

electionlineWeekly—June 05, 2008

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I. In Focus This Week

Director's Note:

Un-Barking Dogs and Bigger Boats – Look Back at the 2008 Primary Season

By [Doug Chapin](#)

Electionline.org

The most competitive and contentious presidential primary season in recent memory is finally over, bringing to a close months of literally round-the-clock speculation by political junkies about who was winning, who was losing and what it meant for the rest of us.

In the tiny sliver of time left before the general election campaign begins (if it hasn't already), permit me to offer an election geek's take on primary season 2008 – a narrative that isn't as compelling as the political stories that played out in the five months between the opening of the Iowa caucuses and the close of polls in Montana but is plenty interesting nonetheless.

The “Big Three” – The Dog(s) that Didn't Bark

When the 2008 primary season began, I was watching to see whether the “Big Three” - the three issues that have dominated election reform since 2000 – would continue to drive the headlines, specifically:

- Would problems with [voting machines](#) continue to bedevil election officials and voters alike – especially in those jurisdictions in the midst of transition to new voting technology?
- Would [voter lists](#) be a problem, given the lingering concerns about state voter registration databases, matches to other files, and the likely strain on the system created by the first truly open seat race for the White House since the 1920s?
- Would [voter ID](#) – election reform's partisan third rail – create real problems for voters in states, and what would be the effect, if any, of the Supreme Court's decision in *Crawford v. Marion County* (the Indiana photo ID case)?

As the primaries progressed, things did not always run smoothly. For example:

- [Horry County, SC](#) struggled to get its voting machines started in January's GOP primary, some of New Jersey's machines [ended up in court](#) over problems that arose on Super Tuesday, and as late as June Arkansas discovered what can only be described as [weirdness](#) during its state primary;
- State voter lists were a topic of discussion in places like Colorado, where the SCORE system continues to be a [source of concern](#), and in many other states where the late crush of new applications created challenges for election offices and new voters alike; and
- The Supreme Court's [opinion](#) in *Crawford* did next to nothing to settle the voter ID debate, allowing the state's photo ID law to stand without ruling on its constitutionality. This left the ID debate in Indiana and elsewhere awash in a fresh flood of anecdotes about voter ID – ever heard the one about the [nuns who walked into a polling place without ID](#)? – that once again hardened positions on [both sides](#) and left us no closer to resolution of the difficult issues therein.

Despite all that, however, I would say that by and large the “Big Three” were what Sherlock Holmes once called the “dog that didn't bark”.

Voting machines, voting lists, and voter ID were all a topic of discussion throughout the primaries but never really had the kind of impact that we might have expected. And yet, not everything went perfectly. Why?

Voter Interest - “You’re Gonna Need a Bigger Boat”

The top story of the primaries – at least to an election geek like me – was the staggering voter turnout fueled by the combination of an open White House and a competitive Democratic nomination contest.

I wasn’t the only one staggered.

Through the years at *electionline.org*, I have met countless state and local election officials. Every single one of them has talked of their commitment to democracy and the pride they take in ensuring the promise of the right to vote.

This year, their constituents took them up on that promise in record numbers - and in many cases that meant ballot shortages, long lines and other symptoms of a system overwhelmed by voter demand.

It’s easy to dismiss these problems as the result of a lack of foresight by election officials, but more often than not I think it’s a capacity problem. In most states and localities, the rhetoric of “every vote counts” is backed by a system that’s prepared (and funded!) to handle far less than 100% turnout.

With a hat tip to my *electionline.org* colleague Dan Seligson – who saw these capacity problems [first hand](#) as a poll worker – I’d like to suggest a parallel from the silver screen.

Remember that scene in *Jaws* where Brody (Roy Scheider), having seen the great white shark for the first time, turns to his fellow passengers and says [“you’re gonna need a bigger boat”](#)?

That’s the spirit that election officials are going to have to embrace as November approaches.

The Road to November – The Past Isn’t Prologue

So can we expect the same result November?

Not entirely.

We can expect that turnout will be a challenge to the election system’s capacity, but it may not be as big a problem as it was during the primaries given the combination of foresight and time to prepare.

The dogs of the Big Three, however, are far more likely to bark this fall.

