

electionlineWeekly—July 24, 2008

electionline.org

I. In Focus This Week

Primary 2008 Report: High Voter Turnout Led Problems at Polls

Comprehensive look at vote finds high interest, less controversy

By electionline.org staff

Washington, D.C.—A [review](#) of the 2008 primary season has found that the dramatically increased number of voters taxed the election system more than any administrative problem. Millions of voters – many of them first timers – crowded polling places around the country, doubling recent turnout in some states.

The “big three” issues of election reform—voting machines, voter registration databases and voter ID—did not drive the headlines during primary season. Rather, the report found, long lines at polling places, ballot shortages, machine demands and other problems combined to produce a system overwhelmed by voter crowds.

“From New Hampshire in January to Montana in June, we saw a primary season busting at the seams with voters,” said Doug Chapin, electionline.org’s director. “Many election officials might have identified with Sheriff Brody’s character in *Jaws* who said, after seeing the great white, ‘we’re gonna need a bigger boat.’ Things did not always run smoothly, but we found that the major issues that have dominated election reform in years past took a backseat to long lines, photocopied ballots and overwhelmed poll workers.”

Nearly 58 million Americans voted in the primaries with 37 million voting in the Democratic contest and 21 million in the GOP race. States with the most dramatic turnout increases compared to 2000 and 2004 included Alabama, Arizona, Delaware, Florida, Indiana, North Carolina, Indiana, Tennessee, Utah, Virginia and the District of Columbia.

For example, some polling stations in the District of Columbia ran out of paper ballots before lunch, shifting voting to the one accessible machine available in each precinct. Some clerks around the country resorted to photocopying ballots or employing scraps of paper for voting when supplies were exhausted.

The report found that ballot allocation formulas were largely left to localities and varied greatly across the country – from specific guidelines in Alabama requiring “55 ballots for every 50 votes...cast in the preceding presidential election,” to Montana’s and North Carolina’s mandate for “sufficient” and “adequate” supplies.

Nearly one in four voters in states allowing early and/or no-excuse absentee voting took advantage of the opportunity to do so. In California, more than 40 percent of voters cast ballots before the primary.

Provisional ballots, while a national mandate, produced disparate results across the country. Every state offered the fail-safe ballots to those who believe they are registered but are not on rolls, yet rates and counting varied during the primary season.

More than 75 percent of provisional ballots in Utah and Texas were counted but less than ten percent were counted in Louisiana.

There are always a variety of reasons that provisional ballots may be rejected, but the 2008 primary had the additional complication of open versus closed primaries. Where available, data suggests that those seeking to cross party lines bumped up uncounted provisional ballot totals. Results from Oklahoma

indicated that 30 percent of rejected provisional ballots were cast by voters who were not authorized to vote in the other party's race. In Pennsylvania half the provisional ballots were rejected for this reason.

The report is available online at electionline.org. Hard copies are available by request at publications@electionline.org.

II. Election Reform News This Week

- With only days remaining in the legislative session, the prospects of passing [same-day registration in Massachusetts](#) this year look bleak as the legislation has stalled in the Senate Ways and Means Committee. "We're trying to beat the clock down here," said state Rep. Gloria Fox, D-Boston, sponsor of the House version of the bill, in a *Bay State Banner* story. [S.B. 2807](#), a scaled-back version of the original bill sponsored by Fox in the House and state Sen. Cynthia Creem, D-Brookline, in the Senate, would require all voting districts in the state to offer at least one location at which voters who are not registered to vote — or who have moved to a new district since their last registration — could cast their ballots on Election Day.
- In a hearing that lasted nearly five hours and covered a range of topics, the Chair of the House Judiciary Committee [accused the U.S. Department of Justice of being "uncooperative"](#) when it comes to ensuring voting rights. "As we sit here today, probably 100 days before the election, we don't know specifically how our government will respond to the problems that made the elections of 2000 and 2004 so problematic and so controversial," Chair John Conyers, D-Michigan, told Attorney General Michael Mukasey. According to the *Associated Press*, Mukasey responded that making sure the Nov. 4 elections run smoothly is one of his top priorities. He said the Justice Department plans to work with civil rights groups and state and local officials to solve any problems that might arise. Hundreds of election observers and monitors will be dispatched as well, he said.
- Groups continued this week [to push the Department of Veterans Affairs \(VA\) to allow voter registration drives](#) in VA hospitals. According to *The Daily Record*, the groups, including the American Association of People with Disabilities, Common Cause and the League of Women Voters, said if the VA would allow the nonpartisan drives and become registration agencies, potentially tens of thousands of veterans could be registered. "Americans who have risked their lives in defense of the nation deserve every opportunity to exercise the most cherished right of citizenship," the groups said in a letter to VA Secretary James B. Peake. "That goal is clearly served where the VA is designated as a voter registration agency and nonpartisan groups are permitted to offer voter registration."

III. Research and Report Summaries

electionline provides brief summaries of recent research in the field of election administration. Note some articles require a subscription. Please e-mail research links to sgreene@electionline.org.

[State Governments' Use of Help America Act Funds](#) – Prepared by the Election Assistance Commission for the 110th Congress of the United States, July 2008

The federal [Election Assistance Commission annual report](#) on the use of Help America Vote Act (HAVA) funds finds that states have spent 67 percent of the nearly \$3 billion they have received. The majority of money spent in 2007 – 64 percent – was for voting system technology. 17 percent was used for statewide voter registration databases, 11 percent for federal election administration improvement, seven percent for uncategorized election administration costs and one percent on provisional voting and polling place information for voters. 80 percent of states have spent more than half of their HAVA funds including three that have used all of their funding. Five states have spent less than a quarter of their HAVA money.

