

I. In Focus This Week

Illinois Undervote Notification Law Rankles Local Election Official

Champaign County Clerk wants mandate rescinded

By [Sean Greene](#)

In late 2007, then-Illinois governor Rod Blagojevich (D) signed an [omnibus election bill](#) making changes to a number of election procedures, including poll worker pay, absentee ballot administration and the printing out of election results at polling places. The new law also requires that by 2010, voting systems detect and notify voters if they undervote – cast a ballot that does not include votes for one or more races.

In the case of Illinois, the voter would be notified if they did not cast a vote for a statewide constitutional office. The current practice in the state is to notify voters if they cast an entirely blank ballot.

A seemingly small component of a large bill, it did not go unnoticed by those in charge of administering elections at the local level.

“This provision will inevitably lead to some individuals losing their right to a secret ballot. It will cause delays in the voting process. It will likely lead to some voters getting upset and angry, possibly even causing lost participation in future elections,” said [Champaign County Clerk Mark Shelden](#).

Shelden is working with the Illinois Association of County Clerks and Recorders to urge the elimination of this mandate, although he stated there has been no movement by the legislature to do so and that a legislative solution is unlikely.

On his [blog](#), Shelden [elaborates](#) on the potential problems of this requirement.

“There are very few voters who will not need assistance in determining why their ballot is being rejected. That means that those voters will turn to an election judge for help. The judge will need to read the screen which will inform the judge of the race for which the voter intended to undervote. At that point, the voter has lost his right to a secret ballot.”

His office conducted an [analysis](#) of the county’s undervote and overvote rates in the 2006 general election and found that if the undervote notification requirement had been in place there would have been minimal impact in preventing uncounted votes.

The county, which uses [optical-scan voting technology](#), found out of 53,869 ballots cast, 3,749 (7 percent) had undervotes for one or more of the statewide constitutional officers for a total of 6,729 undervotes.

“Our analysis shows that 6,716 of those undervotes were intentional, meaning the computers correctly determined voter intent in all but 13 circumstances, a rate of 99.81 percent certainty when taken against all the identified undervotes. When taken against all ballots, the certainty is 99.9952 percent.”

Charles Stewart, a professor of political science at the Massachusetts Institute of Technology who has conducted extensive [research](#) on undervotes and overvotes, which combined compose what is called the [residual vote rate](#), sympathizes with Shelden’s situation.

“In state races, we can be safe in assuming that more of the over- and undervotes will be intentional. Therefore, it is reasonable to be concerned about the things Mark Shelden is concerned about,” Stewart said. “I have a lot of sympathy for county election officials who have to respond to the mandates of state

legislatures that often don't take into account the administrative complexities of their laws. I think that Illinois probably would have been better served by experimenting with the requirement in a few places before mandating it statewide.”

However, Stewart adds that collecting residual vote data is still important to measure how different types of voting systems and different administrative practices have an effect on undervote and overvote rates.

And if the requirement remains in place, Stewart thinks officials should make the best of the situation.

“I hope that election officials and other interested in solving the problems unearthed in 2000 will use this opportunity to see whether the Illinois requirement actually makes a difference.”

New York State will not get a chance to see if a similar requirement will make a difference.

Recently, the state adopted an [emergency regulation](#) eliminating its notification requirement. According to Shelden, this leaves Illinois as the only state with such a requirement.

Shelden will continue to push to rid his state of this “only-in-the-nation” status. And to demonstrate what he calls “the absurdity of this new law,” he cites this [ballot](#) from the 2006 general election, where a voter left the entire ballot blank except for the advisory referenda and wrote:

“Today, Tuesday, November 7, 2006 I am exercising my right to vote by not voting for anyone. Personally, I am appalled as all the candidates should be ashamed at how childish they have all been acting. I don't want any on this ballot representing me or the State of Illinois.”

II. Election Reform News This Week

- [Former New Mexico secretary of state Rebecca Vigil-Giron](#) and three others have been indicted on allegations of misuse of public money. Vigil-Giron told *The Associated Press* she couldn't comment on the indictments. Earlier, Vigil-Giron issued a statement saying she could account "for every last nickel" of federal money spent on a voter education project that has been the target of a grand jury and a state attorney general investigation. A Bernalillo County grand jury had been looking into the use of millions of dollars in federal voter education funds while Vigil-Giron was in office. Attorney General Gary King said the grand jury returned the indictments Wednesday.
- This week's primary was [the biggest test yet for King County's all-mail elections](#), with competitive races for Seattle mayor and King County executive. The county's first mail-only election in February for elections director was a smaller contest. An overly full ballot drop box was one of the few hiccups on Election Day for King County Elections, and it was fixed by 9 a.m. Elections employees worked faster than expected and the first results for Tuesday's primary results included 30,000 more ballots than the county predicted would be ready for tabulation. By Tuesday night, the county counted about half the ballots it expects to receive, a spokeswoman told *The Seattle Times*. For this election, the county used new and faster machinery to scan and tabulate ballots. "We will be tabulating far more results [Tuesday] than we ever have on Election Day, due mainly in part to the pre-processing and the higher volume and speed of the equipment," county spokeswoman Megan Coppersmith told the paper.
- A [voter initiative to allow permanent mail-in absentee voting in Idaho has passed final review](#) by the Secretary of State Ben Ysursa and Attorney General Lawrence Wasden. A group led by Larry Grant, who ran for Congress in 2006 as a Democrat, wants to allow people to register just once with their county clerk to vote absentee, rather than having to do it again and again every year. Grant, chairman of Idaho Vote by Mail, is trying to get the initiative on the ballot for 2012 and must collect 52,000 registered voters' signatures to do it. County clerks have supported such efforts, saying it would make voting more convenient and boost turnout. Conservative members

of the Idaho House have shot down past attempts to pass such a measure in the Legislature - on grounds that it opens voting up to fraud and is a radical departure from in-person voting.

