

electionlineWeekly — June 17, 2010 **electionline.org**

Please excuse our technical difficulties. electionlineWeekly will return to its proper format next week.

I. In Focus This Week

News Analysis: Recent primary elections still making headlines in several states *Recounts, slow vote tallies and questionable outcomes highlight outstanding issues*

By [M. Mindy Moretti](#)

Even though the 2010 “mini-Super Tuesday” was held more than a week ago, outstanding election issues, ranging from recounts to uncounted ballots, to questionable outcomes, remain in states across the country.

Alabama

With only a 167 vote margin separating GOP candidates for governor, candidate Tim James [filed petitions in every county seeking a recount](#). County election officials worked throughout the weekend and Monday [prepare](#) the voting machines and certify election workers. The recount began late Monday with 57 counties complete by press-time and 10 more to go.

According to *The Gadsden Times*, James’ campaign sent checks to all 67 counties to cover the expense of a recount, estimated to be about \$200,000.

James also filed a contest this week over the naming of July 13 runoff candidates prior to the recount he requested.

As the recount began, second-place finisher Robert Bentley, asked the state to stop [hand-counting undervotes](#). Because the rejected ballots are not verified by certified election officials but state Republican party officials, Bentley’s campaign has protested the verification method.

While vote totals [changed in some counties](#), it did not appear that enough of those changes were going James’ way to make a difference.

California

Although turnout was low in the Golden State’s primary, vote tallies in several counties were extremely slow and controversy is brewing in Riverside County when several thousand votes were disallowed after not being delivered by the U.S. Postal Service on time.

After an extremely slow vote-count several political organizations in Riverside County are [calling for the resignation of Registrar of Voters Barbara Dunmore](#) and on Tuesday, the county’s Board of Supervisors [ordered a review of the county’s ballot-counting procedures](#).

The investigation also will look at the [12,500 ballots held at a Redlands Post Office](#) until after the polls closed that will not be counted. It is not uncommon for ballots to be returned late. Typically, the registrar’s office receives about 5,000 late ballots in a primary and 1,200 in a general election, Dunmore said. But what is not clear is why the post office held onto ballots that were received on time. Postal officials have blamed it on a [miscommunication](#) with the registrar’s office.

And of course, as soon as the vote counting for the June 8 primary was complete 5 central coast counties continued preparing for the [June 22 special primary election](#).

Maine

Maine election officials have [ordered a recount of ballots in the state Senate District 1 Republican primary](#). In that race, Michael Estes of York received 1,546 votes, two more than Sarah Lewin of Eliot, according to unofficial election-day results. State police collected ballot boxes from each community where votes were cast and will keep them in a secure location until the recount is held. If the recount produces enough disputed ballots to affect the outcome of the election, the Maine Supreme Court will review the disputed ballots and determine the outcome of the election.

South Carolina

Questions continued to swirl this week about how Alvin Greene, unemployed candidate for the Democratic Senate nomination, who never gave a campaign speech or running a television or radio ad managed to beat Vic Rawl 51 percent to 49 percent.

Sen. Phil Leventis of Sumter asked the State Election Commission to [impound voting machines](#) until after an investigation is conducted. However Chris Whitmire, a spokesman for the State Election Commission said no machines will be impounded, [nor will the commission investigate the election](#) outcome.

Some have attempted to blame the outcome on “cast-off” voting machines purchased from Louisiana, but Whitmire said all but a small handful of the ES&S machines were purchased new in 2004 directly from the manufacturer.

"South Carolina voters need to know that the State Election Commission is confident in the accuracy and [reliability of our voting system](#)," said Whitmire. "It has performed as it is designed to perform in thousands of elections, and we expect them to do that again on June 22."

Rawl, a former circuit judge and state lawmaker filed a protest with the state Democratic Party, saying “strange circumstances surrounding Tuesday’s vote require a thorough investigation.”

Rawl suggested problems with voting machines may be responsible but also noted that some experts had found statistical irregularities with the votes.

Carol Fowler, chairwoman of the state Democratic Party, said Rawl’s protest will be heard by the party’s executive committee on Thursday. The committee could order a new primary for the race or take no action.

Rawl also hired a [team of election experts to review](#) the ballots and while his campaign manager cautioned that the campaign is not jumping to any conclusions, he said the experts, who volunteered their services, have already uncovered some “curious” findings in the election data. According to Walter Ludwig, of the state’s 46 counties, half have a disparity of greater than 10 percentage points between the absentee and election-day ballots.

