

# The Help America Vote Act at 5

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# Director's Message

On October 29, 2002 President George W. Bush signed Public Law 107-252, the “Help America Vote Act of 2002”. HAVA, as it has come to be known, was in many ways a child of the disputed 2000 presidential vote and the problems that election brought to light. Specifically, HAVA represented a dramatic shift in the relationship between the federal government and its state and local counterparts in the area of election reform — namely the promise of nearly \$4 billion in federal funds tied to a series of federal requirements, all to be enforced by a new federal agency.

Like any child, HAVA has changed as it has grown — changes that those of us who have been following election reform since 2000 may have missed in the daily back and forth of life in the field of elections. Thus, as HAVA reaches its fifth birthday, we here at *electionline.org* pull out the equivalent of the baby book and look back at HAVA’s first five years to see what these crucial early years of development might mean for elections in HAVA’s next five years and beyond.

On behalf of everyone here at *electionline.org*, I hope you find this report insightful and useful. In many ways we have grown up alongside HAVA — you might call us a childhood friend — and seeing the Act reach its fifth birthday makes me aware of how much we too have grown in the past five years.

Of course, operating a project like *electionline.org* and writing a report like this “takes a village” just like it does to raise a child. I want to take the opportunity to thank the numerous villagers who have been key players in the effort:

My *electionline.org* colleagues Dan Seligson, Sean Greene, Mindy Moretti, Kat Zambon and Alyson Freedman for their continued brilliance and good cheer;

Our horde of interns — Katie Glover, Juliette Jeanfreau, Evan Smith and Joe Pavel — for their incredible skill and enthusiasm for our little corner of the policy world;

Mike Heffner, Lucy Pope and the rest of the team at 202design for an inspired look to our publications that makes my colleagues’ work leap off the page;

Our new colleagues at The Pew Center on the States and its Make Voting Work initiative — Sue Urahn, Michael Caudell-Feagan, Carolyn Race, Kent Mitchell and Jeannette Lam — who have not only challenged us to expand our work but have been dedicated and skilled partners in the effort; and

On behalf of all of them, I thank you for your continued interest in our work, and I invite you to sit back, grab a piece of birthday cake, and join us for a stroll down the Help America Vote Act’s memory lane.

# Executive Summary

In the five years since the passage of the Help America Vote Act (HAVA), election administration has, predictably, changed dramatically. From voter registration to voting systems to safeguards at the polls, the Act designed to address the ills of voting in 2000 has, in some respects, accomplished its objectives.

Citizens who arrive at polling places believing themselves to be registered can cast provisional ballots if their names are not on precinct rosters. Voting machines accessible for people with disabilities are deployed nationwide, while polling places have also become more accessible. Registration databases are state-controlled, with more effective links to state agencies for faster record updating and wired between jurisdictions for vastly improved tracking of voters.

But concerns about America's voting system persist, despite the passage of HAVA, and despite the largest federal investment in elections in history.

**Funding and guidance** is under the aegis of the U.S. Election Assistance Commission, the federal agency that was established as part of HAVA.

- To-date, the four-member commission, which started its work in 2003, has disbursed just over \$3 billion to states. Controversies have arisen in recent years over the commission's handling of research into voter identification and voting system testing.
- Enforcement, per HAVA, is the responsibility of the U.S. Department of Justice, which to-date has sued four states and a number of localities for failing to meet deadlines or providing adequate language assistance for voters and written a number of letters to election officials clarifying points of law.

**Voting systems** have not instilled the confidence in the election systems that HAVA's sponsors envisioned. Electronic voting system glitches, snafus and full-blown breakdowns in Sarasota County, Fla., Carteret County, N.C., Montgomery County, Md. and other localities have eroded confidence in paperless systems.

- Requirements for voter-verified paper audit trails have become far more widespread, but not universal. Optical-scan voting has become far more prevalent as states and counties, most notably Florida and California, have opted to decertify the voting systems they bought after the 2000 elections. Rules requiring post-election audits have been on the rise nationally since the passage of HAVA as well.
- Sixteen states with paper-based balloting or electronic machines equipped with voter-verified paper audit trails require manual audits of a certain percentage of ballots and/or precincts to gauge the accuracy of voting and counting systems.

**Voter identification**, which under HAVA is required of a small segment of voters, has continued to rile partisan tensions. Republicans and Democrats in Congress agreed to limit polling-place voter ID requirements to first-time voters who register by mail and do not include verifying information with their application.

- While every state has had complying legislation in place since 2004, legislatures in more than a dozen have adopted more stringent requirements since the passage of the bill.
- State laws requiring photo ID have cropped up as well, prompting lawsuits in Georgia and Indiana, and prompting the U.S. Supreme Court to hear arguments on the issue. perhaps ruling as early as Spring 2008

**Voter registration databases** have been significantly changed nationwide, with upgrades to “single, uniform, official, centralized interactive” systems required by the beginning of 2006. Not every state has opted to create top-down systems (jurisdictions in some states, including Texas, upload information on a scheduled basis but remain independent from the state’s system). Compliance with federal law has not been across-the-board.

- Not every state has met the HAVA deadline — now nearly two years past. Alabama, New Jersey, New York and Maine were sued by the U.S. Department of Justice for failing to meet the Jan. 1, 2006 deadline. California missed the mark as well, but avoided a lawsuit with an agreement with the feds to extend the deadline until 2009 while employing an interim system.
- Interoperability of systems between states to allow for record comparisons, while not a mandate under HAVA, has been a growing trend since the completion of upgraded databases. A group of Midwestern states have already compared data to find duplicates while other states have engaged or plan on implementing similar programs.

**Innovation in the states** has also been an outgrowth of HAVA’s passage as election officials and policymakers have sought creative solutions to the challenges and opportunities presented by the mandates.

- The need for accessible voting was one of the reasons a Colorado County pioneered vote centers, or super precincts, whereby local precincts are closed in favor of a smaller number of polling places where any voter in the jurisdiction can vote regardless of home address. The centers are accessible, staffing needs are reduced and voters can find centers closer to where they work, shop or attend school rather than only where they live. The formula was successful in Larimer County, but disastrous in Denver after electronic poll books, which find voter data and program the correct ballot information, broke down, causing massive lines and poll closures. Indiana counties are testing similar programs.

- Vote-by-mail has become increasingly popular in Western states and localities, prompted either by HAVA, successful elections in Oregon, or both. Most of Washington's voters vote-by-mail rather than at polling-places. Several larger cities in Montana have moved to vote-by-mail for local elections as well.
- The use of electronic poll books, which include laptop computers or PDA-type systems to allow instant polling-place access to registration databases at polling places, is increasing. Georgia, North Carolina, Maryland, Colorado and others have started deploying e-poll books since the passage of HAVA.
- Early voting, which allows voters to cast in-person ballots at centralized polling places and no-excuse absentee voting, has increased in the past five years. Nationally, 35 states allow all voters some option to cast ballots before election day. With the prevalence of pre-election voting, voters in 12 states will have the opportunity to cast ballots before the 2008 New Hampshire primary.

# The Purse and the Stick: The Election Assistance Commission, the Justice Department and the Help America Vote Act

The passage of the Help America Vote Act (HAVA), spurred by the troubled election of 2000, represented Congress' largest ever investment in election administration.

Federal bills making sweeping changes to elections have been rare. In the last 50 years, the Voting Rights Act of 1965, the National Voter Registration Act of 1993 and HAVA have represented the only significant federal forays into election reform.

With the substantial investment — and significant mandates — of HAVA, a new federal agency was born, the U.S. Election Assistance Commission (EAC). According to the bill, the agency consists of four commissioners, two from each major political party, and provides states with guidance to meet HAVA requirements. Additionally, the agency oversees the creation of voting-system guidelines (albeit voluntary) for the large number of states and localities looking to purchase new machines in wake of the mandates for accessible voting systems and the optional punch-card and lever buyout program.

The nascent federal agency, which finally took shape in 2003, got off to a sputtering start.

The commissioners and their staff had difficulty meeting some of the initial requirements of HAVA, a problem they blamed on a lack of funding. According to the commission's annual report, "the FY04 appropriation of \$1.2 million is not sufficient to support EAC's necessary start up costs and ongoing operations. This budget constraint has forced EAC to limit or postpone [some] HAVA mandated activities."<sup>1</sup>

Subsequent years were more productive for the commission. In 2004, the EAC disbursed approximately \$1.3 billion in HAVA funding to 44 states, and released several reports on best practices.<sup>2</sup> In the following years, the EAC adopted voluntary voting system guidelines, introduced a college poll worker grant program, released a Spanish-language election glossary and launched a voting system test lab program among other things.

In 2006, during a House oversight committee hearing, members of congress had nothing but praise for the work of the EAC.

"Thanks to HAVA and the work of the EAC, the likelihood of any major problems occurring is greatly diminished, although I have no doubt that we will keep finding new issues to deal with," House Administration Committee Chairman Vernon J. Ehlers, R-Mich. said. "I am very pleased with the progress that has been made. We are a long way removed from the days of hanging, dimpled and pregnant chads."<sup>3</sup>

But there has been turbulence on the commission as well.

The EAC has been accused of playing down findings in a report it commissioned that noted little voter fraud occurred throughout the nation. Instead, it released a new report that countered that the pervasiveness of fraud was open to debate — a belief strongly held by Republicans.

The original report on fraud cites “evidence of some continued outright intimidation and suppression” of voters by local officials, especially in some American Indian communities, while the final report says only that voter “intimidation is also a topic of some debate because there is little agreement concerning what constitutes actionable voter intimidation.” The original report said most experts believe that “false registration forms have not resulted in polling place fraud,” but the final report cites “registration drives by nongovernmental groups as a source of fraud.”<sup>4</sup>

Although Democrats accused the board of caving to political pressure, current Chair Donetta Davidson, a Republican appointee, said that when the original report was submitted, the board’s legal and research staff decided there was not enough supporting data behind some of the claims. Therefore, she said, the staff members revised the report and presented a final version in December for a vote by the commissioners.<sup>5</sup>

“We were a small agency taking over a huge job,” said Davidson, who was appointed to the agency by President Bush in 2005. “I think we may have tried to do more research than we were equipped to handle.” She added that the commission had “always stuck to being bipartisan.”<sup>6</sup>

In the wake of the controversy, the EAC announced that it would begin reviewing its internal process for releasing research and reports to the public and for awarding research contracts. The commission also asked its inspector general to review its procedures.

“We hope that these announcements signal the agency’s willingness to embrace greater transparency and public accountability — qualities that have been lacking from its operations to-date,” Wendy Weiser, an associate counsel at the Brennan Center, said in a statement issued at the time.<sup>7</sup>

In June of 2007, after receiving a letter from Sens. Diane Feinstein, D-Calif. and Dick Durbin, D-Ill. requesting answers to 20 questions about the contractual process for the studies as well as the release process and a request from Rep. Zoe Lofgren, D-Calif. for e-mails and other correspondence, the commission released more than 40,000 pages of documents.

“I am proud of our staff, and I believe we have conducted ourselves ethically. That is why we are making all of this information available to the public,” Davidson said. “There has been a lot of interest about how the commission makes its decisions regarding editing and adopting reports, and this information will shed light on that process.”<sup>8</sup>



## HAVA Enforcement

While the EAC held the government's purse strings it did not wield the stick. That is the job of the U.S. Department of Justice (DOJ), which according to the bill has the responsibility for ensuring compliance with HAVA's mandates.

HAVA mandates for voter ID and provisional voting took effect in 2004, and each state had to demonstrate compliance in time for the first federal election — the presidential primaries. DOJ tracked down the laggards.