- [Controversy continues to swirl in several Tennessee counties including Putnam County](#) where Administrator Debbie Steidl is unhappy with recent cuts made to her budget. The county's budget committee cut a \$3,000 line item that the election commission added to its budget in order to pay a Nashville attorney to represent them on a monthly retainer basis, after the county refused to represent commissioners in a federal lawsuit. The committee also cut a portion of Steidl's pay. Steidl said the money set aside for the attorney was not to pay for a pending lawsuit in Putnam County Chancery Court, which commissioners are hoping will decide who should defend them in a federal lawsuit following the ouster of former Election Administrator Nancy Boman -- the election commission say it's the county's responsibility; the county attorney says the election commission falls under the arm of the state. The election commission filed suit against the county and the state in Chancery Court July 31. "My feeling is, I want a separate attorney," Steidl told the *Herald-News*. "I don't want the county attorney. I don't like the way he has approached this. He hasn't even read the lawsuit, and he made a quick opinion." Steidl said she has actually saved the county money by cutting her budget by \$18,000, which included the elimination of one full time employee because there wasn't enough work in the office.
- [South Dakota](#) recently received the Election Center's 2009 Professional Practices Program State Award. This annual award is given as recognition for the most outstanding election administration professional practice in the nation. The 2009 award was given to South Dakota for the 2008 development and implementation of a new central election reporting system. In a statement, Secretary of State Chris Nelson said, "I knew this system served South Dakota very well in the 2008 general election. Knowing that it has been recognized as the best in the nation for 2009 is humbling. This award is a great credit to Secretary of State staff, county auditors across the state, and the software developers who worked as a team to fulfill our goals for this system."
- From the American Association for the Advancement of Science (AAAS): There is a growing consensus in America that improvements to the election process are very much needed. Yet, surprisingly, so little is known about the fundamentals – the accuracy, reliability and security of voting technologies, election administration, etc. More research and greater understanding of the U.S. voting system are imperative in order to implement effective changes. [The Research Database on the U.S. Voting System and Voting Technology](#) provides access to empirical and analytical research about voting and elections to inform evidence-based reforms. The database includes bibliographic information, abstracts and links to research covering a broad set of issues such as accessibility, ballot design, public confidence, voter demographics, voting technology, and voter registration.

III. Opinion

Colorado: [Aspen ballots](#)

Florida: [Postal service](#)

Georgia: [DOJ decision](#)

Illinois: [DuPage County](#)

Mississippi: [Voter ID](#)

Tennessee: [Convenience voting](#)

Washington: [Vote-by-mail](#)

Wisconsin: [Early voting](#)

***some sites require registration*

IV. 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@electionline.org

Deputy Director for Policy, U.S. Election Assistance Commission, Washington, D.C.-- responsible for research, analysis, development and implementation of programs and projects associated with the policy section of the Division. The incumbent provides technical and public policy analysis of the complex requirements of Federal voting laws related to NVRA and HAVA, and on the procedures used by States and local jurisdictions in order to comply with those requirements. As a Deputy Director, the incumbent will develop proposals and provide recommendations to Agency management for resolving a wide range of complex technical and policy issues, and will work to negotiate and resolve matters of controversy so that selected options can be implemented. He/She will manage and oversee the processes for developing agency policies on voter registration matters, on HAVA Title III compliance and on related election policy matters. The incumbent will represent the Division in agency, inter-agency, and EAC Advisory Board meetings on NVRA requirements and HAVA guidance. He/She is responsible for monitoring and reporting on the progress of various policy projects as they relate to EAC's overall mission and strategic plan through briefings, presentations, internal memorandums, and other written communications. He/She provides advice and guidance for resolving issues related to certain policy matters, develops new techniques and approaches, and works to achieve consensus around various policy projects. Competitive applicants will have knowledge of NVRA and HAVA in order to perform the analysis and the eventual development and implementation of policies to be used by States and local jurisdictions. Qualified applicants should visit our [Web site](#) for more information. **Deadline:** September 1, 2009.

Elections Director, Pinal County Government, Florence, Ariz.-- this is a Department Head/Administrative Officer position that works under policy direction and will manage a major department of the organization. The following are examples of some of the duties for this Position: Confers with political party chairs; coordinates department staff activities; prepares and conducts municipal, school district and special district elections for which the County is contracted; plans and recommends for Board approval the establishment for new voting precincts, supervisor districts and Justice of the Peace Precincts; plans, directs and controls the preparation and conduct of elections for which the County has responsibility; prepares bid specifications of election services and equipment; recruits, assigns and trains election board workers; assists in legal actions relevant to elections; develops and administers voter education programs; researches, prepares and submits voter changes to the Voting Rights Section of the Justice Department; selects, trains, supervises and evaluates staff.

To qualify you must have a Bachelors Degree and three years increasingly responsible, elections management experience, including two years in a supervisory or administrative capacity. Interested candidates should apply by going to www.pinaljobs.com and submitting an online application. **Salary** range for this position is \$76,252.80 - \$105,248.00 DOE.