“The election day ballots all favor Mr. Greene. We don’t know what it means,” Ludwig told Politico. “We did significantly better on absentees than Election Day, which is according to the mathematicians, quite significant. The other reason is, it didn’t happen in any other races on the ballot.”

Nevada

An unsuccessful candidate for district attorney [filed a complaint this week, seeking to restrain certain county officials](#) from tampering with any voting machines, paper ballots and other documents related to the June 8 primary election. Fifth District Judge Robert Lane has scheduled a hearing for June 22, to hear a request for a temporary restraining order by Nancy Lord. Lord’s motion charges malfeasance by the election board; that illegal votes were cast for the defendants; that the election board made sufficient errors that could change the result of the election; and there was a possible malfunction of a voting or counting device. Lord charges improprieties with the June 8 primary election and requests access to records of the 2006 and 2008 elections.

Lane ordered Bailiff Stephen "Jamie" Davis to place the 2010 vote counting machines, original rolls from voting machines, other paper documentation, cartridges, absentee ballots and other similar items from

the two previous elections as well, in a county storage room and seal the office so no one can access the items without a court order. He ordered the scheduled destruction of 2006 and 2008 election records to be prevented.

II. Election Reform News This Week

- [Iowa must repay \\$576,000 in misspent federal money](#) that Gov. Chet Culver's office appropriated when he was secretary of state, according to a federal audit resolution released this week. According to the resolution, the correction must be made before Dec. 10. According to the *Des Moines Register*, the resolution was vague on whether the money must be repaid by that date. In a statement, he said that Culver and the attorney general's office continue to work with federal officials and "intend to resolve all outstanding questions." Auditors last year, found a total of \$2.5 million in questionable spending. That amount was lowered to \$576,000 in Monday's resolution. The money Iowa must repay will go back to the state's election programs and not to the federal government. The money will be used in such ways as to improve the state's voter system and to help disabled voters.
- Once again this year, the state of Washington will [forego printing a primary election](#) guide to save costs. According to *The Olympian*, Secretary of State Sam Reed has long favored having the pamphlet, but the only time state lawmakers ever funded one was in 2008 – the year Washington switched over to a "top two" primary election format. At least three counties print guides for local races. "We've only done one ever," spokesman David Ammons of the Office of the Secretary of State said of the statewide printed guides for primaries. "The Legislature appropriated money in 2008, because we were having a brand-new style of primary." The printed pamphlet cost about \$1.3 million for the 2008 primary and state elections officials did not even ask for the funds this year during the time of a budget crisis, assistant state elections director Shane Hamlin told the paper. Even so, Hamlin said the elections agency has budgeted \$1 million for a Nov. 2 general election guide, which is to be mailed to more than 3 million households in October.
- The St. Louis County elections board is asking the county council to consider a proposal that would hire [100 county workers to serve as troubleshooters on election day](#). Among the troubleshooters' tasks would be to make sure polls open on time, that lines move smoothly and that everything is packed properly before the polling site closes. Although Joseph Donahue wanted the program in place for the August 3 primary, he said instead that he would like to create a pilot program for the November 2 election. Councilwoman Colleen Wasinger, R-Town and Country, initially opposed the proposal saying it needed more research. Wasinger has worried that the nonpartisan troubleshooters would upset usual bipartisan election procedures. "I want to protect the integrity of the system," Wasinger told the *St. Louis Dispatch*. According to the paper, County Counselor Patricia Redington last week assured Wasinger that the troubleshooters would fit into election procedures.
- **Voter photo ID** was back in the news this week in several states. In [South Carolina](#), the House approved a compromise this week that would require voters to show a photo ID at the polls and allow limited early voting. The House voted 69-47 largely along party lines to accept the compromise reached by a conference committee two weeks ago, which neither of the two Democrats signed. The Senate resumed debate Wednesday on what is arguably the session's most contentious issue. The bill will die if the legislature can't agree by week's end. According to local newspapers in [Texas](#), voter photo ID is set to once again re-emerge as one of the most contentious issues of the legislative session. House Elections Committee Chairman Todd Smith, R-Eules, said he has not defined a specific piece of legislation but shares the general Republican view that voters should be assured of strong protections against voter fraud. "It's important for people to have confidence in their election system," he told the *Star-Telegram*. And in [Minnesota](#), voter photo ID has become a 2010-election year issue.

III. Research and Report Summaries

electionline provides brief summaries of recent research and reports in the field of election administration. Please e-mail links to research to sgreene@pewtrusts.org.