### Timeline

#### Selected U.S. Department of Justice Help America Vote Act enforcement and opinions

- |                      |  |
|----------------------|--|
| <b>OCTOBER 2003</b>  | The Department of Justice (DOJ) issues an opinion stating that “a direct-recording electronic system that produces a contemporaneous paper record, which is not accessible to sight-impaired voters but which allows sighted voters to confirm that their ballots accurately reflect their choices, would be consistent with the Help America Vote Act...so long as the voting system provides a similar opportunity for sight-impaired voters to verify their ballots before those ballots are finally cast.” The decision opens the door to widespread implementation of voter-verified paper audit trail systems. |
| <b>DECEMBER 2003</b> | DOJ releases a statement promising a strategy of “vigorous enforcement of [HAVA]” as deadlines for provisional ballots and voter identification approaches.  |
| <b>MAY 2004</b>      | Department sues San Benito County, Calif. for failing to “have an effective Spanish-language program” by failing to post information required under HAVA. Consent decree entered, October 2004.  |
| <b>JULY 2005</b>     | DOJ sues Westchester County, N.Y., for failing to have an effective Spanish-language program when required information was not posted in the November 2004 election. Consent decree entered July 2005.   |
| <b>NOVEMBER 2005</b> | DOJ enters into an agreement with California for what will be a missed deadline for completion of a HAVA-compliant statewide voter registration database.  |
| <b>MARCH 2006</b>    | DOJ sues the New York State Board of Elections for failing to meet HAVA requirements for a statewide voter registration database, accessible voting systems and voting systems that allow for correction for and notification of over-votes.   |
| <b>MAY 2006</b>      | DOJ sues Alabama for failing to implement a statewide voter registration database. A court appointed a special master to take over database implementation and required a new system by the end of August 2007.  |
| <b>JUNE 2006</b>     | DOJ sues Cochise County, Ariz., for failing to have sufficient numbers of bilingual poll workers to assist Spanish-speaking voters. In October, a consent decree was signed requiring the county to translate all election materials into Spanish and hire an “adequate number of poll workers.” Election monitors will be assigned to enforce compliance.   |
| <b>JULY 2006</b>     | DOJ sues Maine for failing to ensure full access to voters with disabilities in every polling site in the state. In August, a federal court approved a consent decree.   |

- OCTOBER 2006** DOJ sues New Jersey for failing to implement fully a statewide voter registration database for use in the November mid-term election. Further, the department alleged that the state failed to collect driver's license or Social Security numbers as required by HAVA. Federal court approved a stipulation and order for the state that same month.
- OCTOBER 2006** DOJ also sues Philadelphia for failing to establish "an effective Spanish bilingual program and for denying limited-English proficient voters their assistor of choice." A settlement agreement was signed in April 2007.
- JANUARY 2007** DOJ sues Cibola County, N.M., for failing to ensure provisional ballots were available and for failing to require certain identification from first-time voters who registered by mail, both HAVA mandates. A court entered an amended joint stipulation in March 2007.
- JULY 2007** DOJ sues Galveston County, Texas for failing to provide provisional ballots to voters, failing to post required information at polling places and for failing to provide adequate instructions for mail-in registrants and first-time voters. A consent decree was entered that same month.

Source: U.S. Department of Justice, Civil Rights Division, Voting Section Home Page. [www.usdoj.gov/crt/voting/hava/hava.html](http://www.usdoj.gov/crt/voting/hava/hava.html)

# Help America Vote Act Spending

Since the passage of the Help America Vote Act, states have scrambled to make necessary changes to their election systems to comply with federal law. The most expensive mandates include the creation of statewide voter registration databases and the purchase of voting machines accessible for people with disabilities.

In March 2007, the U.S. Election Assistance Commission (EAC) delivered a report to Congress on spending by state governments under Sections 101 and 102 through the end of 2006 and Section 251 through the end of September of the same year.

Under those three sections, which cover accessibility improvements, voter education, information hotlines, voting equipment and poll worker training, states have spent about 60 percent of the \$3 billion appropriated under the bill.<sup>9</sup>

Former EAC vice chair, Ray Martinez, a Democratic appointee who served from 2003 until 2006, said those numbers might not be accurate. Through 2007, election officials from some states have told him that they have spent all of their HAVA funding and are scrambling to find alternate sources to pay for the changes they need to comply with federal law.<sup>10</sup>

Of the money spent to date, 76 percent went to upgrading voting systems and implementing statewide registration databases. The release also reported that states received funds under Section 261 to improve polling place accessibility for voters with disabilities, though the funds are administered by the U.S. Department of Health and Human Services and are therefore not included in the EAC's report.<sup>11</sup>

Title I, Section 101 allows funds to be spent on educating voters, training poll workers, election officials and volunteers, improving federal election administration, updating voting technology and systems and creating voter hotlines to report complaints and receive general voting information such as voter registration status and polling place location. Section 102 funds may only be used to replace punch-card or lever machine voting systems that were in use during the November 2000 general election. Section 251 funds may be used to implement provisional voting, provide information to voters in the polling place, develop and implement a statewide computerized voter registration database and implement identification requirements for first time voters.<sup>12</sup>

EAC Vice Chair Rosemary Rodriguez, a Democratic appointee, said unlike most federal assistance programs, states were not required to spend the money immediately. "Congress, when it decided to fund voting systems in the states, gave a lot of discretion to them on when and how to spend funds. It is federal intervention, but not with a heavy hand," Rodriguez said.<sup>13</sup>

Sixty percent of states have spent more than half of their HAVA funds. Georgia, Ohio, Pennsylvania and South Carolina have all spent more than 90 percent of their funds. Five states — Connecticut, Massachusetts, New Hampshire, New York and Oklahoma —

have spent less than 10 percent of their HAVA funds and account for about 27 percent, or more than \$365.2 million of the unspent monies.<sup>14</sup>

New York has been far behind the rest of the country in drafting HAVA companion laws and implementing voting systems, leading to a Justice Department lawsuit. Consequently the state has spent just under 1.5 percent or \$3.1 million of its HAVA funds.

Barbara Bartoletti, legislative director of the state’s League of Women Voters argues that New York’s dawdling is a “silver lining.” It has allowed New York to learn from other states’ mistakes while collecting interest on the HAVA funds.<sup>15</sup> In contrast, some large South Florida counties will be using their third voting system in as many presidential election cycles when they scrap touch-screen units — which replaced punch-card systems — in favor of optical scanners.

New York has also generated interest on its unspent funds. While the state received \$219.5 million in HAVA, funds interest has grown that amount to \$224,694,511 despite spending of just over \$3 million.<sup>16</sup>

Lee Daghlian, a spokesman for the New York State Board of Elections said that the state plans to spend about \$190 million on new voting systems while the money spent so far has been used on a statewide voter registration database and improving polling place accessibility.<sup>17</sup>

## Help America Vote Act Funding

State/ Territory	Total Title I Payments	Total Title II Requirements Payments	Total Title II Disability Access Grants	Total amount awarded
Alabama	\$5,040,681	\$35,866,513	\$589,398	\$41,496,592
Alaska	\$5,000,000	\$11,596,803	\$400,000	\$16,996,803
American Samoa	\$1,000,000	\$2,319,361	\$400,000	\$3,719,361
Arizona	\$7,015,557	\$40,584,515	\$694,400	\$48,294,472
Arkansas	\$6,162,902	\$21,598,570	\$409,029	\$28,170,501
California	\$84,663,537	\$264,237,124	\$4,460,315	\$353,360,976
Colorado	\$7,037,396	\$34,545,365	\$581,082	\$42,163,843
Connecticut	\$5,000,000	\$27,719,501	\$456,164	\$33,175,665
Delaware	\$5,000,000	\$11,596,803	\$400,000	\$16,996,803
Dist. of Columbia	\$5,000,000	\$11,596,803	\$400,000	\$16,996,803
Florida	\$26,028,957	\$132,502,091	\$2,244,291	\$160,775,339
Georgia	\$12,556,776	\$64,748,170	\$1,094,467	\$78,399,413
Guam	\$1,000,000	\$2,319,361	\$400,000	\$3,719,361
Hawaii	\$5,000,000	\$11,596,803	\$400,000	\$16,996,803

## Help America Vote Act Funding continued

State/ Territory	Total Title I Payments	Total Title II Requirements Payments	Total Title II Disability Access Grants	Total amount awarded
Idaho	\$5,000,000	\$11,596,803	\$400,000	\$16,996,803
Illinois	\$44,934,647	\$98,595,252	\$1,628,965	\$145,158,864
Indiana	\$15,752,875	\$48,544,987	\$797,002	\$65,094,864
Iowa	\$5,000,000	\$23,739,383	\$422,161	\$29,161,544
Kansas	\$5,000,000	\$21,409,789	\$410,057	\$26,819,846
Kentucky	\$5,168,452	\$32,899,292	\$543,791	\$38,611,535
Louisiana	\$12,263,105	\$35,067,672	\$575,510	\$47,906,287
Maine	\$5,000,000	\$11,596,803	\$400,000	\$16,996,803
Maryland	\$7,274,340	\$42,478,430	\$709,246	\$50,462,016
Massachusetts	\$8,109,878	\$52,222,226	\$858,277	\$61,190,381
Michigan	\$15,738,607	\$78,960,474	\$1,303,552	\$96,002,633
Minnesota	\$5,313,786	\$39,178,788	\$655,206	\$45,147,780
Mississippi	\$5,451,451	\$22,418,203	\$415,296	\$28,284,950
Missouri	\$17,348,011	\$44,914,650	\$744,540	\$63,007,201
Montana	\$5,000,000	\$11,596,803	\$400,000	\$16,996,803
Nebraska	\$5,000,000	\$13,749,549	\$400,000	\$19,149,549
Nevada	\$5,000,000	\$16,166,810	\$400,000	\$21,566,810
New Hampshire	\$5,000,000	\$11,596,803	\$400,000	\$16,996,803
New Jersey	\$16,836,817	\$68,067,586	\$1,124,740	\$86,029,143
New Mexico	\$5,000,000	\$14,279,790	\$400,000	\$19,679,790
New York	\$66,098,243	\$153,414,430	\$2,531,441	\$222,044,114
North Carolina	\$8,781,562	\$65,477,808	\$1,090,979	\$75,350,349
North Dakota	\$5,000,000	\$11,596,803	\$400,000	\$16,996,803
Ohio	\$41,052,595	\$90,992,517	\$1,166,258	\$133,211,370
Oklahoma	\$5,000,000	\$27,659,638	\$785,170	\$33,444,808
Oregon	\$6,026,534	\$27,837,406	\$463,939	\$34,327,879
Pennsylvania	\$34,240,120	\$100,578,829	\$1,652,310	\$136,471,259
Puerto Rico	\$3,151,144	\$2,319,361	\$473,819	\$5,944,324
Rhode Island	\$5,000,000	\$11,596,803	\$400,000	\$16,996,803
South Carolina	\$6,819,929	\$32,421,280	\$540,351	\$39,781,560
South Dakota	\$5,000,000	\$11,596,803	\$400,000	\$16,996,803
Tennessee	\$8,478,478	\$46,236,130	\$769,434	\$55,484,042
Texas	\$23,476,116	\$160,691,949	\$2,725,557	\$186,893,622
Utah	\$8,817,787	\$16,467,181	\$400,000	\$25,684,968
Vermont	\$5,000,000	\$11,596,803	\$400,000	\$16,996,803
Virginia	\$11,632,459	\$57,489,361	\$960,851	\$70,082,671
Virgin Islands	\$1,000,000	\$2,319,361	\$400,000	\$3,719,361
Washington	\$12,897,879	\$47,195,971	\$794,710	\$60,888,560
West Virginia	\$5,326,531	\$15,303,569	\$400,000	\$21,030,100
Wisconsin	\$7,002,846	\$43,063,935	\$678,030	\$50,744,811
Wyoming	\$5,000,000	\$11,596,803	\$400,000	\$16,996,803
<b>Total</b>	<b>\$649,500,000</b>	<b>\$2,319,360,620</b>	<b>\$43,750,338</b>	<b>\$3,012,610,958</b>

Source: U.S. Election Assistance Commission, Report to Congress on State Expenditures of HAVA Funds, July 2007.

Voting on direct-recording electronic (DRE) or touch-screen machines was supposed to be everything punch-card and lever systems were not — accessible, programmable, flexible, fast, easy, accurate and trustworthy.

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# Voting Machines — Beyond the Call for Paper

Voting machine usage has changed dramatically since the passage of the Help America Vote Act (HAVA) in 2002. But suspicions over the systems used in polling places have remained fairly constant.

The fears over inconsistent interpretations of punch card results and design flaws — hanging chad, pregnant chad and butterfly ballots come to mind — have given way to fears of manipulation of source codes on electronic voting machines and altering vote counts with election management software.

This was not the case five years ago. Voting on direct-recording electronic (DRE) or touch-screen machines was supposed to be everything punch-card and lever systems were not — accessible, programmable, flexible, fast, easy, accurate and trustworthy. The transition from punch-card ballots and lever voting machines to electronic systems enabled the implementation of accessible voting for people with visual and some manual dexterity disabilities.

It prevented the possibility of over-votes, allowed multiple languages to be displayed and offered the promise of near-instant reporting with results that could be transmitted from polling places to central election offices for counting.

