

electionlineWeekly — August 5, 2010 ***electionline.org***

I. In Focus This Week

News Analysis: New York prepares for a new era of voting

With less than 40 days to go, counties busy preparing voters, election workers

By [M. Mindy Moretti](#)

With little more than a month to go until the September 14 primary, New Yorkers statewide are getting a chance to test drive the state's new optical-scan voting system and county election officials are busy streamlining their procedures for using the new system.

Like a summer concert tour, officials in [Nassau County](#) have taken their voting machine demonstrations on the road featuring voting demonstrations at local fairs and festivals, at county libraries and recreation facilities.

At a mock election in Brooklyn Heights which pitted vanilla vs. chocolate for favorite flavor, many voters [spoke favorably of the new machines](#).

"It's very easy," Lucia Tavella told the *Brooklyn Daily Eagle* after filling out her ballot and guiding it through the scanner. "My glasses would have helped, though," she added.

But it's not just voters who need to make an adjustment to the changes. Many counties have had to alter how they run elections, bring on additional staff to cope with the changes, and most importantly train poll workers and election inspectors.

In [Essex County](#), complying with the federal regulations and using electronic voting machines for the first time will require privacy booths, a big truck and perhaps police officers driving from Essex County's polling sites to Elizabethtown after polls close with computer disks. The chairs of the elections task force think they'll be ready.

According to the *Adirondack Daily Enterprise*, in the past, town clerks throughout the county would call the Board of Elections after the polls closed with the election results; the official results didn't have to be brought there physically that night. Now, after the town clerks print out a copy, someone will have to bring the disks from the machines to Elizabethtown to be entered into the board's computers. These people will have to be either law-enforcement officers or election inspectors. At least six sheriff's deputies may need to be stationed throughout the county on election nights to bring in the disks. The county also changed one election's office position from part-time to full-time to prepare for the changes.

In [Tioga County](#), they will be holding eight poll worker training sessions — more than what they have done in the past — and for the first time, election inspectors will be required to attend two training sessions.

"These machines are garbage," 75-year-old Nicholas Silitch said after sitting through an election inspector training in [Washington County](#).

Some counties phased in their voting machines for earlier elections and are now working to alleviate issues that previously arose. In [Broome County](#), which was one of the first counties to make the switch, officials were forced to purchase 175 privacy screens after voters used to casting a ballot behind a curtain complained vehemently about the lack of privacy the new system afforded voters.

"Privacy has been the biggest complaint we've heard," Karen Davis, deputy commissioner of the Broome County Board of Elections told the *Press Connections*.

And of course, even though counties are working to comply with the new requirements, it still doesn't mean officials and voters are happy with the changes.

"It's taking something that was really very easy, and making it very complicated," one [Westchester County](#) official said at a town meeting unveiling the new machines. "The most important thing you can do is to vote. We're trying to be as positive as we can."

It's not just county officials and voters who are upset. [Several groups have filed a lawsuit against the switch to the new voting machines](#) saying that "tens of thousands of votes will be needlessly lost in this fall's elections," and that racial and language minorities will particularly suffer from disenfranchisement. Plaintiffs in the lawsuit include the NAACP, National Coalition on Black Civic Participation, Families United for Racial and Economic Equality, The Working Families Party and three individuals.

The problem, according to the legal complaint, revolves around voters who accidentally pick too many candidates for a particular race — [an error known as "overvoting,"](#) which invalidates the incorrect part of their ballot.

The suit was filed against the New York State and New York City Board of Elections and their commissioners, alleging violations of the Voting Rights Act.

And what about all of those old lever voting machines? What do the fates hold in store for them? Some of them have already been shipped off to museums for posterity's sake. Unfortunately the fate of the rest is a bit different.

"According to federal law, they must be retained for a period of two years," explained Westchester County Legislator Bill Burton. "But, seeing that the lever style machines are now obsolete and not used anywhere in the country, it would be a safe assumption to say that [we will dispose of them by selling them for scrap metal.](#)"

II. Election News This Week

- Primaries were held in Michigan, Missouri and Kansas this week (Tennessee also has a primary this week, but it's being held today so we'll update you about that next week) with very few reported problems other than the weather. In [Michigan, electronic poll books](#) made a wider debut throughout the state and although there were a few problems, overall they seemed to speed up the process for voters and election workers alike. The only major problem seemed to be in [Washtenaw County](#) when modems in voting machines delayed the transmission of results. [Missouri](#) residents cast their ballots for a variety of offices with few problems, other than [cost of the election](#). In St. Louis County, Missourians for Honest Elections had signs in front of dozens of polling places, not supporting one candidate over another, but [encouraging voters to use paper ballots](#). After a few reported problems during early voting, [other than the heat](#), things seemed to go smoothly in Kansas on Tuesday although some [unaffiliated voters](#) did report some issues with being turned away from polling places. In the [secretary of state race](#), Republican Kris Kobach will face Democratic incumbent Chris Biggs in November.
- This week, Colorado joined a list of states requesting a [one-time waiver from conforming to the MOVE Act](#). Secretary of state Bernie Buescher says the ballots will go out 30 days before the election—15 days shy of the federal mandate—which according to Buescher means that it's possible some soldiers stationed in remote areas might not have enough time to mail them back. Spokesman Rich Coolidge told the *Associated Press* that the state's late primary and petition deadlines are to blame. Coolidge also said the state will give overseas soldiers an extra week after the election to mail-in their ballots. To prevent these problems in the future, Buescher is working to revise the state's election calendar. Other states and jurisdictions seeking waivers this

year are: Washington, New York, Hawaii, Alaska, the Virgin Islands, Delaware, Maryland, and Washington, D.C.

