

electionlineWeekly — October 30, 2008

electionline.org

I. In Focus This Week

Twelve states to watch on Election Day

Likelihood of problems looms based on past performance and current events

With five days to go before Election Day, preparations and campaigning have reached a fever pitch. Voter interest is soaring. Turnout could reach historic levels. On Election Day, *electionline.org* will pay particular attention to a dozen states.

While some (Colorado, Florida, Missouri and Ohio) are clearly battlegrounds in the race for the White House, others (Georgia and the District of Columbia) might have less drama when the results are tallied than they do while polls are open.

All 12 states share some similarities – regardless of their competitiveness in the national electoral map, they have issues in election administration that bear watching: whether it's new rules governing voter identification; trouble with voting systems, either because of computer glitches, poll worker mistakes or both; long lines at polls; new voter registration databases; or some combination of problems.

This list does not mean there will be trouble on Election Day, but the likelihood for problems looms based on past performance or current events.

Colorado

Past problems with vote centers in Denver – a system that replaced neighborhood precincts with super precincts allowing in any one of a reduced number of “super precincts” – convinced city officials to revert to the old way of doing things rather than risk equipment failures, long lines and chaos that plagued the 2006 vote. And while a third of the state's registered voters have already cast ballots by mail or early in person, lines still might be unavoidable in this Western battleground state. Voters will be faced with one of the longest ballots in state history. And polling places as well as voter rolls will be stressed by an expected near-record turnout, a new statewide voter registration database operating for the first time in a presidential election and a likely record number of new registrants. Purges of that voter list have been controversial as well and a lawsuit over the issue was settled this week allowing for extra oversight of provisional ballots cast by voters who have been canceled from the rolls since mid-May. Officials from across the state predict it could take time to report results, meaning the nation could stay up late waiting for word from Colorado.

- Polling place hours: 7 a.m. – 7 p.m.
- Electoral College votes: 9
- Registered voters: 3,206,766 (October 2008)
- Voting technology: Optical scan, hand-counted paper ballots and DRE with and without voter-verified paper audit trail. Manufactured by Premier Election Solutions, ES&S, Sequoia and Hart InterCivic.

District of Columbia

There should be little drama when results are announced in the Nation's Capital – Sen. Barack Obama (D) scored a landslide in every precinct in the District in February – but recent voting machine troubles, accusations of mismanagement, misprinted absentee ballots, turnover at the top echelons of the Board of Elections and strange results from tabulators will keep things interesting. Long lines and paper ballot shortages plagued the February presidential preference primary with some areas running out of Democratic ballots before noon. A low-turnout September primary had problems as well, with one precinct reporting unusually high numbers of write-in ballots, a snafu the city's voting machine vendor blamed on “static discharge” or mishandling, later saying the machines “all worked well” and blamed the event on

human error. The Board of Elections, which has seen its executive director, registrar, poll-worker recruiter and trainer/press spokesman as well as chairman leave and be replaced in a presidential election year, blamed problems on one defective cartridge after remaining silent on the issue for days.

- Polling place hours: 7 a.m. – 8 p.m.
- Electoral College votes: 3
- Registered voters: 426,767 (October)
- Voting technology: Optical scan, DRE without voter-verified paper audit trail. Manufactured by Sequoia.

Florida

Election Day marks the third voting system in use in as many presidential elections for a number of Sunshine State counties, including Miami-Dade and Broward, two of the state's most populous. Optical-scan systems replaced touch-screen units this year in 15 counties after Gov. Charlie Crist led efforts to rid the state of them. The discovery of more than 18,000 non votes in a 2006 Congressional contest in Sarasota County cemented the machine's fate, though recent problems managing an election on optical scanners in Palm Beach County has done little to allay fears that election reform's poster child will have at least some snafus on Election Day. Debates have also raged over the state's "no-match, no-vote law," and some advocacy groups have voiced concerns that some new registrants might not get on voter rolls due to errors in databases. More than 2.5 million voters have already cast ballots in person or by mail, with the former group enduring long lines in many parts of the state compelling Gov. Charlie Crist (R) to extend early voting polling place hours.