## Early Adopters Experience Mixed Results

Before the passage of HAVA, Florida and Georgia moved to end decades of punch-card usage, purchasing optical scan systems and DREs to replace the older systems. Georgia opted for a uniform, statewide system of Diebold touch-screen machines while Florida offered counties the option of a variety of touch-screen or optical-scan units.

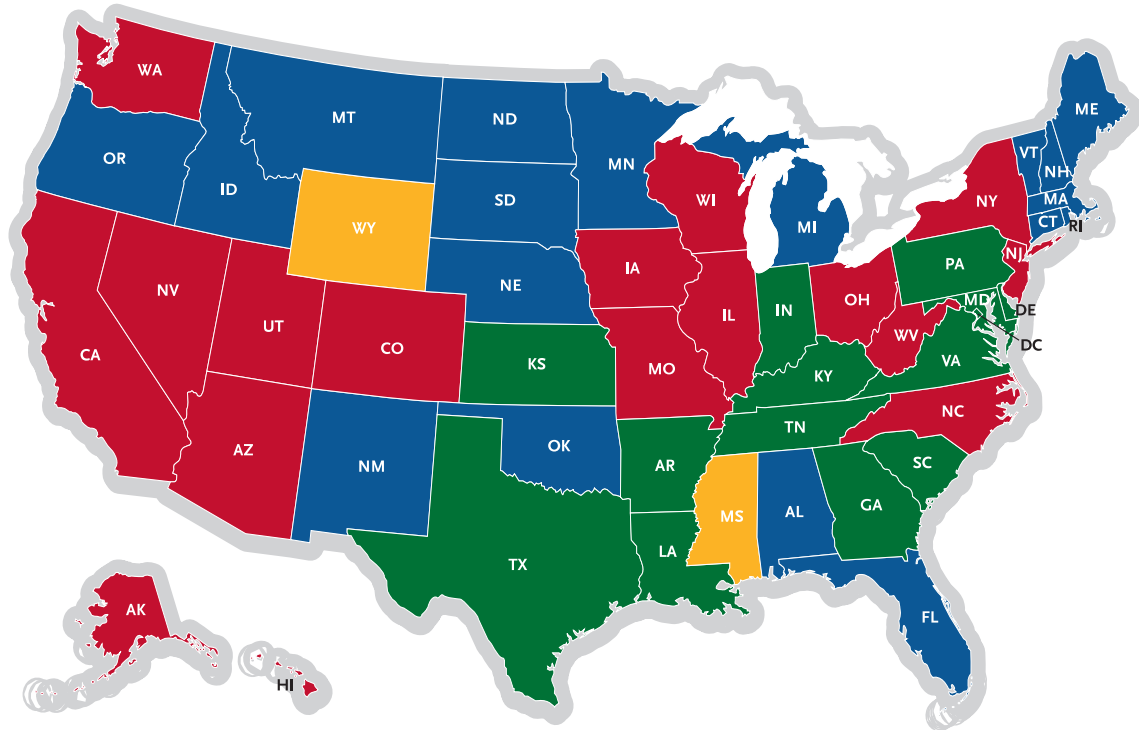
In the 2002 primaries, Broward and Miami-Dade counties, two of the state's most populous, were plagued with machine problems from the moment the polls opened (hours late in many locations) until closing. The meltdown was largely pinned on poll-worker inexperience with the new technology, but poor training and machine glitches played a large part.<sup>18</sup>

Georgia had a far smoother transition to the new technology, with credit given to then-Secretary of State Cathy Cox for coordinating detailed hands-on training and preparation.<sup>19</sup>

The passage of HAVA later that year compelled more states to opt for part of a \$300 million pot of punch-card and lever machine buyout money as outlined in Title I, Sec. 102 of the bill.<sup>20</sup>

## DREs, VVPATs and Paper Ballot Usage

This map details state requirements and/or usage of direct record electronic (DRE) voting machines with voter-verified paper audit trails (VVPATs) and state requirements and/or usage of paper-based ballot voting systems. This map reflects current usage – some states have requirements that do not go into effect until a later date and are noted below.



- State uses DREs that require VVPATs in some or all jurisdictions – 17 states
- DREs with VVPATs in use; no official VVPAT requirement – 2 states
- Uses and/or requires paper-based voting systems – 18 states
- DREs in at least some jurisdictions; VVPATs not required – 14 states

*Notes:* Arkansas uses DREs with and without VVPATs. Florida passed a law in May 2007 requiring all counties to use optical-scan voting machines except for voting machines accessible for disabled voters. DREs can be used until 2012, when they must also be paper-based voting systems. Maryland passed a law in May 2007 requiring the state move to optical scan voting systems by 2010. Massachusetts uses DREs with VVPATs for accessible voting in some jurisdictions, although they are not required in state law. Of the 18 states that use paper-based voting systems, six use vote-by-phone systems to meet requirements for systems accessible to people with disabilities: CT, ME, NH, OK, OR, VT

Source: Analysis of state law, state election web sites and VerifiedVoting.org



By the end of 2002, about one-fifth of registered voters lived in jurisdictions using DREs, an increase of 10 percent over November 2000. In the 2006 general election, that number rose to 39 percent of registered voters.<sup>21</sup>

## Questions Raised, Technology Challenged

It was soon clear that problems using or administering votes on DREs were not uncommon. Poll workers and election officials around the country struggled with early implementation of DRE voting systems. Around the same time, computer scientists started to become wary of the “black box” nature of the system — a machine produced by a for-profit endeavor, some with ties to political parties — that is managed by secret code and operated without any sort of individually-verifiable system for recounting or auditing results.

Interactions between human beings and machines sometimes resulted in confusion, mistakes and, occasionally, full-blown melt downs.

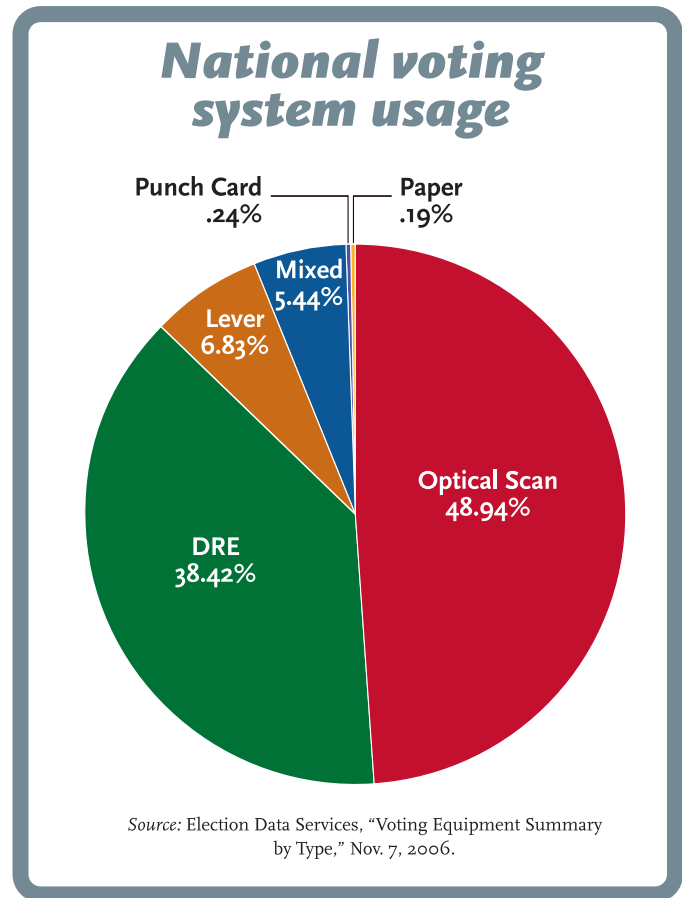
Two notable examples: A race to determine North Carolina’s state agricultural commissioner in 2004 seemed hopelessly unresolvable when voting machines failed to record more than 4,500 votes because they had exceeded their ballot capacity.<sup>22</sup> Hundreds of votes separated candidates in that race, and it took more than a year for closure when the Democratic candidate eventually conceded.

A 2006 primary in Montgomery County, Md. was thrown into chaos after an election official forgot to include ballot activator cards in packages of materials that went out to more than 200 precincts. Voters who managed to endure long lines and late-opening polling places found themselves casting provisional ballots or in some extreme cases using scraps of paper to indicate their choices.<sup>23</sup>

But perhaps one of the most spectacular breakdowns in the DRE era occurred that same year during the November general election in Sarasota County, Fla.

## The Sarasota Fiasco

An estimated 18,000 under-votes were recorded on ES&S touch-screen machines in the race to replace Rep. Katherine Harris to represent the 13th District in Congress. The under-votes far exceeded the total number of votes separating the two candidates. Reasons for the under-votes have still not been determined.



(cont. on p. 18)

## Voting System Usage

This chart details the types of voting technology in use in each state and the machines' manufacturers.

Note: Premier Elections Solutions was formerly Diebold Election Systems.

State	Voting System	Manufacturer
Alabama	Optical scan and ballot-marking device	ES&S
Alaska	Optical scan, hand-counted paper ballots and DRE with VVPAT	Premier Election Solutions
Arizona	Optical scan, DRE with VVPAT and ballot-marking device	Premier Election Solutions, ES&S and Sequoia
Arkansas	Optical scan, DRE with VVPAT and DRE without VVPAT	ES&S and Danaher
California	Optical scan, DRE with VVPAT and ballot-marking device	Premier Election Solutions, ES&S, Hart InterCivic, Sequoia and DFM Associates
Colorado	Optical scan and DRE with VVPAT	Premier Election Solutions, ES&S, Sequoia, and Hart InterCivic
Connecticut	Optical scan and vote-by-phone system	Premier Election Solutions and IVS
Delaware	DRE	Danaher
District of Columbia	Optical scan and DRE	Sequoia
Florida	Optical scan and DRE	Premier Election Solutions, ES&S and Sequoia
Georgia	DRE	Premier Election Solutions
Hawaii	Optical scan and DRE with VVPAT	ES&S and Hart InterCivic
Idaho	Optical scan, punch card, hand-counted paper ballots and ballot-marking device	ES&S
Illinois	Optical scan, DRE with VVPAT and ballot-marking device	Premier Election Solutions, ES&S, Hart InterCivic, Sequoia, and Populex
Indiana	Optical scan, DRE and ballot-marking device	MicroVote, Premier Election Solutions, ES&S, Voting Technologies International
Iowa	Optical scan, DRE with VVPAT and ballot-marking device	Premier Election Solutions and ES&S
Kansas	Optical scan, DRE, ballot-marking device and hand-counted paper ballots	Premier Election Solutions and ES&S
Kentucky	DRE and optical scan	Hart InterCivic, ES&S, MicroVote, Premier Election Solutions and Danaher
Louisiana	DRE	Sequoia
Maine	Optical scan, hand-counted paper ballots and vote-by-phone system	Premier Election Solutions, ES&S and IVS
Maryland	DRE	Premier Election Solutions
Massachusetts	Optical scan, ballot-marking device and DRE with VVPAT	Premier Election Solutions, ES&S and Hart InterCivic
Michigan	Optical scan and ballot-marking device	Premier Election Solutions and ES&S
Minnesota	Optical scan and ballot-marking device	Premier Election Solutions and ES&S
Mississippi	DRE with VVPAT and optical scan	Premier Election Solutions, ES&S, Advanced Voting Solutions

<b>State</b>	<b>Voting System</b>	<b>Manufacturer</b>
Missouri	DRE with VVPAT, optical scan and ballot-marking device	Premier Election Solutions, ES&S, Sequoia and Populex
Montana	Optical scan, hand-counted paper ballots and ballot-marking device	ES&S
Nebraska	Optical scan and ballot-marking device	ES&S
Nevada	DRE with VVPAT	Sequoia
New Hampshire	Optical scan, hand-counted paper ballots and vote-by-phone system	Premier Election Solutions, ES&S and IVS
New Jersey	DRE (VVPAT by 2008)	Sequoia and Avante
New Mexico	Optical scan and ballot-marking device	ES&S
New York	Lever, ballot-marking device and DRE with VVPAT	AVM, ES&S and Avante
North Carolina	DRE with VVPAT, optical scan and ballot-marking device	ES&S
North Dakota	Optical scan and ballot-marking device	ES&S
Ohio	DRE with VVPAT, optical scan and ballot-marking device	Premier Election Solutions and ES&S
Oklahoma	Optical scan and vote-by-phone system	ES&S and IVS
Oregon	Vote by mail and vote-by-phone system	IVS
Pennsylvania	DRE, optical scan, lever and ballot-marking device	ES&S, Premier Election Solutions, Danaher, Sequoia, Hart InterCivic and Advanced Voting Solutions
Rhode Island	Optical scan and ballot-marking device	ES&S
South Carolina	DRE	ES&S
South Dakota	Optical scan and ballot-marking device	ES&S
Tennessee	Optical scan and DRE	MicroVote, Hart InterCivic, ES&S and Premier Election Solutions
Texas	DRE, optical scan and ballot-marking device	ES&S, Hart InterCivic, Premier Election Solutions and AccuPoll
Utah	DRE with VVPAT	Premier Election Solutions
Vermont	Optical scan, hand-counted paper ballots and vote-by-phone system	Premier Election Solutions and IVS
Virginia	DRE, optical scan and ballot-marking device	Premier Election Solutions, UniLect, Advanced Voting Solutions, Hart InterCivic and ES&S
Washington	Optical scan, DRE with VVPAT and ballot-marking device	ES&S, Premier Election Solutions, Hart InterCivic and Sequoia
West Virginia	DRE with VVPAT, optical scan, hand-counted paper ballots and ballot-marking device	ES&S
Wisconsin	Optical scan, hand-counted paper ballots, DRE with VVPAT and ballot-marking device	ES&S, Premier Election Solutions, Voting Technologies International, Vote-PAD and Sequoia
Wyoming	Optical scan, DRE with VVPAT and ballot-marking device	ES&S and Premier Election Solutions

Source: State election web sites.