[Better Ballots](#) – By Lawrence Norden, David Kimball, Whitney Quisenberry, and Margaret Chen, The Brennan Center for Justice at New York University School of Law, July 2008

While butterfly ballots may no longer be with us, a recent report by the Brennan Center describes how poor ballot design and instructions across the country have disenfranchised hundreds of thousands of voters in recent elections. The authors focus on federal and state governments that have not provided clear and consistent guidance and suggest allowing voters to test ballots before an election as the best way to create a successful and usable ballot. Other recommendations are made for both the state and county level including developing a best practices ballot design checklist, publicizing sample ballots that will look like ballots voters will see in the voting booth and amending restrictive ballot design laws.

[Presidential Nomination Reform: Legal Restraints and Procedural Possibilities](#) – By Daniel Lowenstein, July 14, 2008 (from Steven S. Smith and Melanie J. Springer, eds., *Reforming the Nomination Process* Washington, D.C.: Brookings Institution, forthcoming)

Since the 1980s there has been dissatisfaction in some quarters with the presidential nominating process, especially the earlier dates of some primaries and caucuses and the “front-loading” of these events. Some have clamored for change and federal intervention, but none has yet to occur. The author examines the legal question of whether Congress may control the timing of the presidential nomination process in the states. He concludes that action by Congress would be constitutional, however suggests that such an intervention might not be beneficial and the best approach might be to facilitate agreements entered into by the national parties.

IV. Opinion This Week

National: [Paper trails](#); [Minority voters](#); [Election administration](#)

Alabama: [Voting machines](#)

Connecticut: [Registering veterans](#)

Florida: [Palm Beach County, II](#); [Voter preparedness](#); [Voter registration](#); [Absentee ballots](#); [Audits](#)

Georgia: [Voter ID, II](#)

Hawaii: [Absentee voting](#)

Massachusetts: [Same-day registration](#); [National popular vote](#)

Missouri: [Voter registration](#)

North Carolina: [Election preparation](#)

Pennsylvania: [Absentee voting](#); [Voting machines](#)

Ohio: [Board's of election](#); [November election](#)

Virginia: [Voting machines](#); [Ex-felon voting rights](#)

West Virginia: [Voter registration](#)

***some sites require registration*

V. Request for Proposals

- Pew's Make Voting Work Project Announces Funds Available for Research-- Make Voting Work (MVW), a project of the Pew Center on the States, seeks proposals to examine alternatives to precinct-based election day voting, including early in-person and absentee voting and vote by mail systems. In partnership with the JEHT Foundation, MVW is issuing a Request for Proposals (RFP) to advance research in this area and as a complement to the broader MVW research agenda. MVW will fund a set of grants that will analyze the impact of these modes of balloting on election costs, administration, ballot security and voter participation. Proposals are encouraged from an array of organizations, individuals and teams, but preference will be shown to partnerships between elections officials and academic researchers. Interested applicants can apply for funds through the RFP, available on the [Web](#). For more information, please contact Zachary Markovits at (202) 552-2157 or ZMarkovits@pewtrusts.org.

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

- **Executive Director**, Midwest Democracy Network— MDN is a non-partisan alliance of political reform advocates committed to improving democratic institutions in Illinois, Michigan, Minnesota, Ohio and Wisconsin. Partners include state-based and national advocacy groups, as well as prominent academic and policy institutions. Network members share the belief that our fundamental democratic values and principles – especially those that speak to honesty, fairness, transparency, accountability, citizen participation, competition, respect for constitutional rights and the rule of law, and the public’s need for reliable information – must be continuously reinforced and fiercely protected against those who see politics as a means to promote narrow interests rather than the common good. Toward these ends, participating organizations seek to reduce the influence of money in politics, keep our courts fair and impartial, promote open and transparent government, create fair processes for drawing congressional and legislative districts, guarantee the integrity of our election systems, promote ethical government and lobbying practices, and democratize the media. **Responsibilities:** Maintaining the MDN [Web site](#); fundraising; organizing meetings; project development; maintain and diversify network partnerships; assist with capacity building and strategic planning; media outreach and communications; general management and financial oversight. **Qualifications:** College degree and at least five years of progressively responsible work experience. Advanced degree preferred. The position requires a detail-oriented, flexible, self-starter with a professional presentation. A qualified candidate for the position would have the following attributes: Previous non profit or management experience; strong interest in and commitment to the mission of the Network and familiarity with the Great Lakes region; proven research and written skills, particularly in grant writing; administrative experience and the ability to juggle multiple assignments; organizational and meeting planning skills; familiarity with Web sites and solid computer skills; strong communications and interpersonal skills. This is a permanent, part-time position that will require approximately 27 hours per week. We offer a competitive salary and flexible benefits package. Some travel and evening hours will be required. The MDN Executive Director will be housed with one of the MDN partner groups. That group will serve as the MDN fiscal agent; provide basic accounting and administrative support, to ensure communication, efficiency and the ability to establish an office economically. The Executive Director will regularly consult with, report to, and be accountable to the MDN steering committee or board of directors. **Application:** candidates should send or fax their resume and a cover letter stating qualifications and salary requirements to Cynthia Canary, Illinois Campaign for Political Reform, 325 W. Huron, Suite 500, Chicago, IL 60610; (312) 335-1067 fax; cprcanary@aol.com. No calls please. **Deadline:** August 8, 2008.