[Getting from Here to There in Election Reform: A Trio of Ideas](#) – Heather Gerken, June 3, 2010: Three ideas for election reform are suggested: model districting commissions, a Democracy Index, and a Model Election Code. These ideas are united by and address a theme termed as the here-to-there problem in election reform, where it is known what the problems are with the current system and ideas exist about how the system should work in the future, but the environment which will allow meaningful change to occur does not yet exist.

[Review of Post-election Audits of Voting Equipment](#) - Draft Report of the Joint Legislative Audit and Review Commission (JLARC) to the Governor and The General Assembly of Virginia, June 14, 2010: In February and March of this year, JLARC staff in conjunction with the State Board of Elections and four localities conducted [pilot post-election audits](#) from elections held in 2009. The audit found a 0.21 percent difference between election day and audit results. The draft report discusses the benefits of post-election audits including increasing election transparency and providing insight into voting equipment security, accuracy, and reliability. It also discusses other considerations in the decision to implement audits such as the time and cost of different types of audits as well as the diversity of voting equipment used in Virginia.

[Iowa Audit Resolution](#) – Election Assistance Commission (EAC), June 14, 2010: In September 2009 the EAC Office of Inspector General issued an audit of the state of Iowa's administration of payments received under the Help America Vote Act and expenditures during the period of April 10, 2003 through April 30, 2008. In a report released this week, the EAC addresses the findings, recommendations and questioned costs in this audit. Corrective actions required in this resolution must be completed by the state before December 10, 2010.

[Revision of the Procedures for the Administration of Section 5 of the Voting Rights Act](#) – The Federal Register, June 11, 2010: The Department of Justice published proposed revisions to the procedures for the administration of section 5 of the Voting Rights Act.

[The Canvass: States and Election Reform](#) – The National Conference of State Legislatures, June 2010: In this issue, state voting laws concerning the mentally disabled and the District of Columbia omnibus election reform act are covered.

IV. Opinion

National: [Felon voting rights](#)

Arizona: [Yuma County](#)

California: [Riverside County](#); [Vote count](#)

District of Columbia: [Open primary](#)

Minnesota: [Rejected ballots](#)

Mississippi: [Open primary](#)

New York: [Election heroes](#)

South Carolina: [Voting machines](#); [Primary election](#)

***some sites require registration*

V. Job Opportunities

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@pewtrusts.org

Chief Operating Officer—Democracy Alliance, Washington, D.C. Reporting to the Managing Director, the Chief Operating Officer will have wide-ranging internal and external responsibilities, including strategy, project management and relationship management, as well as administration, human capital and financial management. The Chief Operating Officer will be responsible for enhancing the internal organizational processes and infrastructure that will allow the Democracy Alliance to continue to grow and fulfill its mission. S/he will manage the following functions: operational management; board management; financial management and oversight; operations and human resources. **To Apply:** Applicants should email staff@democracyalliance.org and must include a cover letter, resume, and salary requirements. Email **MUST** reference “Chief Operating Officer” position in the subject line. No calls, please. We believe that employees from diverse backgrounds are critical to achieving our goals. We seek to recruit, develop, and retain the most talented people from a diverse candidate pool. We strongly encourage applications from persons with diverse backgrounds and experiences.

Program and Grants Management Officer—U.S. Election Assistance Commission, Washington, D.C. Are you interested in joining a small, independent agency whose work touches the lives of every American citizen? The U.S. Election Assistance Commission (EAC) is dedicated to improving the electoral process to ensure that all eligible citizens have the right to vote and have their votes counted accurately. Every EAC employee is proud to be a part of a team that works together to assure that every vote counts. Come, join us! The Program and Grants Management Officer at the U.S. Election Assistance Commission is responsible for managing and coordinating three critical functions within the organization: providing program support to the agency's grantees, managing the Election Management Guidelines program and, executing activities related to the minority language accessibility program. The incumbent will utilize his or her background and expertise in program management and election administration in order to develop and execute annual program goals and objectives for the commission. The incumbent will be able to balance the programmatic demands of each area and will focus on creating the maximum number of successful products or outcomes possible. With a background in public administration the incumbent will also understand the unique skills and capabilities required to successfully perform in a Federal agency. The position is perfect for an experienced professional who is seeking an opportunity to create and enhance a series of programs and initiatives for this relatively new Federal commission. **Application:** Send materials to resumes@eac.gov or U.S. Election Assistance Commission; 1201 New York Ave., NW Suite 300; Washington, D.C. 20005. **Deadline:** June 21.