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I. In Focus This Week

News Analysis: Final 'super Tuesday' before Election Day

Seven states and District of Columbia hold primaries

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Seven states and the District of Columbia finally held their non-presidential party primaries this week to varying degrees of success and turnout.

[New York](#) conducted its first mostly Help America Vote Act-compliant primary this week and in some counties, very few people chose to use the new accessible voting machines. In [Rensselaer County](#), only 10 people used the accessible machines, two of whom had disabilities of some sort.

Those who did, [reported problems](#) using the \$11,500 machines, including some not being powered up in the polling stations when voters arrived.

The light turnout (less than 15 percent) didn't exactly mean smooth sailing with the state's old lever-machine system either. In [Broome County](#), initial results were improperly reported after the printout from the lever machines could not be read. And some voters in [Clinton County](#) were confused about the location of their polling place after several were combined for the primary.

New York's presidential preference primary was held February 5 with just under 20 percent turnout.

A day after Vermont elections officials made a public plea to voters not to [write-in](#) joke candidates things went relatively smoothly on primary day Vermont.

The clerks made their unusual plea in an effort to save time and money.

"Almost every election, there's people who, I guess, think its fun to throw their vote away, basically," Manchester Town Clerk Linda Spence told a local television station. "And while it may be worth a few giggles while you're behind the curtain, it's actually costing you tax dollars."

Vermont held its presidential preference primary on March 4 with a nearly 40 percent voter turnout and although final numbers weren't in yet, Secretary of State [Deb Markowitz](#) (D) predicted turnout would be less than 10 percent, which would be a record low for Vermont.

[New Hampshire](#) which is the first state in the country to conduct a presidential primary (55 percent turnout), finally conducted its state primary this week that saw around a 15 percent turnout — partly hampered by foul weather.

[Delaware](#) was The First State in nickname only when it came to elections. It was one of the last to conduct a primary this week and had among the best turnout with approximately 22 percent making the trip to the polls for the closed primary. Although some late summer storms knocked out power to areas of the state, most polling places functioned on [battery power](#) and with few problems.

Delaware held its primary on Super Duper Tuesday, February 5, and saw an almost 24 percent turnout.

In [Rhode Island](#), where only 7 percent of the electorate turned out to cast a ballot, there were a few reported problems including a memory pack that was temporarily lost and another was locked in a school polling place Tuesday night. The Board of Canvassers said that the election results were not affected.

The Rhode Island presidential preference primary was held March 4th with an almost 29 percent turnout.

In the [District of Columbia](#), although turnout was light throughout the day (just under 13 percent), the [problems began after the polls closed](#).

[Initial reports](#) out of the Board of Ethics and Elections (BOEE) indicated that more Republicans has cast ballots than are actually registered — including more than 1,500 write-in ballots. Late Wednesday, BOEE blamed the problems on a defective computer memory cartridge in one optical-scan machine.

According to *The Washington Post*, the episode has sparked uncertainty over whether the board, after apparently botching a routine local primary with light turnout, can handle the general election in November.

The [BOEE has seen a high turnover rate](#) at the top recently and Council Chair Vincent Gray has promised that there will be a [review](#) before the November election.

"When you're conducting an election like this, everything has to go perfectly, and this one did not," Gray told *The Washington Post*. "The council has an obligation to find out why and introduce the fixes."

Although who conducts that review remains in question as long-time D.C. Councilwoman Carol Schwartz who heads the committee that oversees the BOEE was defeated in one of the races that had questionable results.

The District held its presidential preference primary in February 12 with a 28.5 percent voter turnout.

Wisconsin officials used the Tuesday primary as an opportunity to register voters in advance of the November 4 election.

"Since Wisconsin is a state where you can register on site at the election polls, we wanted to encourage them to do it earlier to avoid long lines, and waiting and errors," Cathy Arney, a Ward Inspector told a local television station as she waited for voters to show up at the polls.

In some Wisconsin counties, voter turnout, which was 36.5 percent for the February 19 presidential preference primary was in the single digits. By the time polls closed in Dane County—the most populous county in the state, only 6.2 percent of the voting population had turned out.

"Primaries are not usually big, but this is smallest September I've seen in a long, long time," said Dane County Clerk Bob Ohlsen told [WISCTV](#). "There are really very few places that have any competition at all, so many of the ballots in Madison were just single names. So, people tend to not go out for that kind of election."

In Minnesota, which conducted its presidential caucus on February 5 turnout for the statewide primary was light on Tuesday. In addition to a host of local races, the primary also featured Republican and Democratic primaries for one senate seat and eight seats in the House.

A primary race for a state Supreme Court seat has triggered [Minnesota's first statewide recount](#) since 1962.

Two candidates seeking to challenge sitting Justice Lorie Gildea were separated by less than one half of 1 percentage point. It could require the manual review of more than 400,000 ballots, said John Aiken, a spokesman for the Secretary of State.

The recount is set to begin next week after the state canvassing board meets and must be complete by early October in time for absentee ballots to be mailed.

And finally, it was most likely the first and certainly [the last election for a red squirrel in Olmstead County, Minn.](#) this week. According to the *Post Bulletin*, the squirrel got into an electrical transformer outside the Quincy Township Hall.

The short cut off power to the hall for about 90 minutes, but did not disrupt voting because the machines can run on batteries. It happened at about 4:30 p.m. "We were just sitting there talking and we heard a 'pop,'" said Monica Thompson, an election judge. "It sounded like a car backfiring at first." "We thought: 'terrorists,'" said Patty Fritz, another one of the judges. Despite the outage, voting remained at the regular pace of about one voter every 20 minutes, Thompson said.

This does not mark the end of the 2008 primary season however. Hawaii and Massachusetts are still scheduled to conduct their primaries within the next two weeks. And Louisiana will hold its Gustav-interrupted primary on October 4.