- Although it's proven to be very popular amongst voters, several counties in Florida are being forced to [cut early voting locations](#) due to budgetary constraints. Although nearly one of every three votes cast in 2008 was an early ballot, Broward County is eliminating six early voting sites and Palm Beach County is going from 11 sites to eight. PBC Supervisor of Elections Susan Bucher said she examined voting and population trends and attempted to spread early voting sites around so as many voters as possible would have a location close to where they live or work. Bucher maintained Sunday early voting hours. Sunday early voting hours were eliminated in Broward County. "If it were up to me, heck no, I wouldn't have cut back early voting," Broward Supervisor of Elections Brenda Snipes told the *Sun Sentinel*. "It's a money issue. I am very unhappy about it. Voting is so critical to our democracy. I hate to have to do it." Voters in [Miami-Dade](#) will not face the same shortage. The county will maintain all 20 early voting sites. "It's been one of those areas that has remained untouched," Carolina Lopez, spokeswoman for the Miami-Dade Supervisor of Elections Office told the Miami Herald.
- Four-and-a-half decades doesn't seem that long ago in the course of history, but in Selma, Ala. it's something to mark. On Friday, The National Voting Rights Museum and Institute will celebrate [45 years of African-Americans gaining the right to vote](#). Community leaders, government officials, special guests and local choirs are expected to gather at the Edmund Pettus Bridge for a commemoration. "This celebration is very significant," Mayor George Evans told the *Selma Times-Journal*. "People lost their lives and sacrificed for our right to vote and I hope people can realize the true meaning of that. People should use their right to vote because it's valuable."

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.

[Voter Opinions about Election Reform: Do They Support Making Voting More Convenient?](#) - R. Michael Alvarez, Caltech, Ines Levin, Caltech, Thad E. Hall, University of Utah and Charles Stewart III, MIT, VTP Working Paper #98, July 14, 2010: Using survey data, the research finds that automatic voter registration, election day registration, and moving election day to a weekend do not have majority support among U.S. voters but there are some states where these reforms do have majority support. Additionally, Internet voting and vote-by-mail do not receive a great deal of support from voters. Two reforms that a majority of Americans do support are requiring showing photo identification at the polls and making Election Day a holiday.

[Voting Technology and the Election Experience: The 2009 Gubernatorial Races in New Jersey and Virginia](#) - Charles Stewart III, MIT, - R. Michael Alvarez, Caltech and Thad E. Hall, University of Utah, VTP Working Paper #99, July 14, 2010: Using survey data to examine the voter experience in the 2009 gubernatorial races in New Jersey and Virginia, the authors find that those who cast their ballot in person on Election Day express more confidence that their ballot is being counted as they intended than those who vote before Election Day, especially those who vote by mail. Additionally they found that voters currently using DRE voting machines would like to continue using them, while in Virginia voters using optical-scan voting systems are divided on that technology's continued use.

[Can Voter ID Laws Be Administered In a Race-Neutral Manner? Evidence from the City of Boston in 2008](#) - Rachael V. Cobb, D. James Greiner and Kevin M. Quinn, June 14, 2010: Using exit poll data from the November 2008 election in Boston, MA, the researchers find strong evidence that Hispanic voters, and reasonably strong evidence that black voters, were asked for identification at the polls at higher rates than white voters. In Massachusetts, as required by the federal Help America Vote Act, only voters who registered by mail, did not include a photocopy of a valid ID with their mailed registration form, and were first-time voters are required to provide ID at the polls.

[Public Rights and Private Rights of Action: The Enforcement of Federal Election Laws](#) - Daniel P. Tokaji, Indiana Law Review, Vol. 45, Forthcoming 2010: The author examines under what circumstances should there be a private right of action to sue for violations of federal election statutes and recommends that the U.S. Supreme Court revisit its strict approach to private rights of action to facilitate more robust enforcement of these election statutes.

IV. Opinions

National: [Felon voting rights](#)

Arizona: [Secretary of state race](#)

Connecticut: [Secretary of state race](#)

District of Columbia: [Voting rights](#); [Board of elections and ethics](#)

Florida: [Election audit](#)

Georgia: [Secretary of state](#)

Illinois: [Special election](#); [Voter purges, II](#)

Kansas: [Secretary of state race, II](#)

Maryland: [Early voting](#)

Massachusetts: [National popular vote](#)

Michigan: [Voting machines](#)

Minnesota: [Voter ID](#); [Election integrity](#)

New York: [Instant-runoff voting](#)

Oklahoma: [Voter ID, II](#)

Vermont: [Secretary of state race](#)

Wisconsin: [Election season](#); [Voter ID](#); [Election integrity](#); [Vote fraud](#)

V. Job Opportunities