As the campaign changes from parallel nomination fights to a head-to-head general election race, the nature of the contest changes dramatically. As competitive as the primary contest was – especially on the Democratic side – it never really involved efforts to test the eligibility of voters supporting either candidate. That will change in a general election race, which is a much more “zero-sum” environment.

Thus, as November approaches I would not be surprised to see:

- Frequent and fierce clashes between the two major parties on voter lists - specifically “no match, no vote” rules , third-party registration restrictions and provisional ballots; and
- Full-throated debate over voter ID - while the ID landscape is likely to remain unchanged despite efforts to the contrary in some legislatures – the continued shouting match (“FRAUD!” “DISENFRANCHISEMENT!”) is likely to increase in intensity and volume.

In the area of voting machines, it’s important to remember that some of the biggest changes didn’t take effect until after the primary season ended. Florida’s widely-noted change to statewide optical scan

balloting doesn't go into effect until the fall – though [preparations for the change](#) have been in the works for months. In Ohio, a [court battle](#) is shaping up between the state and voting equipment vendors over whether the current machines can be replaced - or should be. Other states are likely to do the same.

All of these changes – whether small or sweeping - will be what we're watching as Election Day approaches. The first five months of Election 2008 have been fascinating – and I see nothing to suggest that the rest of the year will be anything less. This year has been a smorgasbord for political junkies and election geeks alike – and I'm already ready to go back for more.

II. Research Summaries

In a new feature, electionline will provide brief summaries of recent research in the field of election administration. Please email links to research to sgreene@electionline.org.

[The Constitutionality of Requiring Photo Identification for Voting: An Analysis of Crawford v. Marion County Election Board](#) – by L. Paige Whitaker, Congressional Research Service, May 2008

This 6-page report provides a brief case history of *Crawford v. Marion County Election Board*, the recent U.S. Supreme Court decision which upheld the Indiana statute requiring photo identification at the polls. Both the leading and concurring opinions are summarized as are the dissenting opinions. Whitaker concludes by discussing the implications of the decision, stating, “It appears to leave open the possibility of “as applied” challenges to such laws, if greater evidence of the burdens imposed on voters’ rights can be provided.”

[Vote Fraud in the Eye of the Beholder: The Role of Public Opinion in the Challenge to Voter Identification Requirements](#) – by Stephen Ansolabehere & Nathaniel Persily, *Harvard Law Review*, 2008

Ansolabehere and Persily describe the current climate of the voter identification debate and how defenders of such laws justify them by citing the perception of vote fraud and its potential to harm the democratic process by lowering voter turnout. With little evidence of voter impersonation fraud, they draw parallels to the campaign finance debate and court cases where the appearance of a problem is used to justify a state interest in applying restrictions. A national survey finds that voters’ perceptions of vote fraud do not correlate to their likelihood to vote or not vote and that those subjected to stricter ID requirements still believe fraud is as pervasive as those who are subjected to less restrictive requirements.

[Independent Electoral Management Bodies and International Election Observer Missions - Any Impact on the Observed Level of Democracy? A Conceptual Framework](#) – by Anne Van Aaken, University of St. Gallen, Switzerland, forthcoming in: *Conferences on New Political Economy (New Separation of Powers)*, 2008

Aaken’s paper asks if electoral management bodies (EMBs) and international election observer missions (EOMs) can foster free and fair elections. She hypothesizes that both can play important roles and argues that the institutional set-up of EMBs (and EOMs) and their independence is an important variable affecting the fairness of elections because it could make it more challenging for incumbents tempted to rig an election.

Recent books

[The Hidden Costs of Clean Election Reform](#) – by Frederic Charles Schaffer, Cornell University Press, 2008

“In *The Hidden Costs of Clean Election Reform* Frederic Charles Schaffer reveals how tinkering with the electoral process can easily damage democratic ideals.”

[Election Fraud: Detecting and Deterring Electoral Manipulation](#) – R. Michael Alvarez, Thad E. Hall and Susan D. Hyde, eds., Brookings Institution Press, 2008

“*Election Fraud* presents research on defining, measuring, and detecting election fraud and electoral manipulation by leading scholars of election law, election administration, and U.S. and comparative politics.”