Poor ballot design was considered one possible cause. The 13th District race shared the same page with a six-person governor race. According to an analysis by the *Herald Tribune*, “when other races were paired on the screen with the governor candidates, under-votes in the other races soared.”<sup>24</sup>

Organizations including the ACLU, Voter Action, People for the American Way Foundation challenged the results of the election and demanded a re-vote, since the audit of the electronic totals produced the same result.<sup>25</sup> A test conducted on the machines by state’s Division of Elections found nothing strange, noting there was no evidence “to support the position that the iVotronic touch-screen voting system caused the votes to be lost.”<sup>26</sup>

Republican Vern Buchanan was sworn-in on the appointed day despite the outstanding litigation, and at least in the latter half of 2007, Democrat Christine Jennings continued to urge Congress to throw out the election results.

The Government Accountability Office (GAO), which released a report in early October 2007, said despite the assurances by the Florida elections’ division, the mystery is still officially unsolved.

“GAO’s analysis found that some of the prior tests and reviews conducted by the State of Florida and Sarasota County provide assurance that certain components of the voting systems in Sarasota County functioned correctly, but they are not enough to provide reasonable assurance that the iVotronic DREs did not contribute to the under-vote,” the report stated.<sup>27</sup>

Whatever the cause of the vast numbers of under-votes in the 13th District, the event was disturbing enough to compel Florida Gov. Charlie Crist (R) to do away with electronic voting with exceptions for systems for people with disabilities.

H.B. 537 a \$28 million buyout of all existing DREs so every county in the state would be using optical-scan systems in time for 2008 was signed by Crist in May 2007.<sup>28</sup>

## The (Re-) Introduction of Paper

Before the Sarasota fiasco, the move away from paperless electronic machines to paper-based voting systems was already well underway.

In 2003, then-California Secretary of State Kevin Shelley (D) mandated the use of voter-verified paper audit trails (VVPATs) with DRE machines.<sup>29</sup>

In 2004, Nevada became the first in the nation to employ a statewide voter-verification system that allowed voters to see a paper version of their ballot alongside the electronic version enabling them to make sure both matched up before casting the vote.

By the next year it was a full-blown national movement. Legislatures in 18 states enacted laws requiring VVPATs or paper ballots in 2005.<sup>30</sup>

Verified Voting, a California-based organization that advocates independently verifiable voting systems, reported in 2007 that 30 states will require the use of individually-auditable paper record, either with electronic voting machines or paper ballots. They will include some of the most populous — California, Florida, Illinois, Missouri, New Jersey, New York, and North Carolina. Eight more states use VVPATs but do not require them. Only 14 states still employ paperless DRE machines.<sup>31</sup>

## HAVA Expansion to Include Paper Trails Seems Unlikely

Despite success in state legislatures to introduce paper trails, efforts to amend HAVA in Congress have failed.

H.R. 811, the “Voter Confidence and Increased Accessibility Act of 2007,” had the best chance of passage in the latter half of 2007. The bill included mandates for paper trails and would require that the paper version of a vote “shall serve as the vote of record in all recounts and audits.”<sup>32</sup>

Rep. Rush Holt, D-N.J., the chief sponsor, had secured the support of most of his partisans in the House and a good number of Republicans as well. In total, 216 lawmakers co-sponsored the bill. The Senate companion bill, S. 559, introduced by Sen. Bill Nelson, D-Fla., made little headway.

Holt said in September that confidence in voting systems has only worsened since the passage of HAVA.

“I shudder to think what would happen with another election where millions of Americans don’t believe the results,” Holt told *The Associated Press*.<sup>33</sup>

Yet some experts said the prospect of mandatory paper trails would make elections even more frightening.

Michael Shamos, a professor at Carnegie Mellon University in Pittsburgh, challenged the need and utility of VVPATs during his testimony at a September 2006 hearing on Holt’s previous version of the paper-trail bill, H.R. 550.

“The proposed bill...assumes that paper records are more secure than electronic ones, a proposition that has repeatedly been shown to be wrong throughout history. I am in favor of voter verification, but...the proposed bill does not come close to providing real voter verification,” he said.<sup>34</sup>

An alphabet soup of leadership groups — including the National Governors’ Association, U.S. Conference of Mayors, National Conference of State Legislatures, National Association of Secretaries of State and others — penned a letter to Congressional leaders outlining their numerous objections to Holt’s paper-trail bill in September.

“The majority of states already require a voter-verified paper record of every voter’s vote. H.R.811 would preempt those laws, requiring states to replace equipment they purchased

to comply with the Help America Vote Act of 2002 — even if it already offers a voter-verified paper trail — with technology that does not exist yet,” the letter stated. “As a result, it imposes an unfunded federal mandate of unknown proportions. In addition, it contains unnecessary and overly broad requirements for many states to enact hasty changes to their voting laws in the 14 months remaining between now and the 2008 presidential election.”<sup>35</sup>

## The Paper-Trail Backlash

While the prospects for passage of a paper trail bill in Congress looked bleak at press time, VVPATs will still play a potentially significant role in 2008. If recounts become necessary, some early experiences auditing paper trails indicate such a procedure could be difficult.

Researchers from the San Francisco-based Election Science Institute selected a sample of VVPAT spools from Cuyahoga County, Ohio after the May 2006 primary to see if they could get paper-trail ballots to match up with electronic totals. They found just figuring out the VVPAT votes at all was a significant problem.

Tracy Warren, the researcher who led the audit, reported that one out of 10 VVPAT ballots were in some way compromised, damaged or otherwise uncountable.<sup>36</sup>

Even advocates of verified-voting were horrified. But the blame was more difficult to assign.

“Ten percent is a complete disaster and totally defeats the purpose of a VVPAT,” said David Dill, VerifiedVoting’s founder. “You can blame it on poll worker training, but there are ways to design equipment that makes user error less likely.”<sup>37</sup>

VVPATs have lost support from many quarters. After all, adding a printer to an electronic machine does not address underlying concerns about the machine.

“I think the movement has fractured. I don’t think there are very many people who really think that DREs with paper trails are a good idea,” Dill said. “The schism is between people who reluctantly accept them because it is politically necessary [e.g. to get H.R. 811 passed] versus people who want a total ban.”<sup>38</sup>

An alliance of national “election integrity” organizations banded together to oppose portions of H.R. 811 a week after its release, including BlackBoxVoting, VoteTrust USA, VoterAction and Voters Unite. Among their objections was the bill’s application of “paper ballot” to a VVPAT produced by an electronic voting machine.

“The bill must be amended to require real, firsthand voter-marked paper ballots (counted by hand or by optical scanner) and to ban the use of DRE voting systems, which have proven themselves to be dangerously unreliable and only produce secondhand machine-printed paper trails that require voter-verification as a separate step by each voter,” stated a release from the organizations.<sup>39</sup>

Optical-scan systems have been increasing in popularity. Many Florida voters will cast ballots on the third voting system in eight years after Gov. Charlie Crist (R) headed up efforts to mandate the use of paper-based voting systems in 2007.

Only 15 counties used DRE systems, but those included the state's most populous. "I think it's important to make sure people have confidence in our voting system," Crist said in January. "If there's a need for a recount, I think it's important that we have something to recount."<sup>40</sup>

## Audits and Recounts

While there has been a movement to revert to paper-based systems in a number of other states and jurisdictions, the issue of how best to safeguard results from any voting system has been an issue of debate around the country as well.

Since the passage of HAVA and introduction of new voting systems, a number of states have mandated post-election audits of results to ensure that electronic counters and election management systems are functioning properly.

Sixteen states with paper-based balloting systems or VVPAT-equipped DREs require manual audits — Alaska, Arizona, California, Colorado, Connecticut, Hawaii, Illinois, Minnesota, Missouri, New Mexico, New York, North Carolina, Utah, Washington, West Virginia, and Wisconsin.<sup>41</sup>

Connecticut was the most recent to establish mandatory audit procedures after lawmakers enacted Public Act 07-194, which mandates a random selection of at least 10 percent of voting districts for hand counting of ballots. Once the votes are counted, the hand counts are compared to machine counts.<sup>42</sup>

The list mandate, one of the key features of the bill and a necessity identified by leaders of both parties, was seen as a way to both prevent potential voter fraud and assure that voters would not be wrongly removed from the rolls — Republican and Democratic priorities in election reform, respectively.

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# Five Years Later, Voter Registration Systems Significantly Altered Nationwide

Voters have seen numerous changes in the election process since the passage of the Help America Vote Act (HAVA). New voting systems, new identification requirements at the polls and the nationwide availability of provisional ballots have all greatly affected the voter experience.

An essential component of the process — though less evident at the polls — was one of the most significant changes brought about by HAVA. The management of voter registration rolls has become a state, rather than local, responsibility. State election departments and other agencies are now linked, while counties have the ability to compare records to better identify duplicates, deceased voters, or those who relocated to other areas.

As of Jan. 1, 2006, states were required to have statewide systems that were, per HAVA, “single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level that contains the name and registration information of every legally registered voter in the state. The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the state.”<sup>43</sup>

The list mandate, one of the key features of the bill and a necessity identified by leaders of both parties, was seen as a way to both prevent potential voter fraud and ensure that voters would not be wrongly removed from the rolls — Republican and Democratic priorities in election reform, respectively.

“The current system in many states creates inefficiencies and duplications, as voters often move from one jurisdiction to another within a state without notifying the jurisdiction that they used to live in before they made the move. These statewide systems will make it possible for states to more effectively maintain voter registration information, as they should. States will have more accurate systems to protect voters from being mistakenly removed from the list, while ensuring that costly duplicates that invite voter fraud are quickly removed,” stated former Rep. Robert W. Ney, R-Ohio, a HAVA co-author.<sup>44</sup>

## Vendors and Costs

Similarly crafted when compared to other mandates in the bill, the registration requirement gave states an end-result and a list of what the databases should be capable of doing. But it intentionally left the details to the states, maintaining the long-standing practice of states and local jurisdictions administering elections. There was no single recommended approach, and states used a variety of private contractors and/or in-house talent to construct systems that differ, sometimes significantly, from one state to another in scope, connectivity and election management features.

## Statewide Voter Registration Databases

This chart details the status and developer of statewide voter registration systems.

