroder has reported that of the approximately 1,200 people who have cast [absentee ballots in person](#) at the board of elections office so far, only a dozen have asked for paper.

Ned Foley, a professor at The Ohio State University's Moritz College of Law, has additional concerns for the counties under the paper-ballot mandate – specifically having enough provisional ballots available.

"We've seen in other states the inability to anticipate demand from high turnout, and we've also seen higher than normal volume of provisional ballots. Ohio is already a higher than average user of provisional ballots," he said.

If there were to be paper-ballot shortages, Damschroder also sees the greatest potential impact on provisional votes.

"Since the election day paper ballots are used not only for the 'paper option' but also are required for most provisional voters, the greatest impact of running out of paper ballots [would] be on a provisional voter, as a regular 'paper option' voter has the choice to vote on the machine."

Election observers have found Cuyahoga County's rapid switch to CCOS technology troublesome as well.

[Advocates](#) and [academics](#) have argued that the central-count technology does not allow for tallying and posting election results at the precinct and it does not afford the voter an opportunity to check for over votes and under votes at the polling place, both of which are possible with PCOS technology.

[Others are worried](#) about the recently passed emergency legislation allowing for midday pickup of ballots at the polls to speed up the processing – and the state’s handling of paper ballots in general, whether it be midday or after the polls close.

“In the May 2006 primary, the county lost in transit from precinct to central office 75 electronic cartridges containing the votes from 14 percent of precincts. Unfortunately, it is not at all inconceivable that on March 4, for reasons solely of ineptitude or inadvertent mistake, ballots could go missing before they have a chance to be counted,” Foley [wrote](#).

The secretary of state’s office, which has provided [guidance](#) about ballot security and chain-of-custody of election materials, agrees the midday pickup of ballots and centrally counting them is not ideal.

“They are the best solutions we could provide for Cuyahoga County in the short time available to prepare them for the March primary. The Cuyahoga Board is providing an instruction sheet with each ballot that clearly demonstrates what to do or not to do when a voter is completing their ballot,” Gallaway said. “A lot of the issues with the mid-day pickup will depend on the county and for them to determine their resources and ability to take the full advantage of such an opportunity while maintaining an efficient use of staff time.”

The county has decided the midday pick up will occur at 63 of its 576 polling places, mostly from larger polling places.

After Tuesday, the focus of the secretary of state’s office will almost immediately shift to November’s election which is just eight months away.

Brunner hopes to eliminate all DREs – except possibly for voters with disabilities – by then. One proposal from her office would allow for precinct-based tabulation of ballots for an unofficial vote count while having the official count conducted on CCOS technology. These counts could then also be used for a rudimentary post-election audit. However, actually making this change by the general election will be a challenge, as there has already been [resistance](#) from some election officials and state legislators.

“For a statewide [voting system] switch to happen it will take a major effort of our office working with the legislature in a bipartisan fashion to address the need for the changes,” Gallaway said. “Also funding will be a major issue. We will need to determine what is financially possible.”

Texas Preview: Record-high early voting portends strong turnout *Some counties rent additional machines in preparation for Tuesday*

By [Kat Zambon](#)
Electionline.org

Based on [record early voting numbers](#), Texas election officials expect high turnout at the polls on Tuesday.

By the end of early voting on Tuesday, more than 680,000 Texans had voted, either by mail or in person. Not surprisingly, turnout was particularly strong among Democrats – where the race remains hotly contested – who cast almost three times as many early ballots as Republicans, who have little drama left in their presidential nomination contest.

High turnout can cause stress to the system, however, and some election officials said they were feeling the pressure.

J.R. Perez, elections director for Fort Bend County, said he calculated how much time it would take to vote in a high turnout election with the equipment and poll workers he had and told county commissioners earlier this month that he didn't believe they could handle it.

"Nobody expected an election like this ... No matter what I do, I don't have enough equipment," Perez said, according to FortBendNow.com. Perez has subsequently resigned from his position.

However despite his resignation, the county appears to have listened to his concerns and rented 200 extra machines from Denton County.

