

electionlineWeekly — December 10, 2009

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I. In Focus This Week

(Editor's Note: ElectionlineWeekly will take a break for the holidays next week but will return with one final issue for 2009 on Wednesday, January 30. That issue will feature our infamous In and Out list. If you have any suggestions for the list, please feel free to [let us know](#).)

Director's Note

Wait ... This Was an OFF-YEAR?!?

By [Doug Chapin](#)

Last January, I stepped into my new position as Director of Election Initiatives at the [Pew Center on the States](#). I was a little nervous about the expanded portfolio after more than seven years leading [electionline.org](#), but I consoled myself that “at least it’s an off year.”

Looking back, it’s hysterically funny how *completely* wrong I was.

2009 was a wildly busy year for those of us on Pew’s elections team. So, before we turn the calendar again to start an “election year”, I wanted to share with all of you – faithful readers and election geeks all – a look back at what’s happened this year and what it means for 2010 and beyond.

Of course, the big news for this year was Congressional passage of the [Military and Overseas Voter Empowerment](#) (MOVE) Act, which brought long-overdue change to the voting process for Americans around the world. Pew was honored to be a [part of the fight](#) to pass the MOVE Act, but even more proud that our research in the field – namely, the groundbreaking report [No Time To Vote](#) – was seen as the driving force behind reform. We were grateful for the partnership and hard work of our allies in the [Alliance for Military and Overseas Voting Rights](#) (AMOVR), and were delighted to see our friend and former colleague Bob Carey named Director of the Pentagon’s [Federal Voting Assistance Program](#).

Military and overseas voting reform was on the agenda in the states as well; both before and after MOVE’s passage, legislators in several states were already beginning dialogues about how to use *No Time to Vote*’s findings as a basis for reform in the states. Similarly, the [Uniform Law Commission](#) moved closer to completion of a [draft state military and overseas law](#) for states to begin considering as soon as summer 2010.

We also made tremendous strides in bringing official voting information to voters via the Internet. Our partnership with Google on the [Voting Information Project](#) (VIP) brought Virginia voters a “[gadget](#)” on the State Board of Elections homepage that we estimate was seen as many as 3 million times before Election Day. Thanks to the hard work of our friends at the [New Organizing Institute](#), the gadget was also placed on [dozens](#) of candidate, media and nonprofit sites, making polling locations and candidate information widely available to voters in the crucial days immediately before the vote.

We’re looking to expand the reach of VIP in 2010 and beyond – and we’re especially excited about the possibility of using it to assist military and overseas voters as well. In particular, we have reached out to the developer community – most recently at the [Sunlight Foundation](#)’s “Great American Hackathon” -- to develop applications that will allow overseas voters to see, complete and print a full [write-in absentee ballot](#) using VIP data. These applications – which states and localities could deploy on their own sites – would dramatically improve the overseas voting process using data that’s essentially already on hand.

Of course, no discussion about Pew’s election work in 2009 would be complete without discussing our work on [voter registration modernization](#) (VRM). My colleague David Becker has been a travelin’ man,

discussing the merits of, and approaches to, VRM with many of you around the country. His partner in this endeavor is John Lindback, whose long experience as a state election official has been our not-so-secret weapon on VRM and other issues. [Just look down the page to see John's latest – a ground breaking [study](#) of voter registration costs in Oregon.]

For my part, I've been keeping my eye on Washington, D.C. as part of the [Committee to Modernize Voter Registration](#). Our collective goal is nothing short of a registration system that uses new technology to maximize the [cost-effectiveness, accuracy and efficiency](#) of our nation's voter rolls. We believe that the same [approach](#) we took to military and overseas voting – get the facts, work with states, and offer solutions and not just criticisms – will pay the same big dividends on VRM as well. It's a daunting but exciting task for 2010 and beyond.

On behalf of all of us on Pew's election team, I thank all of you for your continued interest in and support for our work. We love what we do because we know it's important – but also because of the amazing people with whom we get to work.

I don't know about you, but I will be catching my breath over the holidays (in between cookies, of course) ... the list of accomplishments in the "off year" suggests that we are in for even more in the New Year.

See you in 2010!

Oregon case study on voter registration costs

State spent more than \$9.7M on voter registration during the 2008

Oregon spent more than \$9.7 million— or \$4.51 per active registered voter— on its voter registration system during the 2008 election according to a new report released this week by The Pew Center on the States.