[Deconstructing the Republic: Voting Rights, the Supreme Court, and the Founders' Republicanism Reconsidered](#) – by Anthony A. Peacock, AEI Press, April 2008

"*Deconstructing the Republic* contends that the Founders' vision rests on the idea that individual citizens can choose their representatives based on public debate and argument, without regard to their race, creed, or class. Peacock argues that the way the Voting Rights Act has been implemented undermines this vision, replacing it with judicially-mandated multicultural politics."

III. Election Reform News This Week

- While much of the nation's attention was focused on [Montana](#) and [South Dakota](#) this week, several other states held primaries as well and the only thing that seemed to be missing was the locusts. In Iowa, several polling sites had to be relocated because of [flooding](#) and [tornado damage](#). In California, a polling site had to be evacuated due to [fire](#). An Alabama polling site was hit by a [stray bullet](#). And in New Mexico, election results were held up because no one could find the [keys](#) to the van that was responsible for transporting ballots. Then of course there were the glitches, snafus and other hiccups associated with the actual elections. In [Alabama](#), there was concern about potential election misconduct which has led to Secretary of State Beth Chapman requesting additional federal observers for the November election. It was [slow going](#) throughout much of California on election day but vote tabulation problems did arise in several counties including [Humboldt](#), [Monterey](#), [Shasta](#), and [Santa Cruz](#) although [L.A. County](#) saw none of the same problems as it did in February. In [New Mexico](#) there were a variety of problems throughout the day in a handful of counties including [Curry](#) and [Dona Ana](#) but it was smooth sailing in [Bernalillo](#).
- St. Bernard Parish Registrar Velma Bourg is set to do the [first purge of the voter rolls](#) since Hurricanes Katrina and Rita devastated the Gulf Coast. "We had so many people living elsewhere since the disaster, this is the first time since the storm we've been able to do it," Bourg told the Times-Picayune. The result is a dizzying list of just over 5,500 names -- almost 13 percent of the 43,000 registered voters pre-Katrina -- to be removed from the rolls. Unless people come forward to update their information, the names will be purged Nov. 4, Bourg said. The registrar's office began sending out canvassing cards in early January, Bourg said. In addition, anyone who has missed the past two federal elections is automatically listed as an inactive voter. Once the return of the cards trickled to a halt in early May, Bourg ended the canvass and compiled the list.
- In anticipation of next week's primary election, voters in several northeastern North Dakota counties began [voting by mail](#) this week and so far the reports have been positive. In addition voters also began [voting early](#) at a variety of locations throughout the state. According to *The Forum*, the convenience of the early process drew in voters, especially since some districts were consolidated this year and voting locations changed in Cass County. Devra Smestad, Wade County auditor told the Minot Press that the process was made easier by the use of [electronic poll books](#).
- With Americans registering to vote in unprecedented numbers this year, counties throughout the country are looking at ways to make registering easy and more accessible. Officials in Pinellas County, Fla. thought they had hit on a great idea of having [voter registration cards and vote-by-mail request forms displayed at local post offices](#) and the local letter carriers union agreed. Problem is, according to the Tampa Tribune, the U.S. Postal service did not agree and will not permit the county to display the forms. "If you allow an organization to take up space within the Postal Service, to be fair, you'd have to open that space to any organization," said Gary Sawtelle of the Postal Service. The letter carriers union isn't happy with the decision. "It's a nice air-conditioned lobby," said Joseph Henschen, whose chapter represents letter carriers from Dunedin to Punta Gorda. "It's just one more avenue for them to do it."