State	Database Status
Alabama	Missed Jan. 1, 2006 HAVA deadline. Court-ordered Aug. 31, 2007 deadline not met. Being developed by ES&S.
Alaska	Statewide database currently in use. The Voter Registration and Election Management System (VREMS) has been in place since 1985.
Arizona	Statewide database currently in use. Created in-house. Implemented in 2004. Contract signed January 2006 with IBM and ES&S to develop a new database.
Arkansas	Statewide database currently in use. Developed by ES&S.
California	Missed Jan. 1, 2006 HAVA deadline. State's existing "CalVoter" registration system updated for interim use. This is part of an agreement entered into with the U.S. Department of Justice. New "VoteCal" system expected to complete by late 2009.
Colorado	Missed Jan. 1, 2006 HAVA deadline. Contract with Accenture cancelled in December 2005. State awarded new contract to Saber Corporation. Officials say database will be complete by May 2008.
Connecticut	Statewide database currently in use. Developed by PCC Technology Group.
Delaware	Statewide database currently in use. In place since 1990.
District of Columbia	Statewide database currently in use. The District of Columbia is a single jurisdiction.
Florida	Statewide database currently in use. The Department of State contracted with IBM to provide prime contractor and systems integration services for the development of the statewide system.
Georgia	Statewide database currently in use.
Hawaii	Statewide database currently in use.
Idaho	Statewide database currently in use. Developed by Covansys Corporation and PCC Technology Group.
Illinois	Missed Jan. 1, 2006 HAVA deadline. Contract signed with Catalyst Consulting.
Indiana	Statewide database currently in use. Developed by Quest Information Services.
Iowa	Statewide database currently in use. Developed by Saber Corporation.
Kansas	Statewide database, called ELVIS, currently in use. Contract with Accenture terminated by agreement, March 2005. Developed by ES&S.
Kentucky	Statewide database currently in use. Has been in place since 1973.
Louisiana	Statewide database currently in use. Has been in place since 1987.
Maine	Missed Jan. 1, 2006 HAVA deadline. Contract with Covansys Corporation ended February, 2006. State entered into agreement with U.S. DOJ to set plan to implement database, July 2006.
Maryland	Statewide database currently in use. Developed by Saber Corporation.
Massachusetts	Statewide database currently in use.
Michigan	Statewide database currently in use. The Qualified Voter File (QVF) was implemented in 1998.

<b>State</b>	<b>Database Status</b>
Minnesota	Statewide database currently in use.
Mississippi	Statewide database currently in use. Developed by Saber Corporation.
Missouri	Statewide database currently in use. Developed by Maximus. Missed Jan. 1, 2006 deadline - agreement made with Boone County over sharing voter data in June 2006 which brought all counties onto system.
Montana	Statewide database currently in use. Developed in-house.
Nebraska	Statewide database currently in use. Developed by ES&S.
Nevada	Missed Jan. 1, 2006 HAVA deadline. Statewide database currently in use. Contract with Covansys Corporation suspended, February 2006. In-house system developed, implemented May 2006.
New Hampshire	Statewide database currently in use. Developed by Covansys Corporation and PCC Technology Group.
New Jersey	Missed Jan. 1, 2006 HAVA deadline. Statewide database currently in use. Agreement reached with DOJ, October 2006 to complete implementation of database. Project taken over by Saber Corporation from Covansys mid-2006.
New Mexico	Statewide database currently in use. Developed by ES&S.
New York	Missed Jan. 1, 2006 HAVA deadline. State entered into agreement with U.S. DOJ to set plan to implement database. Completed interim database, NYSVOTER 1 in September 2006, and announced plans to work with Saber Corporation to finish final database.
North Carolina	Statewide database currently in use. State Elections Information Management system (SEIMS), developed in-house.
North Dakota	Exempt - state does not register voters.
Ohio	Statewide database currently in use. Developed in-house.
Oklahoma	Statewide database currently in use. Maxim Consulting hired to enhance system.
Oregon	Statewide database currently in use. Developed by Saber Corporation.
Pennsylvania	Statewide database, the Statewide Uniform Registry of Electors (SURE), is in use. Developed by Accenture.
Rhode Island	Statewide database currently in use. Developed by Covansys and PCC Technology Group.
South Carolina	Statewide database currently in use. Has been in use for over 35 years.
South Dakota	Statewide database currently in use. Developed in-house.
Tennessee	Statewide database currently in use. Developed in-house.
Texas	Statewide database currently in use. Developed by IBM and Hart InterCivic.
Utah	Statewide database currently in use. Developed in-house.
Vermont	Statewide database currently in use. Developed in-house.
Virginia	Statewide database currently in use. Developed by Unisys.
Washington	Statewide database currently in use. Developed in-house.
West Virginia	Statewide database currently in use. Developed by PCC Technology Group.
Wisconsin	Missed Jan. 1, 2006 HAVA deadline. Accenture-developed database in use but still being completed.
Wyoming	Missed Jan. 1, 2006 HAVA deadline. Ended contract with Accenture, March 2006. Interim database developed. Signed contract with Saber Corporation to develop final system, March 2007. System to be completed December 2007.

Source: State election web sites, phone calls, email correspondence with election officials.

Nationally, 60 percent chose to look outside their own bureaucracy to develop the systems while the remaining states used in-house personnel.<sup>45</sup>

The relationship between vendors and states has seen both ups and downs.

Colorado, Kansas and Wyoming initially selected the same vendor — Bermuda-based Accenture. All three eventually severed their relationships with the firm and hired other companies to develop the systems after missed deadlines and functionality problems.

Accenture also developed Pennsylvania's database, which despite some glitches, was completed and is currently operating in the state.

Both Colorado and Wyoming missed the Jan. 1, 2006 deadline. Wyoming's system, built by Salem, Ore.-based Saber Corp., is scheduled to be complete by December 2007 while Colorado's, also built by Saber, is expected to be operational by May 2008.

Colorado officials have expressed their satisfaction with Saber so far. "They have a proven track record of success. All in all, we are very satisfied with the relationship we have built with them," said Jonathan Tee, spokesman for Secretary of State Mike Coffman (R). "We're confident we are on the right path with the right vendor."<sup>46</sup>

Saber Corporation now has the largest chunk of the registration system business in the country, having developed or taken over development for systems in 11 states.

Costs have ranged from under \$1 million in South Dakota to approximately \$20 million in Pennsylvania. The scope and functionality of the database is one factor that has an effect on cost. In Pennsylvania, the Statewide Uniform Registry of Electors is an election management system that can process voter ID cards, manage absentee balloting and provide numerous voter reports.<sup>47</sup>

## Missed deadlines and other challenges

A dozen states missed HAVA's Jan. 1, 2006 deadline, and at press time, several states were still struggling to finish the job.

Alabama, Maine, New Jersey and New York were sued by the U.S. Department of Justice (DOJ) for non-compliance and entered into agreements to extend the HAVA deadline.<sup>48</sup> California entered into an agreement with DOJ before 2006 and currently has an interim system in place with a final database slated to be completed in 2009.<sup>49</sup> (For more details, see the "Enforcement Timeline on p. 7.)

New York also has an interim system in place while New Jersey has completed its HAVA-compliant database.

After missing a new court-mandated Aug. 31, 2007 deadline, Alabama received a two-month extension to complete the system.<sup>50</sup>

## Deadlines not the only challenge

Meeting federal requirements to have systems up and running by the start of 2006 was only part of the battle. Election officials in a number of states have had problems with the new systems, and some local registrars have been loath to cede control of what they considered superior local lists to join on to the new statewide system.

Pennsylvania's Accenture-built database is in place but faced troubles during its initial rollout with complaints from county officials that it was both slow and difficult to use.<sup>51</sup> Similar complaints have been heard in Wisconsin, where the database is up and running but not yet 100 percent HAVA-compliant.

Some Texas counties have opted to drop off the state's election management database stemming from problems during a May 2007 election. Leaders in Henderson County approved leaving the state system and purchasing their own locally-run replacement in the latter half of 2007.<sup>52</sup>

Questions about the security of systems have also arisen. Advocates and academics have pointed out that the systems, which contain detailed voter information, need to have strict security protocols in place on how they are managed and who has access to them.

An audit that included an examination of Florida's voter registration system issued in June 2006 found a number of potential security holes, including poorly-documented logs recording access, lag times in revoking permission for ex-employees to enter the system and other problems.<sup>53</sup>

## Interoperability

While HAVA required statewide databases to link to other databases within a state to better maintain and update records, it did not require interstate links. In a mobile nation where more than 9 million people annually move from one state to another, some have argued that linking state databases could go a long way in finding voters registered in more than one state and keeping voter rolls clean and up to date.<sup>54</sup>

"The purpose of detecting duplicate registrations is to identify citizens who are registered to vote in two or more states, to eliminate all but one of their voter registrations, and thus to prevent them from voting in different states for the same election. The aim of facilitating updates in voter registration is to ensure that when citizens move residence to another state, they are removed from the voter registration list of the state where they previously resided," stated a 2006 working paper from American University's Center for Democracy and Election Management.<sup>55</sup>

Several groups of states have already shared database information. Kansas, Iowa, Nebraska and Missouri swapped info in 2006 to check for duplicate voters with potentially more states to participate in the near future.

"A pilot program ... produced indications of possible duplicate registrations among the

states involved in the four-state agreement. Another check was conducted in late summer, and if the results indicate duplicates, the information will be sent to county election officers with instructions for processing it,” stated a newsletter published by Kansas Secretary of State Ron Thornburgh’s office.<sup>56</sup>

## Matching records

While acknowledging the potential of the HAVA-mandated creation of statewide voter registration databases as a way to increase the efficiency and accuracy of registration process and lists, some advocacy organizations oppose matching criteria they say has unfairly prevented eligible citizens from having their names on voter rolls.

The problem has occurred when voter information supplied on the registration form is matched with information from other databases such as the department of motor vehicle database or federal Social Security database. In several states, if the data does not exactly match certain information in these other databases, such as name, Social Security number, driver’s license number and birth date, the application can be rejected.

Florida and Washington have been sued over matching protocols. The Brennan Center for Justice at the NYU School of Law, which was a plaintiff in both cases, detailed their concerns:

“Database matching can be unreliable...All large databases contain mistakes — typos or transposed fields, for example, that would prevent records from matching even when they represent the same person. Also, databases record information inconsistently, which makes it even more difficult to find proper matches: ‘William’ may not match ‘Will’ or ‘Billy;’ a name may be spelled ‘Mohammed’ or ‘Muhammad;’ a maiden name may not match a married name....In Washington State, for example, one woman’s birth date was entered into the system as ‘1976’ instead of ‘1975’ (the year written on her registration form), and when no matching record could be found, her registration form was rejected.”<sup>57</sup>

In New York City the Brennan Center researchers said, “if the right to vote were conditioned on a proper match, up to 20 percent of new voter registrations would have been rejected solely because of data entry errors. Similar ‘matching’ error rates of 20-30 percent were discovered in Washington State. And the Social Security Administration has reported a 28.5 percent failed match rate nationwide.”<sup>58</sup>

The Center’s lawsuit was successful in Washington in 2006, and is pending after it was filed in Florida in August 2007.

## The EAC and “Motor Voter”

In addition to its role serving as a national clearinghouse and distributing funds to states, the EAC also has authority over compliance with the National Voter Registration Act (NVRA).

“The Commission shall not have any authority to issue any rule, promulgate any regulation, or take any other action which imposes any requirement on any State or unit of local government, except to the extent permitted under section 9(a) of [NVRA],”<sup>59</sup> HAVA states.

NVRA, also known as “Motor Voter,” used to be the purview of the Federal Election Commission. HAVA gives the EAC the authority to “prescribe such regulations as are necessary” to, among other requirements, develop the federal mail-in voter registration form.

The EAC is still feeling its way through.

In 2004 Arizona passed Proposition 200 requiring applicants to provide state-approved proof-of-citizenship documentation with their voter registration forms. Tom Wilkey, the EAC’s executive director, sent the state a letter warning that the new procedure represented a requirement that was not included on the federal form and therefore in violation of NVRA. The state resisted. A lawsuit brought by in-state plaintiffs yielded a judgment in favor of the state’s proof-of-citizenship requirements, allowing the rules to stay in effect.<sup>60</sup>

The Commission’s role in regard to NVRA does not appear to be a settled issue. In September 2007, the Commission held a meeting to consider the EAC’s role. Commissioners discussed transferring FEC regulations on NVRA to the EAC as well as possible timelines for steps needed to carry out the agency’s NVRA responsibilities.

Commissioner Caroline Hunter, a Republican appointee, expressed skepticism about the commission playing a larger role.

“There is no legal justification for the proposition that the EAC may exercise its limited regulatory authority to promulgate regulations that, for example, dictate how a state should accept and use the federal form. To the contrary, the plain language of NVRA is clear that the EAC’s rulemaking authority is limited to the extent that such rules are necessary to develop the federal form. While the EAC has taken an overly-expansive view of its regulatory authority in the past, I encourage my colleagues to exercise caution in promulgating regulations to ensure the EAC does not impermissibly erode the rights of the states or exceed the limited authority granted to it by the United States Congress,” Hunter said.<sup>61</sup>

## Other Voter Registration Developments

While HAVA has transformed the behind-the-scenes management of voter records, there are other aspects of the registration process it did not address.

