

I. In Focus This Week

News Analysis: Local governments struggle with cost of special elections

Some localities try to find alternatives, but most simply must find the money

By M. Mindy Moretti

Across the country, state and local elections offices are [facing budget cuts](#) leading to layoffs, hiring freezes and a variety of other cost cutting measures. However, the show must go on and elections must be held. But what happens when the show isn't planned for?

In increasing numbers, local governments are being required to hold special elections to fill positions that have been vacated for a variety of reason or to approve new taxes and levies. Because special elections are unplanned, localities must to come up with money not in their original budgets. How they are doing that varies.

Even before the ink was dry on the final reports from the regularly scheduled November election, officials in Massachusetts were gearing up for a special primary election on December 8 (general election January 19, 2010) to replace the late Senator Edward Kennedy.

Besides the added strain of conducting three elections almost back-to-back, [localities throughout Massachusetts are struggling](#) with paying for an election no one anticipated.

Brian McNiff, spokesman for Secretary of State William Galvin, told the *News Herald* that the state will purchase the ballots and pay for the three extra hours city and town offices must remain open to comply with the 7 a.m. to 8 p.m. state election hours. McNiff said the state will spend more than \$5.4 million on the elections.

"It's all we can see at this moment," said McNiff of the state's contributions.

Unfortunately that \$5.4 million from the state will not do much to help localities defray costs and many have said they will need to dip into 2010 budgets to pay for the elections.

Elizabeth Camara, acting chairwoman for the Fall River elections board, told the paper that the city will pay out roughly \$50,000 for both elections.

"This is not anything we budgeted for because we didn't know it was coming, and there's no money available," Camara said. "We'll have to take it up with someone to see where this money comes from." To add to the costs, the general election will be held the day after the Martin Luther King Jr. holiday, which will force election workers to come in on a federal holiday and thus be paid appropriately.

Some states and localities are looking to legislate their way out of, or around special elections.

This week, [New Jersey](#) Assemblyman John McKeon (D-Essex) introduced a bill that would eliminate special elections to fill U.S. Senate vacancies. Currently the governor can either call a special election or appoint a replacement.

McKeon told *The Star-Ledger* he introduced the bill as a cost saving measure. Special elections cost \$10 million, he said, and often have low turnout.

"I don't look at this as partisan," he said Monday. "I think it's good government."

In [Fort Madison, Iowa](#), the city council voted not to hold a special election to replace one of their own and cited cost as the reason. Instead they will accept applications from interested parties and appoint someone to the position.

Even in California which may well have more experience with special elections than any place else, the state's current economic climate is calling on some creative thinking on parts of localities. When [Oceanside](#) city councilmember Rocky Chavez was appointed to a state position, he waited until the end of November to resign meaning that the city did not have to conduct a special election and ended up saving more than \$400,000.

When a recent special election saw only a 21 percent voter turnout (14 percent by mail, 7 percent at the polls) and cost approximately \$80,000 in [Orange County, Calif.](#), debate has reheated over whether or not to conduct special elections by mail-ballot only. Proponents argue that mail-only elections will increase turnout and lower costs where opponents argue that voters who wish to visit the polls will be disenfranchised.

Orange County Supervisor Chris Norby who won the special election in question told the *Los Angeles Times* that although he cherishes the "civic ritual of going to the polls," he also loved vinyl records, "but I don't listen to them anymore."

Like localities in Massachusetts, several counties in [Kentucky](#) are hoping that the state will come through to help out with additional funding for two special elections.

According to Judge-Executive Steve Applegate, each election will cost Lewis County about \$22,000. As it stands, the state will only give the county about \$2,800 to help defray the costs however that amount does not even fully cover the amount needed to staff the county's 14 polling places.

Democrat Robin Webb, who won the August special election, creating the need for the December special election told the *Ledger Independent* she had contacted the governor about the availability of funds to help offset the costs including possible money from the state's emergency fund.

"It's through no fault of their own," Webb told the paper. "I think it's basically a necessary government expense that should be absorbed by the state. The local governments are strapped far more than the state."

II. Election Reform News This Week

- [Hawaii's chief elections officer](#) on Tuesday proposed closing 40 percent of the state's polling places in response to deep budget cuts imposed by the Legislature and the state's governor. Then he abruptly resigned. Kevin Cronin, who has been battered by criticism from legislators and others, sent resignation letters to members of the state Elections Commission on Tuesday. According to The Associated Press, the resignation throws the agency into some turmoil 10 months before it is to conduct a major election in which voters will choose party nominees in races for governor, two U.S. House seats and state legislative offices. Cronin was hired in February 2008, and was lauded for his handling of the 2008 elections. But he has been under fire recently for various missteps, his management style and his knowledge of elections procedures and budgeting. Cronin's plan would shut 97 of the 242 polling places the state operated during the 2008 elections. According to William Marston, chair of the state's election commission, Cronin was not asked to resign.
- The Mississippi Constitution lists [21 crimes that take away a convict's right to vote](#). The constitution initially listed 10 crimes that would strip voting rights. Eleven other crimes were added in 2004 based on a state attorney general's opinion. Other felonies not on the list, such as dealing drugs, don't affect voting rights. Lawmakers have introduced legislation to amend the constitution

either to ban all felons from voting or to restore suffrage automatically for first felony conviction upon completion of sentence. The bills have gone nowhere, but the debate continues. According to the *Times-Picayune*, two lawsuits are attempting to address the questions about felons' voting. One challenges the state's denial of voting rights to people convicted of felonies that include shoplifting, timber larceny and extortion, which were among those added in 2004. Attorney General Jim Hood said his opinion was based on a 1998 ruling of the 5th U.S. Circuit of Appeals that approved the additional crimes for disenfranchisement. The ACLU argues that Mississippi's disenfranchisement provision is confusing. The group contends the constitution allows felony convicts to participate in some federal elections, but they're not allowed to register to vote and participate in state elections. The ACLU will present their argument on January 6.