State law requires that the machines be split evenly between Democrats and Republicans but Fort Bend County Republican Party chair Rick Miller [agreed](#) that Democrats could have more machines because they expect higher turnout. By Tuesday afternoon the county had recorded 24,791 votes – more early votes than the total number of primary votes cast in 2004.

The obvious solution to higher turnout, more machines at each polling place, will cost money. And one county commissioner said he [was annoyed](#) that the county was spending taxpayer money – \$62,200 or \$311 per machine – to facilitate the primary, even though, he said it was the responsibility of the political parties. The commissioners also said they have the right to request \$5 per machine from the parties, which they plan to do.

The machines themselves have become a concern during the early voting period as well.

In Travis County, Austin resident Jan Dawes voted at Highland Mall February 23 when a message appeared on her voting machine telling her to "reconnect to system to record vote." Dawes alerted the poll workers who cancelled her vote, rebooted all of the machines then allowed her to vote again, the *Austin American-Statesman* [reported](#).

Dana DeBeauvoir, Travis County clerk, told [News 8 Austin](#) that she wasn't concerned because election officials audit early voting daily. However, voters frequently leave the booth without pushing the last button, DeBeauvoir said, and poll workers try to catch voters before they exit the polling place when that happens.

Students will likely compose a significant part of the anticipated high turnout. On February 20, more than 1,000 Prairie View A&M University students and supporters marched to the nearest early voting site seven miles away to protest the absence of a campus early voting site, the *Houston Chronicle* [reported](#). A St. Edwards University student, Elise Flick, persuaded [Capital Metro](#) in Austin to offer free rides to the polls, according to the *Austin American-Statesman*.

The last day for early voting in Texas is Friday, February 29. The polls are open on Tuesday, March 4 from 7 a.m. to 7 p.m.

II. Election Reform News This Week

An investigative [report](#) issued this week by the Milwaukee police department [highlights a host of voting irregularities in the city's 2004 presidential election](#). According to the *Milwaukee Journal Sentinel*, the report blames shoddy recordkeeping by city election officials and error-prone poll workers for flaws that allowed illegal and improper voting in 2004. The 67-page report comes long after state and federal authorities ended their investigation of the system, prompted by a series of *Journal Sentinel* reports in 2005 that detailed problems in Milwaukee and elsewhere. It details

cases where investigators pushed for more aggressive prosecution of election fraud, particularly in cases involving out-of-state campaign workers who voted in Wisconsin while here. The report and the timing of its release have generated criticism, including from Gov. Jim Doyle (D) who told the paper, "I'm not sure why the Milwaukee Police Department should be the one deciding what the voting policy is of the State of Wisconsin."

This week in state legislatures across the country: The [Indiana](#) House approved legislation to allow for the creation of more vote centers and to allow for no-excuse absentee voting by mail. The [Mississippi](#) Senate approved a watered-down version of an election reform package proposed by Secretary of State Delbert Hosemann (R). In [Massachusetts](#), proposed election-day registration legislation is receiving little support from town clerks. In [Utah](#), a bill before the Senate would require residents to show a passport, birth certificate or Social Security card in order to register to vote. In [Virginia](#) a bill was introduced late last week that would allow the State Board of Elections to extend polling hours in emergency situations. A state constitutional amendment to allow 17-year olds to vote cleared its first hurdle in [Illinois](#) this week when it was sent to the full House for debate. In other teen voting news, legislation was introduced in [Michigan](#) that would allow 16-year olds to pre-register to vote when receiving their driver's licenses. The [Iowa](#) Senate approved changes to election law that would allow for easier absentee voting. And finally in [Tennessee](#), state lawmakers introduced legislation that would allow college students who work as poll workers to receive course credit for their time at the polls.

Students at the University of Washington, along with an area high school student and a student from Reed College, are creating a [Facebook application](#) that would allow people to register to vote. According to *The Daily*, Brett Horvath, a junior political science major who is creating the application, believes that although Washington was the second state to allow online voter registration, the process could be made even easier. "It's hard to get people get on a Web site they are not familiar with, so we created a way to do it on Facebook," he told the paper. Once someone runs the application, called "Your Revolution," on a Facebook account, he or she will be connected with local groups and projects according to their political interests, Horvath said. The Facebook application is scheduled to launch March 6.