Conducted with the assistance of Oregon state and local election officials, "[The Real Cost of Voter Registration](#)" is the first comprehensive analysis of its kind and provides a model for other states to estimate their expenses and establish a basis for evaluating efforts to modernize.

"States need to analyze their current voter registration costs before they can determine effective ways to modernize the process," said John Lindback, senior officer for Election Initiatives at the Pew Center on the States and former Oregon state election director. "Oregon's critical contribution to this study provides guidance for analyzing expenses and shows the need for a more cost-effective system. A good starting point is to use 21st-century technology that will not only make registration less expensive, but also more efficient and accurate."

Innovative, cost-saving steps toward modernization have already been implemented by some states. For example, Delaware reduced its labor costs by \$200,000 annually with its eSignature practice that requires every visitor to the Division of Motor Vehicles (DMV) to register to vote, update their record or decline to do so and then electronically syncs the data with the state election office. In Phoenix, Ariz. an online registration costs an average of 3 cents to process versus at least 83 cents for a paper registration form.

By comparison, Canada's system points to the potential for significantly greater savings via a list of eligible voters created in part from government data sources. The Canadian system costs taxpayers about \$5 million (CAD) annually or about 26 cents (USD) per registered voter compared to \$4.51 in Oregon.

"Determining the exact cost of registering voters has been a real challenge," said [Oregon Secretary of State Kate Brown](#), "because we found overlapping responsibilities at the state and local level. We've been pleased to work with Pew because this study gives us our first thorough look at the process and will certainly help other states evaluate their own registration procedures and costs. We already have improvements on the way, with our online voter registration system coming in March. We won't stop

seeking opportunities to modernize our system in ways that reduce costs and better serve Oregon voters.”

Pew worked with Oregon state election officials and 36 county clerks to isolate their voter registration expenses from other costs related to conducting elections for 2008. The study’s key findings include:

- Oregon’s voter registration system cost state and local governments more than \$9.7 million;
- The cost per active registered voter (individuals who have either voted or updated their registration during the past five years) was \$4.51;
- New registrations combined with updates resulted in 1,152,761 transactions and the cost per transaction was \$8.43; and
- The cost per active voter in the seven largest counties (\$2.78) was less than that in the remaining 29 counties (\$4.28), indicating economies of scale.

Variations in both state laws and the division of responsibilities between state and local election officials make it difficult to assess voter registration costs nationwide. Two landmark pieces of federal legislation – the [National Voter Registration Act](#) (NVRA) of 1993 and the [Help America Vote Act](#) (HAVA) of 2002 – also shifted some responsibilities for voter registration from local jurisdictions to states. Additionally, HAVA’s requirement that each state maintain a statewide voter registration list resulted in the re-allocation of costs between multiple levels of government.

The Pew Center on the States aims to improve the nation’s outdated voter registration process by examining options for building a system that is more efficient and accurate, while reducing costs and administrative burdens. Pew continues to gather data, analyze research and work with election officials to diagnose performance issues in the current system and propose fact-based, practical solutions to guide the modernization process.

II. Election Reform News This Week

- It only took eight years, but this week, the [New York Board of Elections officially certified two types of electronic voting machines](#), from Dominion and ES&S, for state use. The certification means the state is moving toward compliance with a federal court order that new machines must be in use by the 2010 elections. It also follows years of intense lobbying by voting machine manufacturers and an arduous vetting process in which the machines, which will eventually replace lever devices, were tested and re-tested for reliability. "This has been a monumental job," Board of Elections member Evelyn Aquila told the *Times Union*. New York had previously earned slowest-in-the-nation status to adopt the machines, prompting a federal lawsuit and court order. But Board of Elections members and others said the delay may ultimately prove advantageous because it allowed the state to run an unprecedented number of reliability tests.
- In other voting machine news, the New Hampshire Electronic Ballot Counting Device Advisory Committee has issued its [final report](#) this week. The committee met 13 times over the course of a year to ... “facilitate the design of an electronic ballot counting device, or the identification of an electronic ballot counting device, for use at future elections that will be fail safe and provably correct and can be supported by an independent technical review to eliminate potential manipulation of election results by tampering.”
- Florida Attorney General Bill McCollum is conducting an [anti-trust investigation](#) of the Premier and Election Systems & Software merger. McCollum’s office has issued at least six subpoenas covering every major voting-machine company as part of a civil investigation into ES&S’ \$5 million acquisition of Diebold Inc. -- a merger that would give a private company too much power over the machines used to cast votes, voting-rights groups say. “Our office engaged in this issue because anti-competitive behavior can seriously harm consumers,” McCollum said in a written statement published by *The Miami Herald*. “Competitive behavior encourages the best products be available to consumers, including technology, particularly in a market as sensitive as the

voting systems market." According to the *Herald*, McCollum's investigation came to light Wednesday after eight voting rights groups sent him a letter urging him to open an inquiry -- unaware that his office had already opened its investigation Sept. 10. The first subpoena was sent out Oct. 2.