- Polling place hours: 7 a.m. – 7 p.m.
- Electoral College votes: 27
- Registered voters: 11,247,634 (October 2008)
- Voting technology: Optical scan and DRE without voter-verified paper audit trail. Manufactured by Premier Election Solutions, ES&S and Sequoia.

Georgia

The state's recently enacted voter ID rules – requiring every polling place voter to show a government-issued ID card with photograph – will be enforced for the first time during a presidential election. Registration has surged in the state with more than 400,000 voters joining the rolls in the past 10 months alone. New voters and others who do not provide proper ID can cast provisional ballots but must present a valid ID at an election office within two days of the election to have their ballot eligible for counting. Georgia will continue to use Diebold (now Premier Election Solutions) direct-recording electronic (DRE) machines not equipped with voter-verified paper audit trails. The same units were decertified in both Ohio and California in the past two years. Only Maryland employs the same system statewide, though a bill passed by its legislature in 2007 will replace the DREs with optical scanners beginning in 2010. Nearly 1.4 million ballots have already been cast.

- Polling place hours: 7 a.m. – 7 p.m.
- Electoral College votes: 15
- Registered voters: 5,598,425 (October 2008)
- Voting technology: DRE without voter-verified paper audit trail. Manufactured by Premier Election Solutions.

Indiana

The U.S. Supreme Court upheld the state's voter ID law requiring government-issued photo verification at polling places earlier this year. Similar to Georgia's rules, Indiana voters who lack requisite identification can cast provisional ballots but must produce ID at their county's election office within 10 days of the vote to have their ballots eligible for counting. Around the state, 59 counties will use DRE voting systems without voter-verified paper audit trails. More than 400,000 absentee ballots have already been submitted.

- Polling place hours: 6 a.m. – 6 p.m.
- Electoral College votes: 11
- Registered voters: 4,513,055 (October 2008)

- Voting technology: Optical scan, DRE without voter-verified paper audit trails and ballot-marking device. Manufactured by Premier Election Solutions, ES&S and Voting Technologies International.

Missouri

Just as they have in other battleground states, Republicans in Missouri have raised questions about the legitimacy of voter registration forms turned in by the advocacy group ACORN. Former Sen. John Danforth (R) cited one instance where he said one person was registered 10 times under 10 different addresses. Along with former Sen. Warren Rudman (R), Danforth heads John McCain's "Honest and Open Elections Committee." In Kansas City, election officials say the system in place to identify potentially fraudulent registration applications has been working and they have catching the problematic forms. And like other battleground states, massive turnout is expected in the Show Me State on Election Day. The state's chief election official, Secretary of State Robin Carnahan (D), who will be on the ballot as she seeks re-election, said 80 percent of registered voters – 3.2 million people – might cast ballots.

- Polling place hours: 6 a.m. – 7 p.m.
- Electoral College votes: 11
- Registered voters: 4,205,774 (October 2008)
- Voting technology: Optical scan, DRE with voter-verified paper audit trail, ballot-marking devices. Manufactured by Premier Election Solutions, ES&S, Sequoia and Populex.

Nevada

Not only has the state become a battleground, some have termed Washoe County, home to Reno, one of the key battleground counties in the nation. County election officials have said they will have enough voting machines in place and are prepared for a high turnout based on a surge in voter registrations, especially among Democrats. Two years ago, Republicans outnumbered Democrats by almost 7,000 voters. One year ago registered Democrats outnumbered Republicans by 4,000. By the end of September that margin had grown to 80,000. Nevada was also one of six states asked by the Social Security Administration (SSA) to review its procedures and compliance with federal laws due to the high numbers of requests to check data the SSA has received from the state. Most states are required by the Help America Vote Act to verify the last four digits of the Social Security number of new potential registrants who do not have a valid state driver's license. Nearly 400,000 ballots have been cast before Election Day.