III. Opinion This Week

National: [Popular vote](#); [Overseas voting](#)
California: [Voter registration](#); [Vote-by-mail](#);
Colorado: [Voting system](#)
Connecticut: [Voting process](#)
Florida: [Sarasota County](#); [Absentee voting](#)
Illinois: [DuPage County](#); [Early voting](#); [Electoral College](#)
Massachusetts: [Election-day registration](#)
Minnesota: [Fair elections](#)
Missouri: [Jackson County Elections Board](#)
New Jersey: [Voting machines](#)
New York: [Voting rights](#)
North Carolina: [Primary election](#)
Ohio: [Voting systems](#)
Pennsylvania: [Voter registration](#)
Tennessee: [Paper trails](#); [Electronic voting machines](#)
Texas: [Early voting](#); [Voting excitement](#)
Virginia: [Poll workers](#)
Washington: [Vote-by-mail](#)
West Virginia: [Voting machines](#)
Wisconsin: [Primary voting](#); [Voter fraud, II](#), [Voting system](#)

Some sites require registration

IV. Job Postings

All job listings must be received by 12 p.m. Eastern on Wednesday for publication in our Thursday newsletter. Job listings are free but may be edited for length. Whenever possible, include Internet information. Please email job postings to mmoretti@electionline.org

Chief Operating Officer — U.S. Election Assistance Commission, Washington, D.C. We are currently seeking a Chief Operating Officer (COO) to lead the operational activities of the agency with the objective of achieving the EAC's goals and objectives. The COO supervises professional responsible for the programmatic and administrative divisions and provides the direction, management and coordination of EAC programs and operations. The incumbent serves as the central recognized authoritative point of contact for matters that cross EAC organizational lines, and ensures that an integrated approach characterizes all projects that require attention from more than one program area; and provides direction and coordination to the Commission's senior staff. **Qualifications:** The ideal incumbent will have experience developing sound policy ideas and their strategic implementation; excellent research, analytical, writing and management skills; strong oral and written communication skills. Strong interpersonal and organizational skills are a must. Individual should possess the ability to present and communicate information effectively to both individuals and large groups. Federal government experience and familiarity with issues impacting Federal elections is preferred. Salary: \$115,317-\$139,600. **Deadline:** The position is available immediately, and the Commission intends to fill it as soon as possible. **Application:** Interested parties should go to www.eac.gov and click on "About the EAC" to find out more about the job and to see the required supplemental questions.

Choice Voting Program Director — FairVote , Washington, D.C. Responsible for building public education, infrastructure and wins for the choice voting method of proportional voting. Choice voting is a form of proportional representation that allows voters to rank candidates in order of preference, allowing like-minded groupings of voters to win legislative seats in better proportion to their share of the population. Whereas winner-take-all elections award 100% of power to a 50.1% majority, choice voting allows voters in a minority to win a fair share of representation. Choice voting is used around the world and was used in major U.S. cities, including New York and Cincinnati, throughout the progressive era and beyond. FairVote hopes to revive and expand this election method today. The primary duties of the will be to harness and cultivate grassroots, organizational, and institutional support for choice voting, with the goal of gaining new implementations and support this election method. Preliminary areas for work may include Cincinnati (OH) and New York (NY). Additionally, the position will involve aiding with existing implementation, research and voter education efforts in places where choice voting is used or pending implementation, such as Cambridge (MA), Minneapolis (MN), and Davis (CA). The program director may also work on building choice voting infrastructure by advancing public interest voting equipment standards, and by creating new opportunities and synergy with instant runoff voting, the Voting Rights Act, and other proportional voting methods. **Duties:** assist in educating local, state and federal officials; conduct elections research and analysis; draft policy briefs, white papers, and op. ed's; monitor and digest proportional voting news around the world; blog and create content for website, brochures, and manuals; represent FairVote in local and national coalitions; help craft fundraising proposals; develop grassroots interest in choice voting, through action alerts, meetups, and other e-tools; design effective public education documents and media; supervise junior staff and interns; manage volunteers. **Qualifications:** FairVote is a change-oriented organization with a young, hard-working staff with strong support from interns and volunteers. Our office is conveniently located in historic Old Town Takoma Park, two blocks from the DC Metro Takoma Station (red line). We seek an applicant eager to work in such an environment, and, ideally, with some of the following skills: Experience working in a nonprofit, political, or policy organization; professional or volunteer experience relating to voting or education; familiarity with proportional voting and ranked choice voting systems; strong public speaking, writing and/or research skills; ability to work well in a team environment, both as