- New York election officials testified before a state Senate committee this week about the use of new optical-scan voting systems. While there were relatively few problems reported with the use of the new system, [one complaint seemed to come up time and time again — the lack of privacy](#). In Onondaga County, there were some "overzealous inspectors who insisted on helping voters scan their ballots or were simply standing too close to the scanner," according to testimony from Elections Commissioners Helen Kiggins, a Republican, and Edward Ryan, a Democrat. Among the other common complaints were that the ballot print and squares to fill in were too small, polling sites were not properly laid out to accommodate the new system, and many voters were not aware that there were statewide proposition questions on the flip side of the ballot. According to the *Press & Sun-Bulletin*, Nineteen of the state's 62 counties made the transition fully this year from lever machines to paper ballots and scanners, part of a pilot program to prepare for next year. Twenty-eight counties had a mixture of lever machines and the new system, including Tompkins County, where they were used by voters in the city of Ithaca. New York is the last state to come into compliance with the Help America Vote Act.

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.

[The National Voter Registration Act: Fifteen Years On](#) - Estelle H. Rogers, American Constitution Society for Law and Policy, November 2009: This issue brief examines NVRA's successes and failures at the 15-year mark. It assesses what has been accomplished and what could still be achieved, focusing on voter registration at public agencies, and administration and voter list maintenance, and suggests enhanced enforcement of the law could greatly improve its implementation.

[Representational Bias in the 2008 Election](#) - Douglas R. Hess and Jody Herman, November 2009: Using the November voting and registration supplements of the U.S. Census Bureau, the report finds that the registered and voting populations during the 2008 election were disproportionately composed of older, wealthier, and white Americans. However, the population that voted was more diverse than in years past.

[Fearing Fear Itself: Photo Identification Laws, Fear of Fraud, and the Fundamental Right to Vote](#) – Joel A. Heller, 62 Vand. L. Rev. 1871 (2009): In examining photo identification laws and related court challenges, the author suggests questions that should be asked by courts when they are evaluating laws that could deny the right to vote based on fear.

[Election Assistance Commission](#) – November 2009: The federal Election Assistance Commission (EAC) recently released two fiscal year 2009 reports:

- [Annual Financial Report](#)
- [Federal Information Security Management Act Report](#)

[The Triumph of Voting Rights in the South](#) - Charles S. Bullock III and Ronald Keith Gaddie, 2009: In a state-by-state assessment, the authors describe how minorities have become politically empowered thanks to the Voting Rights Act of 1965, particularly the Section 5 provision.

IV. Opinion

Technology: [ES&S](#)

California: [Instant-runoff voting](#); [Monterey County](#); [Voter registration](#)

Colorado: [Vote-by-mail](#); [Election integrity](#)

Michigan: [Absentee voting](#)

New York: [HAVA](#); [NY-23](#); [Voting program](#)

North Carolina: [Election reform](#)

Ohio: [Cuyahoga County BOE](#); [Vote fraud](#)

Pennsylvania: [Costly recounts](#)

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

West Virginia: [Overseas voting](#)

Wisconsin: [Appointed clerks](#)

***some sites require registration*

V. 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

Officer, Campaigns — Pew Center on the States, Washington, D.C.: Working closely with the directors of GPP, MVW and PSPP and other PCS colleagues (including the Research & Development unit and Communications staff), the officer will be responsible for ensuring that state campaigns within PCS's government performance unit are well-planned, strategic and effectively implemented.

Responsibilities: Under the supervision of the senior officer, the officer will: take responsibility for identifying, evaluating and implementing strategic state issue campaigns and initiatives; Identify, develop and maintain strong collegial relationships with partners, grantees, contractors and other lead organizations and constituencies in the issue area; identify and manage national and state partners to advance the goals of the campaigns. Where appropriate, develop plans and materials to integrate state and national partners in the performance unit and PCS' work; propose and assess plans for public opinion research, communication strategies and lobbying and public education efforts. As needed, identify and vet consultants and firms, negotiate contracts and letters of agreement that clearly achieve program objective and are cost effective and manage ongoing relationships; contribute to the drafting of selected press releases, op-eds, memos and speeches; work with PCS and PCT Communications staff on messaging and media strategy to help ensure that communication and outreach are well-designed components of the campaigns and serve broader institutional goals; help structure and manage relations with partners such as the National Conference of State Legislatures, National Governors Association.

Requirements: A minimum of 8 years of experience in the public policy arena with a working knowledge of effective issue advocacy strategies at the federal and state level. Experience implementing campaign tactics including communications, coalition building and grassroots, legislative advocacy, and opinion and/or policy research is required. Experience working with policy makers, researchers, advocates and other stakeholders is preferred. Bachelor's degree required with an advanced degree in public policy or other relevant field preferred. For the complete job listing and to apply, please visit the [Pew Web site](#).