The voter interaction with the “front-end” of the process — how, when and where they register to vote — has not seen any significant shift. While there have been some state-level change since 2002 in how potential voters get on registration rolls, the process is much the same as it was 10 years ago — voters filling out paper forms and mailing them in or completing them at a department of motor vehicles office.

Two states have moved into the digital age and now — or soon will — offer online voter registration. Arizona introduced online voter registration in 2002, and by 2006, more than half of its new voter registrations were completed online.<sup>62</sup> In late 2006, Washington Secretary of State Sam Reed (R) introduced a measure to allow online registration in the state beginning in January 2008 and received overwhelming support from the measure in the state legislature.<sup>63</sup>

Other registration changes unrelated to HAVA have occurred since the law passed as well:

- Iowa and Montana allow election-day registration, while North Carolina now permits citizens to register and vote at the same time during the state’s early voting period, which ends three days before election day.
- Several states, including Colorado and Florida, have imposed new regulations on third-party voter registration drives, including measures such as fines for failing to return completed applications and prohibitions on paying circulators per completed form.<sup>64</sup>
- Advocacy organizations have recently been pushing states to fully comply with NVRA, specifically in offering voter registration forms at public assistance agencies. Research by Demos indicates that a number of states are lax in complying with the law and recently sued Missouri over it.<sup>65</sup>
- Other advocacy groups have been the focus of voter-registration fraud investigations. Employees of the Association of Community Organizations for Reform Now (ACORN) were charged in Washington in July 2007 with filing forms with false voter registration information. Four canvassers for the organization pled guilty to similar charges in Missouri in 2006.<sup>66</sup>
- Legislation in Minnesota was introduced in 2007 to automatically register individuals who are not already registered who apply for or renew a driver’s license or ID unless they opt out. The affirmative registration measure was not successful.<sup>67</sup>



# Voter Identification: From HAVA to the Supreme Court

Voter identification was once considered an elegant bipartisan compromise in the Help America Vote Act (HAVA). Some Republicans, led by Senators Kit Bond, R-Mo. and Mitch McConnell, R-Ky., sought universal national voter identification in the wake of the 2000 election, with the latter at one point presenting a three-inch thick binder of what he said were instances of phony registrations and other evidence of election trickery and fraud in St. Louis.<sup>68</sup>

Democrats, led by Sen. Chris Dodd, D-Conn., wanted no such rules placed in the bill, arguing that mandatory polling place voter identification would disenfranchise voters who lacked the requisite verification while imposing a restriction without a purpose. Misrepresentation at the polling place, they said, was rare, often terming voter ID as a solution in search of a problem.<sup>69</sup>

The result was a limited requirement for voter ID that, while enough to somewhat satisfy — or perhaps merely delay — Republican requirements for broad mandates, was palatable enough for Democrats. First-time voters who registered to vote by mail but did not include a copy of one of a number of forms of verifying information would be asked to show ID at the polls. This small segment of voters would have a fairly broad array of choices of ID to use, including utility bills and pay stubs.

The elegant compromise looked a little less so once it hit the states.

In the five years since the passage of HAVA, voter ID has consistently been the most controversial issue in election administration this side of voting machines and is far more likely to ignite partisan passions. Democrats and Republicans have battled over the requirement in state legislatures, newspaper op-eds and courthouses.

Dodd and other Democrats continue to rail against ID requirements at the polls.

“They are making it an issue because they want to suppress the vote,” Dodd said of one such measure calling for mandatory photo verification at polls introduced less than two months before the 2006 mid-term elections. Such measures, he said, are “unacceptable...un-American and... just flat-out wrong.”

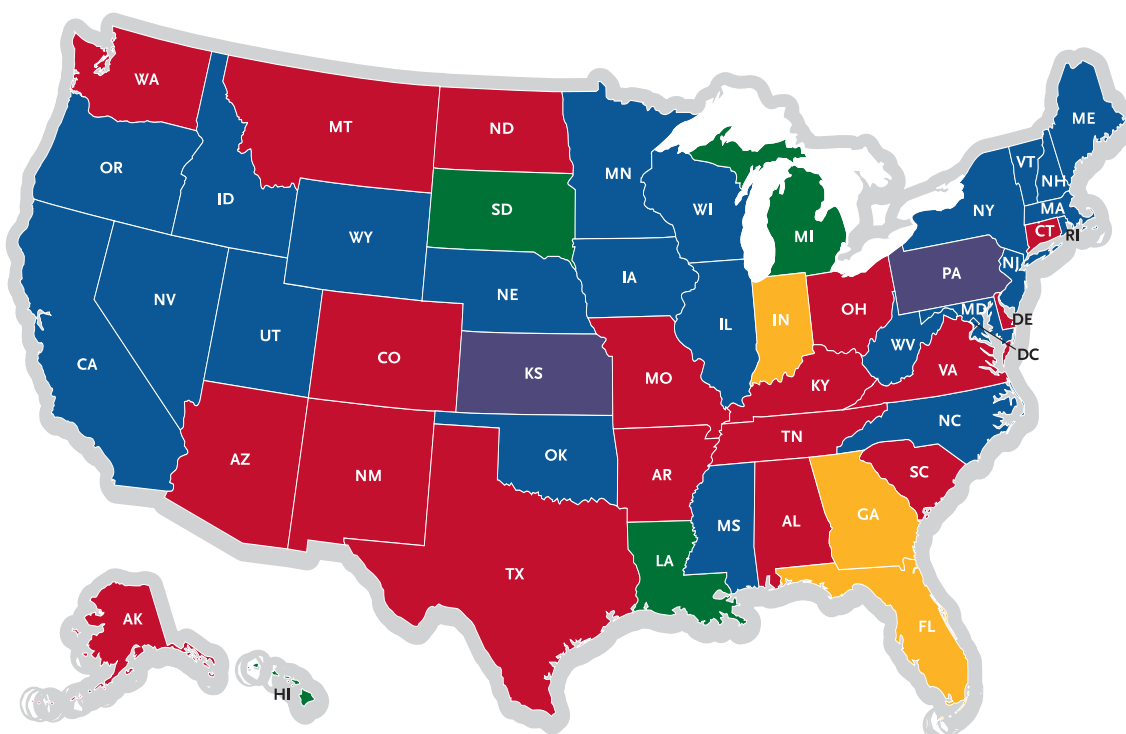
McConnell disagreed, as indicated by an angry statement issued after an amendment to increase ID requiring at polls was rejected in the U.S. Senate.

“By refusing to set a minimum federal standard requiring photo IDs before voting, the Senate failed to seize an opportunity to safeguard the integrity of elections for the future. We cannot afford to be apathetic when faced with an opportunity to strengthen our electoral system. Voting is the cornerstone of our democracy and it is our duty to protect the right of American citizens to lawfully elect their representatives,” he said.<sup>70</sup>

Despite the heated debate, the trend has been toward requiring more verification — photo and otherwise — at polling places. The compromise that was envisioned as part of HAVA has become something of a slam dunk for supporters of voter ID. The number of states requesting or requiring all voters to show some sort of verification before casting a ballot in a polling place has increased from 11 in 2000 to 24 in 2007.<sup>71</sup>

## Voter Identification

This map details voter verification requirements at the polls.



- **Minimum HAVA requirements in place.** Verification required of first-time voters who registered by mail and did provide verification with their registration application.
- **Required of all voters;** photo and non-photo verification accepted.
- **Photo identification required;** voters without photo identification can cast provisional ballots. These ballots are verified and counted based on state regulations. (See notes below.)
- **Photo identification requested of all voters;** voters without photo identification can sign affidavits and cast regular (non-provisional ballots).
- **Required of all first-time voters.**

*Notes:* Florida voters lacking required ID must cast provisional ballots. The canvassing board determines the validity of the ballot. In Georgia, the state law requiring photo ID at the polls is to be the subject of U.S. Supreme Court scrutiny, with a decision expected in mid-2008. In Indiana, if the voter is unable or unwilling to present photo ID on Election Day, they may cast a provisional ballot. They have until noon 10 days after the election to follow up with the county election board and either provide photo ID or affirm one of the law's exemptions applies.

Source: electionline.org analysis of state law, state election web sites.

As well as having more states requiring one of a number of forms of identification, three states — Florida, Georgia and Indiana — require all voters to show an ID with a photo, while four more — Hawaii, Louisiana, Michigan and South Dakota — request but do not require photo verification of identity.<sup>72</sup>

In the 36 states that, prior to HAVA passage, had voters sign their names or simply state them as they checked in at the polls, all now mandate at least the minimum outlined by the federal law.

Just as they have consistently lost battles in state legislatures when trying to thwart Republican majorities seeking to introduce universal voter ID or strengthen existing ID laws, Democrats have had little success in courts either.

Lawsuits to stop photo ID laws failed in Indiana and Georgia. Georgia's Supreme Court dismissed a challenge to the state's photo-only voter ID law in mid-2007, stating the plaintiff lacked standing. The decision came nine months after a state superior court judge held that the law was not allowed under the state constitution because it would disenfranchise voters who lacked ID.<sup>73</sup>

The U.S. Supreme Court could ultimately decide the fate of voter ID after the justices agreed to hear two Indiana-based cases — *Crawford v. Marion County Election Board* and *the Indiana Democratic Party v. Rokita* — both filed after the state's photo ID law was enacted in 2005. It had previously been upheld by a federal judge and subsequently the 7th U.S. Circuit Court of Appeals.<sup>74</sup>

The Court is expected to hear arguments in early 2008 and could offer an opinion by June.<sup>75</sup>

## Data still incomplete, controversial

While legislatures have been actively debating the issue since HAVA's passage, no new research has served to further illuminate the debate. Each side has their story to tell while neither side has produced much that could be considered definitive. Republicans have not found evidence of widespread polling-place voter fraud, and Democrats have a hard time producing plaintiffs who have been unable to vote because they did not have necessary verification to vote.

Two reports commissioned by the U.S. Election Assistance Commission (EAC) might have been envisioned as providing more clarity, but all they managed to do was cause more controversy.

First, researchers from Rutgers University's Eagleton Institute presented a report to the EAC in mid-2006. Their findings, discussed at a February 2007 EAC meeting, provided recommendations to evaluate future voter ID requirements.

The Eagleton report found states with the "maximum requirement for photo identification had turnout rates nearly 5 percent lower than in states with the minimum

requirement — stating one’s name at the polls. The data suggested caution when imposing new requirements at the polls, said Thomas O’ Neill, one of the Eagleton researchers, in testimony to the EAC.

“We believe... that sound policy on voter ID should begin with an examination of the tradeoffs between ballot security and ballot access. The existing evidence on the incidence of vote fraud, especially on the kind of vote fraud that could be reduced by requiring more rigorous voter identification, is not sufficient to evaluate those tradeoffs,” O’Neill said. “The EAC’s recent study of election crimes found, for example, that there has never been a comprehensive, nationwide study of voting fraud and intimidation. Without a better understanding of the incidence of vote fraud and its relationship to voter ID, for now best practice for the states may be to limit requirements for voter identification to the minimum needed to prevent duplicate registration and ensure eligibility.”<sup>76</sup>

A second report proved even more controversial.

Tova Wang of the Century Foundation and Job Serebrov, an Arkansas-based attorney, submitted an EAC-commissioned paper on voter ID and fraud in June 2006. According to Wang, the conclusions in that report were “revised by the EAC, without explanation or discussion with me, my co-author or the general public.”<sup>77</sup>

The original report, once released, stated that “there is widespread but not unanimous agreement that there is little polling-place fraud, or at least much less than is claimed, including voter impersonation, ‘dead’ voters, non-citizen voting and felon voters.”<sup>78</sup>

But, like the Eagleton report, the release was delayed. Unlike the Eagleton report, however, the December report that was eventually made public was significantly different than the one Wang and Serebrov produced. Wang said she was placed under a gag order by the EAC, not allowed to mention the original report, its findings or any other details related to her work for the agency.<sup>79</sup>

The Wang/Serebrov report’s conclusions —which initially indicated “little polling place fraud” — now read “there is a great deal of debate over the pervasiveness of fraud.”<sup>80</sup>

And that caught the ire of some Democratic lawmakers in Congress, who accused the EAC of selectively releasing information that would put voter ID laws in a more favorable light.