employee and supervisor; strong listener, with an attention to detail and ability to self-organize; ability to adapt quickly to changes in the workplace and ask questions when needed; ability to become fluent in complex policy areas and projects quickly; sense of humor and passion for voting reform. **Application:** Resume, cover letter and writing sample, including two references required to be considered. Please send materials to hr@fairvote.org. **Deadline:** March 1.

Democracy Fellow — FairVote, Washington, D.C. Provides an opportunity for those with an interest in election reform to work on a substantive project while building valuable skills and networking with others in the field. Fellows will be paired with a FairVote staff member and assigned a project to manage from beginning to end. They will also be exposed to the broader workings of FairVote, ranging from research, communications and advocacy, to building websites and blogging. Fellows will be given opportunities to build their skills and knowledge base both through on-the-job training, as well as potential opportunities to attend workshops and seminars. Graduates of our Democracy Fellowship Program will be well-positioned to pursue employment with democracy organizations and have valuable experience to tout if seeking to enter graduate school. Democracy Fellows will serve full-time, for a six-month term with FairVote, with the potential opportunity to join our staff at the completion of the term. **Duties:** Assist in lobbying local, state and federal legislators; represent FairVote at coalition meetings; conduct elections research and analysis; draft policy briefs; monitor and digest election news; coordinate coalition communication and activities; blog and create content for website, brochures, and manuals; help prepare fundraising proposals; coordinate volunteers and supervise interns; help organize events and FairVote's annual democracy conference; develop grassroots interest in reform, through action alerts, meetups, and other e-tools; design effective public education documents; assist with media outreach. **Qualifications:** We seek an applicant eager to work in such an environment, and, ideally, with some of the following skills: experience or interest working in a nonprofit, political, or policy organization; professional or volunteer experience relating to voting or education; strong public speaking, writing and/or research skills; ability to work well in a team environment, both as employee and supervisor; strong listener, with an attention to detail and ability to self-organize; ability to adapt quickly to changes in the workplace and ask questions when needed; ability to become fluent in new subjects and projects quickly; sense of humor and passion for voting reform. **Application:** Resume, cover letter and writing sample, including two references required to be considered. In your cover letter, please explain why you want to be a Democracy Fellow and what skills you hope to gain from the experience. Please feel free to express interest in any particular project or issue within FairVote's mission and work. Please send materials to hr@fairvote.org. **Salary:** \$21,000, along with full health and dental benefits.

General Registrar — Fairfax County Board of Elections, Fairfax, Va. The Fairfax County Electoral Board, serving Fairfax County, the largest locality in the Commonwealth of Virginia and a suburb of Washington, D.C., is currently recruiting qualified candidates with senior management experience for the position of a non-partisan General Registrar to serve the three year remainder of a four year term; reappointment will be based on performance. With over 600,000 registered voters, the incumbent will be responsible for the oversight of a large and complex voter registration and election administration agency using advanced technology. Duties include adherence to Virginia Code Sec. 24.2, and other federal, state and local codes. Additional responsibilities include: monitoring relevant legislation at all governmental levels, conducting public education programs; speaking before diverse groups; working with federal and state agencies, professional organizations and advocacy groups regarding voting programs and voting rights. Qualifications: Any combination of experience equivalent to graduation from college with bachelor's degree in a related field; plus four years experience in voter registration and elections management; must be a legal resident and registered voter in Fairfax County, Virginia at time of appointment; certification as an Election Administrator, or ability to obtain certification. Strong leadership skills; ability to build good working relationships; experience working with elected officials and board appointees. **Salary:** \$97,147 - \$108,435. **Application:** Submit your resume on-line through the Fairfax County [AIMS SYSTEM](#). **Deadline:** March 7, 2007