- Polling place hours: 7 a.m. – 7 p.m.
- Electoral College votes: 5
- Registered voters: 1,446,027 (October 2008)
- Voting technology: DRE with voter-verified paper audit trail. Manufactured by Sequoia.

New Mexico

The state was a pioneer in scrapping DRE voting systems in favor of optical-scan systems beginning with the 2006 general election, well before California and Florida. But the new voting system has not been flawless either. During pre-election check in Sante Fe County earlier this month, election officials discovered a problem with the coding of the machine's memory card that would have prevented the tabulation of votes in a number of races including the presidential race. The state offers both no-excuse absentee voting by mail and in person early voting on voting machines, which began on October 18 and ends November. 1. Nearly a third of voters cast their ballots before Election Day in both the 2004 general election and the 2008 primary.

- Polling place hours: 7 a.m. – 7 p.m.
- Electoral College votes: 5
- Registered voters: 1,184,536 (October 2008)
- Voting technology: Optical scan and ballot marking devices manufactured by ES&S.

Ohio

Controversy and lawsuits swirled around the state's six-day one-stop registration and voting period that ended earlier this month. Republicans say the options should have never been allowed, arguing that it violated the state's voter registration deadlines, though it has been on the books in the state for more than

a quarter century. Further, they said that localities would be unable to verify the eligibility of voters using the one-stop system, leading to potential election fraud. Counties have also been criticized for how they handle provisional ballots. The lawsuits have continued throughout October over voter registration and voter eligibility issues. An analysis of the state's March primary showed that voters in some counties who cast provisional ballots were not directed to the correct precinct or were not properly instructed how to complete provisional ballots by poll workers. Voters in Cuyahoga County, the state's most populous, will be casting ballots on their third voting system in the last three general elections, going from punch cards in 2004, to DREs with voter-verified paper audit trails in 2006 and optical-scan paper ballots this year.

- Polling place hours: 6:30 a.m. – 7:30 p.m.
- Electoral College votes: 20
- Registered voters: 8,188,294 (October 2008)
- Voting technology: Optical scan, DREs with voter-verified paper audit trails and ballot-marking devices. Manufactured by Premier Election Solutions, ES&S and Hart InterCivic

Pennsylvania

Officials in a number of counties have purchased extra voting machines and added more voting precincts to handle record turnout. Pennsylvania voters, unlike those in more than 34 other states, do not have the option of casting ballots early, either in person or through no-excuse absentee balloting by mail. Most voters will be showing up at the polls on Election Day. And in the counties where voters will their cast ballots on electronic voting machines, the systems are not equipped with voter-verified paper audit trails. Some advocates have criticized these systems as not secure and unreliable but election officials have defended the systems and say they are subject to rigorous pre-election testing. Just this week, a judge ruled that counties must have emergency paper ballots on hand.

- Polling place hours: 7 a.m. – 8 p.m.
- Electoral College votes: 21
- Registered voters: 8,751,262 (October 2008)
- Voting technology: Optical scan, DRE and ballot-marking devices. Manufactured by ES&S, Premier Election Solutions, Danaher, Sequoia, Hart InterCivic and Advanced Voting Solutions.

Virginia

A surge in voter registrations, particularly among Democrats, has raised the concerns of some Republican officials who have questioned the eligibility of some new voters. Third-party registration groups have come under fire from both the GOP and some local election officials for filing registration forms with false names. There has also been confusion over the eligibility of college students. In Montgomery County, home to Virginia Tech, a press release issued by the registrar stated college students could lose scholarships and insurance if they registered at their college address and not their parent's home address. The state board of elections later tried to clarify rules involving student registration. This week the NAACP sued the state saying it was not prepared to handle turnout on Election Day.