“The need for this report is even more clear when we see the way the Bush administration is carrying out the electoral process and how this system is sliding toward corruption,” stated a joint press release from Reps. Maurice Hinchey, D-N.Y. and Jose Serrano, D-N.Y. “In hiding a draft report that is significantly different from the final version, the EAC has created a lot more questions than it has answered while stunting debate on the issue. ...The EAC must never limit discussion and debate.”<sup>81</sup>

Eventually, under pressure from Congress, the EAC released the original report from Wang and Serebrov as well as 40,000 pages of documents related to both reports, on a

series of CD-ROMs. The EAC launched an internal investigation, and it appears the issue, at least for the time being, has died down.

EAC Chair Donetta Davidson, a Republican appointee, said the commissioners “voted unanimously not to adopt the report citing concerns with its methodology.”<sup>82</sup>

But the fight over voter ID is far from over. Research from the Heritage Foundation offered a further analysis — or “reanalysis” of the Rutgers study and had markedly different findings than the New Jersey-based researchers.

“Controlling for factors that influence voter turnout, voter identification laws largely do not have the negative impact on voter turnout that the Eagleton Institute suggests. When statistically significant and negative relationships are found, the effects are so small that the findings offer little policy significance,” the report stated.<sup>83</sup>

And with a Supreme Court decision expected just months before the 2008 presidential election, voter ID remains as volatile an issue as it was when HAVA was just an idea.

Wayne County realized an 80 percent reduction in the number of poll workers required to administer the election. Turnout increased significantly over the past comparable election in 2003, when roughly 2,900 voters participated. In 2007, more than 4,300 participated.

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# Federal Mandates Spur Innovation in the States

While the Help America Vote Act mandated a multitude of electoral changes, in the five years since its inception there have been a host of election administration innovations that, while not required by the federal law, have altered the voting and registration experience.

## Vote Centers

The vote center or super precinct concept debuted in Larimer County, Colo. in 2003 and has seen varying degrees of success in other parts of the state and country.

Larimer County leaders, prompted by Scott Doyle, clerk and recorder, consolidated 143 neighborhood precincts into 31 vote centers. The centers, spread around the county, allowed any voter from anywhere in the county to cast a ballot at any vote center.

According to Doyle, the vote center concept not only helped reduce the number of election officials needed on election day, but it also helped his county go a long way toward complying with many of the requirements of HAVA. Without the centers, he said, the county would have had far more difficulty meeting the mandates.<sup>84</sup>

The idea caught on. The National Association of County Recorders, Election Officials and Clerks (NACRC) gave Doyle a “best practice” award in 2005, recognizing the future of vote centers in the rest of the country.<sup>85</sup>

In late 2005, Indiana Secretary of State Todd Rokita (R) released a state-commissioned report on the feasibility of vote centers in the Hoosier State. The report, produced by a bi-partisan task force found that there would be advantages and disadvantages to moving to a vote center concept in Indiana.<sup>86</sup>

“Our election process has remained the same for more than 100 years, yet our lifestyles have changed significantly,” Rokita said. “Vote Centers mean voting the way we live today and no longer worrying about finding the right precinct, because any center in the county will work. The concept also means savings for taxpayers by significantly reducing the cost of election administration.”<sup>87</sup>

Less than a year later, Tippecanoe and Wayne counties were selected as pilot vote center counties and Wayne conducted a primary election in May 2007 using vote centers and Tippecanoe conducted a mock election.

Wayne County realized an 80 percent reduction in the number of poll workers required to administer the election. Turnout increased significantly over the past comparable election in 2003, when roughly 2,900 voters participated. In 2007, more than 4,300 participated.<sup>88</sup>

In the aftermath of Hurricane Katrina, Orleans Parish, La. was forced into the vote center concept because of the lack of available locations to conduct its elections in 2006.

At the time — nine months after the storm — nearly two-thirds of the area’s residents were still living elsewhere and voter turnout for the election was 36 percent. For those who did visit one of the parish’s 76 mega polling places (down from 274 precincts in the previous election), it was an enjoyable process.<sup>89</sup>

“This was a very nice experience,” said Lucille Fruchtweig, a New Orleans resident displaced by the storm. “They should do it like this all the time. I’d even come in and work for them on Election Day if they did it that way from now on.”<sup>90</sup>

However, despite these successes some jurisdictions have had difficulty in moving to the vote center concept. In November 2006 several other Colorado jurisdictions went with the vote center concept and ran into a host of problems that left voters standing in line for hours. Problems stemmed from not enough voting machines at vote centers, ill-prepared poll workers and, in Denver, technical malfunctions with the computing system.

Further there are concerns among some experts that vote centers could make casting ballots more difficult for the elderly, the disabled or anyone with transportation difficulties accustomed to voting close to home in a neighborhood precinct.

In the wake of the problems, Denver’s clerk and recorder resigned and in January 2007, Denver residents voted to eliminate the Denver Election Commission altogether.

“It was a total fiasco,” Denver at-large Councilman Doug Linkhart said at the time.<sup>91</sup>

## Early Voting

Use of “convenience voting,” including early voting and in-person, no-excuse absentee voting has increased in the past five years. Currently only 15 states do not allow some form of early voting or in-person absentee voting.

In many states, early voting consists of centers set up in county offices or other public places from several days to several weeks before an election, allowing citizens to vote just as they would on election day.

In the 34 states and the District of Columbia (Oregon is all vote-by-mail) that allow early voting or in-person absentee voting, the reviews have been mostly favorable. (The District and four states require an excuse.)

Recent elections in Memphis, Tenn. saw voter turnout nearly double in the first eight days of early voting. In 2006 in Shelby County, Tenn., nearly half of the county’s votes came from either early voting or in-person absentee voting.<sup>92</sup>

Because of the movement of primaries for the upcoming 2008 election cycle, early voting in six states will begin prior to the Iowa caucus in 2008 and voters in 12 states will start heading to the polls prior to election day in New Hampshire.



## Election-day registration

Although hardly a new concept, three more states now offer the option of registering and voting on the same day. Montana joined the six states currently allowing registration and voting on election day in 2006, while North Carolina allows registration and early voting at the same time, albeit not on election day itself. Iowa will permit election-day registration in 2008.

Although Proposition 52 allowing EDR failed in 2002, in California recently, the state assembly passed legislation that will allow new citizens who are sworn in after the voter registration deadline to register right up to and including on election day.<sup>93</sup> Gov. Arnold Schwarzenegger vetoed the bill, and was quoted in the *Los Angeles Times* saying the bill had “logistical and security concerns.”

“Government should not be in a position where bureaucratic delays disenfranchise our newest citizens,” said Sen. Jenny Oropenza, D-Long Beach, who introduced the legislation.<sup>94</sup>

North Carolina voter registration closes 25 days prior to election day. However a recently enacted law allows residents to register and vote during early voting which ends just three days before an election.<sup>95</sup>

State elections officials expect overall turnout to jump by 5.4 percent, and more than 10 percent for the youngest voters now that restrictions have been dropped. “This is a great balance,” said Gary Bartlett, state election director. “It gives that last-minute voter a chance.”<sup>96</sup>

## Vote-by-mail

Oregon pioneered vote-by-mail in 1980 with a series of pilot projects leading to full deployment in a presidential election 20 years later. Since that time, state officials have been proselytizing their peers on its benefits. Other states and jurisdictions had been slow to jump on the bandwagon. Recently however, there has been an increased interest in moving a vote-by-mail system and many areas are trying it out for smaller, local elections.

In 2005, Washington approved legislation allowing counties to switch to vote-by-mail. Almost immediately two-thirds of the counties made the switch and in the September 2006 primary election, 93 percent of voters cast their ballots by mail.<sup>97</sup>

“These results are stunning,” said Secretary of State Sam Reed. “Even in the counties maintaining polling locations 82.8 percent of voters who participated in the primary cast their ballots by mail.”<sup>98</sup>

Currently voters in three Washington counties — King, Pierce and Kittitas — continue to go to polls on election day. King County will move to an all vote-by-mail system in January 2008, and officials in Kittitas County are in the process of hosting a series of community meetings to determine whether or not to make the switch to completely vote-by-mail.

Several larger cities in Montana moved to a vote-by-mail system for local elections this year. Missoula for instance, conducted its first vote-by-mail election in early September and voter turnout was way above normal at just over 23 percent, which according to elections officials was in stark contrast to primaries in the past without a mayoral election where the average turnout for the past two decades has been just about 6 percent.<sup>99</sup>

## Electronic poll books

With statewide voter registration databases being mandated by HAVA, the next step for many jurisdictions was a move to electronic poll books.

Electronic poll books range from laptops to PDA-type systems to point-of-sale style systems and are used in a variety of ways. They can be simple look-up devices to help steer voters to the correct polling place or they can be complete systems that sign in voters and track voter history. Despite the various incarnations and uses of e-poll books, the prevailing thought from those who use them is that life just got much easier for poll workers and voters alike.

“We had 14 pilots last November [2005] and they were all wildly successful,” said then-director of elections for Georgia Kathy Rogers. “Poll workers did great using them and elections officials were extremely pleased.”<sup>100</sup>

However, as with any electronic elections technology, there are concerns about integrity, reliability and security. Some elections watchdogs fear e-poll books could be the target for “denial of service” attacks on election day or eliminate human-verified physical evidence of how many people actually voted.

During elections in 2005, Mecklenburg County, N.C., tested several different types of e-poll books in a handful of precincts. The test was conducted side-by-side with traditional paper poll books. Michael Dickerson, director of elections for Mecklenburg said the training for the different systems was fairly simple and only took about an additional hour of training with the various vendors.

“Our elections folks loved them,” Dickerson said. “I think it’s telling of the age we are in where more and more people are accustomed to a computer and they are willing to try something on a computer first.”<sup>101</sup>

According to Dickerson, poll workers reported that using the e-poll books was about six times faster than the traditional paper poll books. Dickerson said his office is waiting on state law to allow for the use of the e-poll books, but as soon as that becomes an option, he will be choosing one of the tested systems.

“The real saving grace on all of this is and the real cost savings is how much you save after the fact,” Dickerson said. “After election day it generally takes two months to... have the history updated, add to that a very tired staff. With these you can upload everything within a day or so after the election and it really takes away the human errors.”<sup>102</sup>

Avi Rubin, a computer science professor at Johns Hopkins University who also serves as a poll worker in Maryland, would not be counted among election workers in love with poll books.

“Every so often, about once every 15-25 minutes, after a voter signed in, and while that voter’s smartcard was being programmed with the ballot, the poll book would suddenly crash and reboot,” Rubin wrote in a blog post after the 2006 primary. “Unfortunately, the smartcard would not be programmed at the end of this, so the poll worker would have to try again. However, the second time, the machine said that the voter had already voted. The first few times this happened, we had some very irate voters, and we had to call over the chief judge. Soon, however, we realized what was happening, and as soon as the poll book crashed, we warned the voter that it would come up saying that they had already voted, but that we knew they hadn’t.”

Denver also reported widespread and significant problems with poll books during the November 2006 general election.

A consultants’ report produced a few weeks after the troubled election found a stunning one out of five voters simply walked away from polling places without ever casting a ballot because of widespread delays, malfunctions and breakdowns, largely stemming from poorly-functioning poll books.

“The ePollBook, developed exclusively for [the Denver Election Commission] DEC use by Sequoia Voting Systems, is of decidedly sub-professional architecture and construction and appears never to have been tested in any meaningful manner by either the vendor or by the DEC. This software’s failure to accommodate Election Day traffic led to lengthy lines developing at the registration desks of voting centers while voting machines stood idle. Well-publicized media reports concerning line lengths were broadcast throughout the day and likely contributed to dampening turnout among voters without the time or determination to devote multiple hours to casting their votes,” the report stated.

Still, despite the concerns, poor performance in previous elections and pitfalls in future ones, many elections experts and those using e-poll books see the benefits.

“Generally speaking, I’m hopeful that this technology, if properly implemented and used, will help resolve a lot of problems we have seen with voter registration systems in past elections,” said R. Michael Alvarez, a professor at the California Institute of Technology.<sup>103</sup>

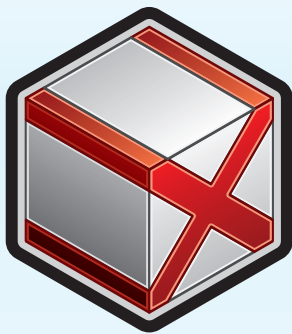
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# Help America Vote Act Implementation in the States

Note: All HAVA funding information is from U.S. Election Assistance Commission data. Other information completed from state law, state election web sites and information provided by election officials.