IV. Opinion This Week

National: [Voter suppression](#); [Veterans Administration](#); [Online voting](#); [Voter ID](#); [Election system](#); [Military vote](#)

Alabama: [Poll workers](#)

Arizona: [Instant-runoff voting](#)

California: [Vote-by-mail, II](#); [Poll workers](#); [Primary](#)

Colorado: [San Miguel County](#); [Voter database](#)

Connecticut: [Hand count](#)

Florida: [Voting system](#); [New voting machines](#)

Georgia: [Voter ID](#)

Hawaii: [Voter ID](#)

Indiana: [Vote tampering](#)

Louisiana: [Election reform](#)

Mississippi: [Voter ID, II, III](#)

Montana: [Absentee ballots](#)

New Jersey: [Polling sites](#)

New York: [Accessible polling sites](#)

Pennsylvania: [Redistricting](#)

Rhode Island: [Election reform](#)

Texas: [Polling sites](#)

Vermont: [Instant runoff-voting](#)

Virginia: [Chesapeake votes](#)

West Virginia: [Primary election](#)

***some sites require registration*

V. Job Postings This Week

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

- **Database Specialist, Maryland Board of Elections, Annapolis, Md.**— Responsible for (1) detailed oversight of management and maintenance of the statewide voter registration system (MDVOTERS) database; and (2) the extraction of data and formatted reports from that database. **Qualifications:** Bachelor's degree from an accredited college or university in Computer Information Technology, Management Information Systems, Computer Science or other information technology-related field to include course work in data management systems. Experience with MDVoters database software and Crystal report generator. Experience developing databases with Microsoft SQL Server including writing queries, using SQL and SQL Plus for Oracle. Application: Applications will be evaluated based on the materials submitted in relation to the above position responsibilities and requirements. Therefore, it is important to provide complete and accurate information. Please include the title of the position for which you are applying, as well as the announcement number, on your State application (MS 100). All applications must be received or mailed by the closing date to the address shown above. For applications, call 410-767-1277 or download from www.dbm.maryland.gov. Salary: \$41,074-\$65,568. **Deadline:** June 16, 2008.
- **Election Administrative Assistant, Talbot County, Md.**-- An Election Administrative Assistant I is the full performance level of administrative support work related to a variety of technical or secretarial services in a local election office. Employees working in the technical areas perform administrative functions not involving policy decisions but requiring a thorough knowledge of the specific functions performed. Employees perform a variety of complex secretarial duties requiring

a thorough knowledge of election laws, rules and procedures. Employees in this classification do not supervise but may provide training and guidance to Election Clerks and other support staff. Employees receive general supervision from an Election Director, Election Deputy Director or other designated administrative staff and are expected to exercise considerable tact, discretion and judgment in all areas of work. Matters of confidentiality are given close attention by the supervisor. The work may require travel to schools, nursing homes or other facilities to register voters or provide related services. Employees may be required to work evenings and weekends, particularly prior to and following an election. **Qualifications:** Graduation from an accredited high school or possession of a high school equivalency certificate; one year of experience applying election laws, rules and procedures in a local board of elections office. **Salary:** \$26,257 to \$40,996. **Application:** May be obtained by visiting our [Web site](#); by writing to DBM, OPSB, Recruitment & Examination Division, 301 W. Preston Street Baltimore, Maryland 21201; or by calling 410-767-4850, toll-free: 800-705-3493; TTY users call Maryland Relay Service, 800-735-2258. **Deadline:** June 16, 2008.

- **Election Clerk Lead/Advanced, Anne Arundel County, Md.** — Is the lead or advanced level of specialized clerical work in a local election office or the primary support to an Election Director in a small local office. Employees process and maintain voter records and apply election laws, rules, and procedures to work problems. Does not supervise but may provide training and guidance to Election Clerk Is, IIs and IIIs and other designated support staff. Does not perform the full range of supervisory duties but assigns, trains and reviews the work of Election Clerks and other support staff. Employees in this classification receive general supervision from an Election Supervisor, Election Deputy Director or Election Director. The work may require travel to schools, nursing homes or other facilities to register voters or provide related services. Employees may be required to work evenings and weekends, particularly prior to and following an election. **Qualifications:** Graduation from an accredited high school or possession of a high school equivalency certificate; one year of experience applying election laws, rules and procedures in a local board of elections office. **Salary:** \$26,257 to \$40,996. **Application:** May be obtained by visiting our [Web site](#); by writing to DBM, OPSB, Recruitment & Examination Division, 301 W. Preston Street Baltimore, Maryland 21201; or by calling 410-767-4850, toll-free: 800-705-3493; TTY users call Maryland Relay Service, 800-735-2258. **Deadline:** June 13, 2008.