II. Election Reform News This Week

- With just over 50 days to go till the general election in November, states across the country have begun asking their registered voters to [vote early or vote-by-mail](#). In [Idaho](#), Ada County Clerk Dave Navarro will begin mailing out absentee voting applications to every registered voter next week. Officials in Porter County, [Indiana](#) announced that locations will be open 12 hours per day for the 30 days leading up to the election for early voting. Elections officials in [Ohio](#) began mailing out absentee voting applications this week, including almost [900,000 in Cuyahoga County](#) and [375,000 in Montgomery County](#). Davis County, [Utah](#) will be offering early voting for the first time and hoping the 10 days of early voting will push voter turnout to 85 or possibly 90 percent for the county. Legislation signed into law this year in [Kansas](#) expanded early voting and county clerks are working to expand and create early voting sites throughout the state. Officials in Washington County, [Tennessee](#) are preparing for more than 10,000 voters to vote early and are therefore extending hours at early voting sites by 7 hours per week. And with all this early voting, much of it by mail, the [U.S. Postal Service](#) issued a statement this week encouraging voters to turn in those ballots as early as possible, but at least five days prior to the election to ensure on-time delivery. The postal service is predicting more than 31 million ballots to be mailed this fall.
- After months of back-and-forth, the [Veteran's Administration](#) announced this week that it would no longer ban voter registration drives at VA facilities. According to an article published in *The New York Times*, the reversal came after months of pressure from state election officials, voting rights groups and federal lawmakers who said that such drives made it easier for veterans to take part in the political process. "V.A. has always been committed to helping veterans exercise their constitutional right to vote, which they defended for all Americans while serving their nation," Dr. James B. Peake, secretary of veteran's affairs told the paper. "We've now established a uniform approach to helping those of our patients who need assistance to register and to vote."
- [Wisconsin's Attorney General filed suit](#) against the state's Government Accountability Board this week over the board's failure to check the names of more than 240,000 registered voters against driver records. According to the *Milwaukee Journal-Sentinel*, performing those checks by the Nov. 4 presidential election is impossible, election clerks have said. Clerks started performing the checks Aug. 6 for people who register to vote or change their voting address by mail, but Van Hollen said federal law requires clerks to check anyone who had done so since Jan. 1, 2006. "We're making sure that people realize we're not going to let those in government replace the law with their judgment or their opinions," said Van Hollen, a Republican and one of the state co-chairmen for Sen. John McCain's presidential campaign. Van Hollen's suit would not require the state to take people off the voter rolls if they have incorrect information. People who are told their data are incorrect can still vote, even if they don't correct the information.

- And in a news item that will surely get the conspiracy theorists talking, Automark machines in the Massachusetts city of New Bedford do [not seem to work with Republican ballots](#). Maria Tomasia, elections commissioner told the *Standard-Times*, the matter is especially odd because all of the ballots are printed by the same contractor, yet only the Republican ballots are having trouble. Brian McNiff, spokesman for the state Elections Division, said the problem is confined to New Bedford, with no other communities reporting difficulty. "The manufacturer is working with the city, and this is the only instance of difficulty with the ballots," he said. "But it is a good example of why we urge cities and towns to test machines before voting day.

III. Research and Report Summaries

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

[Key Questions for Key States](#) – Prepared by Election Law & Moritz, September 2008.

Researchers with the Moritz College of Law at The Ohio State University examine [key election administration questions in 17 battleground states](#). Ten issue groups are looked at: Institutional arrangements, voter registration/statewide database, challenges to voter eligibility, provisional voting, early and absentee voting, voting technology, polling place operations, ballot security, emergency preparedness, and post-election processes (counting, recounting and post-election lawsuits). They also assess the potential for [pre-election litigation](#) in these states and provide an [interactive database](#) that allows users to perform side-by-side comparisons of the states.

IV. Opinion This Week

National: [Internet voting, II](#); [Constitutional change](#); [Electronic voting](#)

Arizona: [Voting experience](#); [Pima County](#)

District of Columbia: [Primary](#)

Florida: [Ex-felon voting rights, II](#); [Palm Beach County, II, III, IV, V](#); [Miami-Dade County](#); [Paper trail](#)

Kansas: [Voting holiday](#)

Minnesota: [Primary election](#); [Voting rights](#)

Mississippi: [Ballot design](#)

New York: [Voting machines, II, III](#)

Ohio: [Voting machines](#)

Pennsylvania: [Polling places](#); [Voting machines](#)

Texas: [Voter registration](#)

Virginia: [Poll workers](#); [Student registration](#)

Washington: [Sam Reed](#)

***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

Election Law Experts — Open Voting Consortium (OVC) is seeking election law expert(s) to sign on to a proposal for which funding is anticipated. Part of this work will involve drafting language to be included in a bill to be introduced in the CA state legislature next January. OVC is best known as the developer of free open source software for public voting systems. See OVC's [Web site](#) for more information. For more details contact Alan Dechert at alan@openvoting.org.

General Counsel—U.S. Elections Assistance Commission, Washington, D.C. The incumbent serves as the general counsel of the EAC and will directly support the mission of the Commission by providing real-time advice to the Commissioners and senior leadership on legal issues affecting EAC activities and operations. Requirements: Candidate must be able to obtain top secret security clearance; occasional

travel. Salary: 115,317.00 - 139,600.00. Application: An application and more details can be found on the USAJobs [Web site](#). Deadline: September 26.

Poll Workers — American University's Center for Democracy and Election Management (CDEM) is recruiting Washington, D.C. area college students to serve as poll workers in Washington, D.C. on November 4th, 2008. For more info and to apply, please visit the [Web site](#). You can contact CDEM at cdem@american.edu.