- Polling place hours: 6 a.m. – 7 p.m.
- Electoral College votes: 13
- Registered voters: 5,021,993 (October 2008)
- Voting technology: DRE, optically scanned paper ballots and ballot-marking device manufactured by Premier Election Solutions, Sequoia, UniLect, Advanced Voting Solutions, Hart InterCivic and ES&S

Wisconsin

The battle over voter checking new voter registrations data pitted the state's attorney general against the state elections division of the Government Accountability Board. At issue is the state's voter registration database and how many new voter registrations must be checked against motor vehicle another data. In a lawsuit (that was recently dismissed although an appeal has been promised) by attorney general J.B. Van Hollen, he claims per federal law the state needs to check every new voter registration since January 1, 2006 against data in the motor vehicle database and the national social security database. After delays in completing its database, the state did not have cross-checking ability until August of this year. In Milwaukee, charges were filed against a person working for a third party voter registration group for filing

dozens of forms with fake names and addresses. Wisconsin has also allowed election-day registration for more than 30 years.

- Polling place hours: 7 a.m. – 8 p.m.
- Electoral College votes: 10
- Registered voters: 3,386,156 (October 2008)
- Voting technology: DRE with voter-verified paper audit trail, optical scan and ballot marking device. Manufactured by ES&S, Premier Election Solutions, Voting Technologies International, Vote-PAD and Sequoia

Dispatches from the Polls: Voting Early in Washington D.C.

By [Sean Greene](#)
[electionline.org](#)

Washington, D.C. – Working at *electionline* often means being out of town on Election Day observing the nuts and bolts of the voting process in another jurisdiction. In my case it means I will be making my fifth trip to Cuyahoga County, Ohio since November 2004. So like many of my colleagues I have become familiar with the absentee voting process where I live. This past Saturday I went to the headquarters of the [District of Columbia's Board of Elections and Ethics](#) (BOEE) to cast an in-person absentee ballot.

D.C. requires that voters casting absentee ballots by mail or in person have a reason for being unable to go to the polls on Election Day including illness, physical disability or travel.

I arrived at the building in the early afternoon during a fairly steady rain as supporters of local candidates were handing out fliers and a board of elections employee was welcoming voters. Upon entering the building, I signed in and showed identification. All municipal buildings in DC require identification to enter, however according to BOEE spokesman Dan Murphy if a person states their purpose is to vote and they do not have ID they will not be denied access. To cast a ballot, the District only requires that first-time voters who registered by mail show photo or non-photo identification.

My previous in-person absentee voting experiences in D.C. (for both general and primary elections) had been quick and involved no more than a few minutes of my time and no standing in line. However this year I was prepared for crowds having read [reports](#) of a surge in early in-person voting. And when I got off the elevator at the second floor I saw I was definitely not alone.

A board of elections employee immediately directed me to a line across the hall from the BOEE office. The line turned out to be the first of two lines in order to accommodate all voters. By my quick head count there were 40-plus people waiting to vote.

Another member of the BOEE staff handed me a form (which when completed was immediately collected while I was still in line) that required my name, address, checking off the reason I needed to cast an absentee ballot and a signature. Voters were also asked to mark whether they wanted to cast an optically-scanned paper ballot or use a direct record-electronic (DRE) voting machine. Both systems are manufactured by [Sequoia Voting Systems](#), a company that has faced recent [criticism](#) in the city for voting tabulation problems during the September primary and for printing [incorrect absentee ballots](#) for this general election.

In line people were moved in groups of approximately six to ten people at a time. I reached the door of the office after a half-hour wait and was then directed inside. Interestingly, this is when I received my "I Voted" sticker, not after I voted.

At the front desk a staff member had my form in front of him. Another employee got the correct paper ballot for my precinct and I went to one of at least eight privacy booths available to mark my ballot with a #2 pencil. There were also three DREs that were all in consistent use by other voters. After marking my ballot, I inserted it into a ballot box. On Election Day paper ballots are scanned through precinct-based

optical scanners with the voter present. In-person absentee ballots are treated like absentee ballots and are not scanned immediately on site in front of the voter.

As I left, the lines of people were just as long as when I had arrived. My total voting experience from start to finish: forty minutes. [In-person absentee voting](#) began Monday, October 20 and runs through Monday, November 3 from 8:30 a.m. – 4:45 p.m. every day except Sundays.