- With an [ongoing budget crisis in the Hawaii's election division](#), the seat vacated by U.S. Rep Neil Abercrombie may need to remain unfilled until previously scheduled elections are held in the fall of 2010. State Chief Election Officer Kevin Cronin told the Honolulu Advertiser that it cost about \$2 million the last time a stand-alone special election was held to replace a member of Hawaii's congressional delegation. The financially strapped elections office is already forecasting a deficit this fiscal year and does not have money to run such an election, Cronin told the paper. It also does not have any election machines, which would be part of the final pricetag. As a result, a special election may need to be delayed and piggybacked on the fall primary or general election, which would require only minimal additional cost, Cronin said. The state is not required to hold a special election by any given time, he said.
- According to a report in the *Star-Ledger*, Kim Guadagno, elected in November as New Jersey's [first lieutenant governor, will also serve as secretary of state](#) in the administration of Gov.-elect Chris Christie. Guadagno, 50, is currently the Monmouth County Sheriff. She will become New Jersey's first lieutenant governor when she is sworn in alongside Christie on Jan. 19. An Iowa native, Guadagno joined Christie's ticket in July with promises that two former federal prosecutors would shake up state government. She had been deputy chief of the corruption unit for the U.S. Attorney's Office from 1990 to 1998. She also helped manage the state's Division of Criminal Justice and is the first woman to serve as Monmouth's sheriff.

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.

[Is Everyone Else Doing It? Indiana's Voter Identification Law in International Perspective](#) - Frederic Schaffer and Tova Wang, Harvard Law and Policy Review, Summer 2009: Some supporters of requiring Indiana-like identification at the polls cite the fact that a number of other nations' have polling place ID requirements. The authors argue that in fact Indiana's law is much more restrictive than most other nations' mandates and that many other nations make it easier to obtain the necessary identification than Indiana does.

[Count What You Want to Count: Motivated Perception and Contested Ballots](#) - Kyle Casimir Kopko, Sarah McKinnon Bryner, Jeffrey Budziak, Christopher J. Devine, and Steven P. Nawara, APSA 2009 Toronto Meeting Paper, September 2009: The authors examines hand recounts and find that how ballots are assessed can often depend upon the counter's party identification and/or the personal stake they have in the outcome of the race. This effect increases when the counters are given vague instructions for determining voter intent.

[Administration of Payments Received Under the Help America Vote Act by California's Secretary of State](#) - The U.S. Election Assistance Commission Office of Inspector General, December 2009: In an audit of the administration of payments received under the Help America Vote Act (HAVA) by California's Secretary of State, the state was found to, with a few exceptions, have generally accounted for and spent HAVA funds in accordance with the HAVA requirements.

[The Canvass: States and Election Reform](#) – The National Conference of State Legislatures, Vol. 10, December 2009: This month's election reform newsletter for state legislatures includes stories on military and overseas voting, non-precinct place voting and changes to the voter registration system.

[The Election Administration Project at the University of Wisconsin-Madison](#) – This new project of the University of Wisconsin-Madison seeks to "understand and improve the conduct of U.S. elections at all

levels...by providing independent research to inform fellow scholars, policy makers, students, journalists, election officials and the public.”

[The Battle Over Bilingual Ballots: Language Minorities and Political Access Under the Voting Rights Act](#) – James Thomas Tucker, Ashgate, December 2009: This new book examines and defends the Voting Rights Act requirement for language assistance to be provided for Alaska Natives, American Indians, Asian-language voters and Spanish-language voters in covered jurisdictions.

IV. Opinion

California: [Instant-runoff voting](#)

Hawaii: [Special election](#)

New Hampshire: [Secretary of State](#)

New Jersey: [Number of elections](#); [Special elections](#)

New York: [Optical scan](#)

Pennsylvania: [Early voting](#)

Texas: [Election security](#)

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

Washington: [Primary](#)

***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