II. Election Reform News This Week

[Early voting continued across the country](#) this week with long lines reported throughout and many jurisdictions reporting record-breaking numbers. In [Florida](#), Gov. Charlie Crist (R) issued an executive order to keep the polls open for 12-hours a day, seven days a week to meet the demand. Democrats in [Georgia](#) had requested that early voting be extended to Saturday, but Secretary of State Karen Handel (R) declined, saying there was no mechanism in place to allow for the extension. Voting had been hampered earlier in the week in Georgia when [computer woes slowed the process down](#) in the Metro-Atlanta area with some people waiting up to eight hours to cast a ballot. Voters in [Arkansas](#) were shattering previous early-voting records; in Ohio, where early and absentee voting has been heavy statewide, in [Butler County](#) sheriff's deputies had to be called in to direct traffic on the last night of early voting; in [Park City, Utah](#), a computer glitch showed that some residents had voted already when in actuality they had not; in [Louisiana](#), where voters went from a primary election to early voting, practically the next day, more than 264,000 residents cast a ballot—an all-time high. And while early voting may be immensely popular throughout the country, apparently not-so-much in [South Dakota](#) where while voting is brisk, it's nothing compared to the national average.

While a lot of attention has been given to voting rights for Spanish-language and Asian-language minorities and ex-felons this election cycle, several recent news articles remind readers that voting rights issues still plague the first Americans. According to the *Fairbanks Daily-Miner*, the Alaska Division of Elections has planned to implement [voting assistance for Native language speakers](#) to fulfill the requirements of HAVA, but the program was not pre-cleared by the U.S. Department of Justice. But the delay doesn't mean poll workers in communities where Native languages are spoken won't be prepared to assist Native-language speaking voters on Election Day. For the first time, the Division of Elections has trained poll workers how to provide language assistance during an election; and although the state hasn't been cleared to implement its complete language assistance plan, it did produce audio translations of election information for election workers to use as a tool when providing language assistance. An NPR report described the struggles of residents on the [Pine Ridge and Rosebud Reservations](#) in South Dakota to vote early, where unlike the rest of the state, residents have a three day in-person absentee voting period. In Michigan, members of the [Saginaw Chippewa Tribe](#) are concerned that officials in Isabella County townships will not recognize Tribal voter registration cards.

And finally, in this week's odds, ends and oddball moments from Election 2008, we bring you the following: In [Alabama](#), Captain Chito, a dog, received a voter registration form; also in Alabama, [Escambia County](#) was all abuzz this week with news that 92-year-old Olvena Smith would appear on the BBC in a piece highlighting her 55 years as a poll worker; a [River Falls, Wisc.](#) woman worked the polls for 45 years will not be able to participate this year because of health reasons; in [Travis County, Texas](#), a polling location was left unattended and unlocked for a time on Saturday; in [Ohio](#), a Columbus man was jailed and bond set at \$1 million after he threatened Secretary of State Jennifer Brunner (D); in [Johnson County, Kan.](#), a voter complained after realizing that all the poll workers for early voting were wearing red; for voters who just can't wait to get to a computer or 24-hour news channel, the [Alameda County, Calif.](#) registrar's office will send election updates directly to voter's cell phones; in [Virginia](#), a 74-year-old Hampton Roads man collapsed and died while waiting to cast his absentee ballot; in [Michigan](#), a 15-year-old who filled out a voter registration form with his correct birth date received a voter registration card after a data entry error changed the date; in [Milwaukee](#), Sue Edman, the executive director of the elections commission, broke her hip this week when moving a voting machine; and finally, proving that there may

really be something more important than football (well if you're a Browns fan anyway), more than 2,000 people lined up to vote on Sunday in [Cleveland](#).

Clarification: From News of the Week, Oct. 23, only 80 college students in Montgomery County, Alabama will be given free iPod Nanos for working the polls on Election Day.

III. Research and Report Summaries

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

[Toward an Equal Electorate: Five States' Gains Under the National Voter Registration Act](#) – By Scott Novakowski, Demos, Oct. 29, 2008

Demos and other advocacy groups have criticized some states for the lack of voter registration availability at public assistance agencies as required by the National Voter Registration Act (NVRA). The report notes that five states that have implemented recent reforms in this area have seen large increases in low-income voter registrations at such agencies. In Michigan, Missouri, North Carolina, Pennsylvania and Virginia, registrations through these agencies have increased anywhere from 22 percent to 2,600 percent. 125,000 low-income voters have registered at these agencies recently, many within the past several months.

[What is the probability your vote will make a difference?](#) – By Andrew Gelman, Nate Silver, and Aaron Edlin, *The Society for Political Methodology*, October 27, 2008

Using late October polling data, the researchers forecast next week's presidential election state by state to find what the probability is that an individual voter's ballot will be decisive. With 10,000 computer simulations the findings show that one vote has the greatest probability – a 1 in 10 million chance - of being decisive in New Mexico, New Hampshire, Virginia and Colorado. At the other end of the spectrum are states like New York, California, and Texas where the chances of one vote deciding the election are close to 1 in a billion.

[Uniformity in Election Administration: A 2008 Survey of Swing State County Clerks, National Edition](#) - By Allison McNeely and Adam Fogel, FairVote, October 27, 2008

[FairVote](#) researchers surveyed 26 counties across the country with populations of 500,000 or more about certain election administration practices. Sixteen of the counties plan to have a written poll booth allocation plan in place by November 4. Of the 24 counties surveyed that have some type of post-secondary institution within them, 15 have on-campus polling sites. The counties were also surveyed about ballot preparation and how the number of polling booths or voting machines needed is determined. The report warns of potential long lines in some of the counties on Election Day due to a lack of preparation and lack of uniform standards.

IV. Opinion This Week

National: [Weekend voting](#); [Voting machines, II](#); [Butterfly ballot](#); [Voting rights](#); [E-voting](#); [Early voting](#); [Voter registration](#)

Alabama: [Voter registration](#); [Voter fraud](#)

Alaska: [Early voting](#)

Delaware: [Election-day preparations](#)

Florida: [Early voting, II, III](#)

Georgia: [Early voting, II](#)

Indiana: [Voter ID](#)

Maryland: [Early voting, II](#)

Missouri: [Election Day](#)

Montana: [Brad Johnson](#)

New York: [New York City](#)

Ohio: [Jennifer Brunner](#); [Homeless voting](#)

Oklahoma: [Early voting](#); [Vote fraud](#); [Election Day](#)
Oregon: [Measure 65](#)
South Carolina: [Beaufort County](#)
Virginia: [Absentee voting](#); [NAACP lawsuit](#)
Washington: [Voting system](#)
West Virginia: [Natalie Tennant](#); [Voter purges](#)

***some sites require registration*

VI. 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

Chief Deputy — L.A. County Clerk and Recorder's Office, Los Angeles, Calif. The Chief Deputy Registrar-Recorder/County Clerk reports to the Registrar-Recorder/County Clerk, and acts as assistant head of the Department of the Registrar-Recorder/County Clerk. This one position is distinguished by its executive and administrative responsibility for assisting the Registrar-Recorder/ County Clerk in the planning, organization, and direction of all operations of the Department including those of the County Clerk operations, Registrar operations, and Recorder operations. Minimum Requirements: Five years of progressively responsible experience in an administrative or management capacity directing or assisting in directing through subordinate managers, a major organizational unit with responsibility for multiple high profile functions or services, including elections administration and legal document processing or functions of a similar level of complexity. This experience may have been in either a public or private agency or businesses providing public services. **Salary:** \$129,045-\$195,320. **Application:** Submit statement of interest and resume to: Marco Morejon, Department of Human Resources, Executive Recruitment; Kenneth Hahn Hall of Administration; 500 West Temple Street, Room 555; Los Angeles, CA 90012; Phone: (213) 974-2675; Fax: (213) 613-4773. E-mail: mmorejon@hr.lacounty.gov. [Web site](#). **Deadline:** Open.