## Alabama



<b>Voting systems (Manufacturer):</b>	Optical scan and ballot-marking/hybrid device (ES&S)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	Final HAVA-compliant database not complete. State asked for extension of court-ordered Aug. 31, 2007 deadline. Being developed by ES&S.
<b>VVPAT or paper record requirement:</b>	No requirements but state uses all paper-based voting systems.
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No
<b>HAVA funds received, expended:</b>	\$40,907,194; \$12,947,460 (31.7 percent)

## Alaska



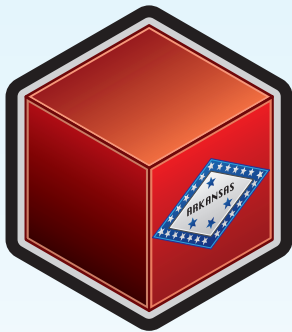
<b>Voting systems (Manufacturer):</b>	Optical scan, hand-counted paper ballots and DRE with VVPAT (Premier Election Solutions)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory
<b>Provisional voting:</b>	Eligible for verification if cast in correct jurisdiction
<b>Statewide voter registration database:</b>	In place. Developed in-house.
<b>VVPAT or paper record requirement:</b>	VVPAT requirement
<b>VVPATs and recounts:</b>	Paper ballot to be used in recount
<b>Post-election manual audit of ballots:</b>	One randomly selected precinct accounting for at least 5 percent of the ballots in that district.
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse in-person absentee voting
<b>HAVA funds received, expended:</b>	\$16,596,803; \$8,006,393 (48.2 percent)

## Arizona



<b>Voting systems (Manufacturer):</b>	Optical scan, DRE with VVPAT and ballot marking/hybrid device (Premier Election Solutions, ES&S and Sequoia)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Built by ES&S and IBM.
<b>VVPAT or paper record requirement:</b>	VVPAT requirement
<b>VVPATs and recounts:</b>	Paper ballot to be used in recount
<b>Post-election manual audit of ballots:</b>	At least 2 percent of the precincts in the county, or two precincts, whichever is greater.
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse early voting
<b>HAVA funds received, expended:</b>	\$47,600,072; \$13,740,471 (28.9 percent)

## Arkansas



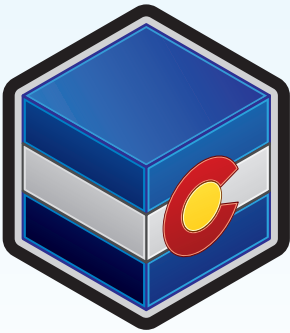
<b>Voting systems (Manufacturer):</b>	Optical scan and DREs both with and without VVPAT (ES&S and Danaher)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Developed by ES&S.
<b>VVPAT or paper record requirement:</b>	Partial requirement in place. Three counties use older electronic machines not required to have VVPATs.
<b>VVPATs and recounts:</b>	Paper ballot to be used in recount
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse early voting
<b>HAVA funds received, expended:</b>	\$27,761,472; 16,423,388 (59.16 percent)

# California



<b>Voting systems (Manufacturer):</b>	Optical scan, DRE with VVPAT and ballot-marking/hybrid device (Premier Election Solutions, ES&S, Hart InterCivic, Sequoia and DFM Associates)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct jurisdiction
<b>Statewide voter registration database:</b>	Interim system in place — updated CalVoter system. Memorandum of agreement signed with the U.S. Department of Justice. New system, VoteCal, in development, expected completion late 2009.
<b>VVPAT or paper record requirement:</b>	VVPAT requirement
<b>VVPATs and recounts:</b>	Paper ballot to be used in recount
<b>Post-election manual audit of ballots:</b>	At least 1 percent of randomly selected precincts.
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse early voting
<b>HAVA funds received, expended:</b>	\$348,900,661; 280,638,373 (80.4 percent)

# Colorado



<b>Voting systems (Manufacturer):</b>	Optical scan and DRE with VVPAT (Premier Election Solutions, ES&S, Sequoia and Hart InterCivic)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory
<b>Provisional voting:</b>	Eligible for verification if cast in correct jurisdiction
<b>Statewide voter registration database:</b>	Incomplete. Database being built by Saber Corporation, with expected completion date of May 2008. Initial contract with Accenture canceled in December 2005.
<b>VVPAT or paper record requirement:</b>	VVPAT requirement
<b>VVPATs and recounts:</b>	Paper ballot to be used in recount
<b>Post-election manual audit of ballots:</b>	Random selection of 5 percent of precinct scanner-based voting equipment, at least one central count scanner/vote center, and 5 percent of DRE voting devices.
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse early voting
<b>HAVA funds received, expended:</b>	\$41,582,761; \$22,849,704 (55 percent)

## Connecticut



<b>Voting systems (Manufacturer):</b>	Optical scan and vote-by-phone (Premier Election Solutions and IVS)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Developed by PCC Technology Group.
<b>VVPAT or paper record requirement:</b>	VVPAT requirement in place but state uses all paper ballots.
<b>VVPATs and recounts:</b>	Paper ballot to be used in recount
<b>Post-election manual audit of ballots:</b>	10 percent of randomly-selected precincts
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No
<b>HAVA funds received, expended:</b>	\$32,719,501; 3,096,045 (9.5 percent)

## Delaware



<b>Voting systems (Manufacturer):</b>	DRE (Danaher)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place since 1990. Built in-house.
<b>VVPAT or paper record requirement:</b>	No
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No
<b>HAVA funds received, expended:</b>	\$16,596,803; \$7,735,905 (46.6 percent)

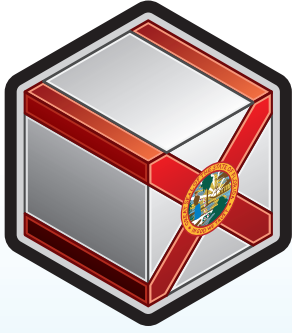
## Washington, D.C.



<b>Voting systems (Manufacturer):</b>	Optical scan and DRE (Sequoia)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Built in-house.
<b>VVPAT or paper record requirement:</b>	No
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	In-person absentee voting (excuse required)
<b>HAVA funds received, expended:</b>	\$16,596,803; \$4,918,303 (29.6 percent)



## Florida



<b>Voting systems (Manufacturer):</b>	Optical scan and DRE (Premier Election Solutions, ES&S and Sequoia)
<b>Voter ID:</b>	Photo ID required of all voters. If the voter does not have the required ID they cast a provisional ballot. The canvassing board determines the validity of the ballot.
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Developed by IBM.
<b>VVPAT or paper record requirement:</b>	In 2007 the state mandated counties switch to optical-scan machines except for accessible voting machines. By 2012 paper-based accessible voting technology must be in place.
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	1 to 2 percent of randomly chosen precincts
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse early voting
<b>HAVA funds received, expended:</b>	\$158,531,048; \$73,304,281 (46.2 percent)

## Georgia



<b>Voting systems (Manufacturer):</b>	DRE (Premier Election Solutions)
<b>Voter ID:</b>	Photo ID required of all voters. If the voter does not have the required ID they must vote a provisional ballot which will only be counted if the registrars are able to verify ID of the elector within the time period for verifying provisional ballots.
<b>Provisional voting:</b>	Eligible for verification if cast in correct jurisdiction
<b>Statewide voter registration database:</b>	In place
<b>VVPAT or paper record requirement:</b>	No
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse early voting
<b>HAVA funds received, expended:</b>	\$77,304,946; 73,140,615 (94.6 percent)

## Hawaii



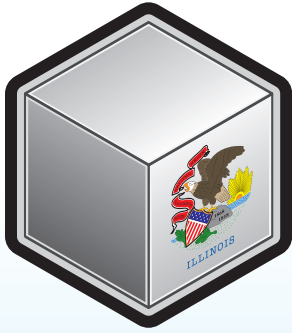
<b>Voting systems (Manufacturer):</b>	Optical scan and DRE with VVPAT (ES&S and Hart InterCivic)
<b>Voter ID:</b>	Photo ID requested
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place
<b>VVPAT or paper record requirement:</b>	VVPATs required
<b>VVPATs and recounts:</b>	Paper ballot to be used in recount
<b>Post-election manual audit of ballots:</b>	Random sample of not less than 10 percent of the precincts employing electronic voting systems.
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse in-person absentee voting
<b>HAVA funds received, expended:</b>	\$16,596,803; \$6,191,808 (37.3 percent)

## Idaho



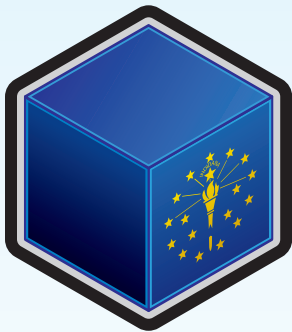
<b>Voting systems (Manufacturer):</b>	Optical scan, punch card, hand-counted paper ballots and ballot-marking/hybrid device (ES&S)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	N/A — Election-day registration
<b>Statewide voter registration database:</b>	In place
<b>VVPAT or paper record requirement:</b>	Has VVPAT requirement but does not yet use any DRE voting systems.
<b>VVPATs and recounts:</b>	Electronic ballot would be used in a recount
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse in-person absentee voting
<b>HAVA funds received, expended:</b>	\$16,596,803; \$8,741,234 (52.7percent)

## Illinois



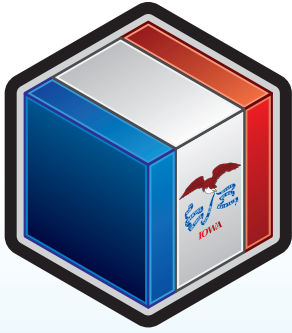
<b>Voting systems (Manufacturer):</b>	Optical scan, DRE with VVPAT and ballot-marking/hybrid device (Premier Election Solutions, ES&S, Hart InterCivic, Sequoia, and Populex)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	Final HAVA-compliant database not complete. Contract signed with Catalyst Consulting.
<b>VVPAT or paper record requirement:</b>	VVPATs required
<b>VVPATs and recounts:</b>	No rules yet established
<b>Post-election manual audit of ballots:</b>	5 percent of precincts
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No-excuse early voting
<b>HAVA funds received, expended:</b>	\$143,529,899; \$94,511,610 (65.85 percent)

## Indiana



<b>Voting systems (Manufacturer):</b>	Optical scan, DRE and ballot-marking/hybrid device (MicroVote, Premier Election Solutions, ES&S, Voting Technologies International)
<b>Voter ID:</b>	Photo ID required. If the voter is unable or unwilling to present photo ID, they may cast a provisional ballot. They have until noon 10 days after the election to follow up with the county election board and either provide photo ID or affirm one of the law's exemptions applies.
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct.
<b>Statewide voter registration database:</b>	In place. Developed by Quest Information Services.
<b>VVPAT or paper record requirement:</b>	No
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No-excuse in-person absentee voting
<b>HAVA funds received, expended:</b>	\$64,297,862; \$56,297,878 (87.6 percent)

## Iowa



<b>Voting systems (Manufacturer):</b>	Optical scan, DRE with VVPAT and ballot-marking/hybrid device (Premier Election Solutions and ES&S)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Developed by Saber Corporation.
<b>VVPAT or paper record requirement:</b>	VVPATs required
<b>VVPATs and recounts:</b>	Paper ballot to be used in recount
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse in-person absentee voting
<b>HAVA funds received, expended:</b>	\$28,739,383; \$24,232,850 (84.3 percent)

## Kansas



<b>Voting systems (Manufacturer):</b>	Optical scan, DRE, ballot-marking/hybrid device and hand-counted paper ballots (Premier Election Solutions and ES&S)
<b>Voter ID:</b>	Required of all first-time voters. Photo ID not mandatory
<b>Provisional voting:</b>	Eligible for verification if cast in correct jurisdiction
<b>Statewide voter registration database:</b>	In place. Developed by ES&S. Initial contract with Accenture terminated March 2005.
<b>VVPAT or paper record requirement:</b>	No
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse in-person absentee voting
<b>HAVA funds received, expended:</b>	\$26,409,789; \$19,275,443 (73 percent)

## Kentucky



<b>Voting systems (Manufacturer):</b>	DRE and optical scan (Hart InterCivic, ES&S, MicroVote, Premier Election Solutions and Danaher)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place
<b>VVPAT or paper record requirement:</b>	No
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	Yes in a random selection of between 3 and 5 percent of total ballots cast.
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	In-person absentee voting (excuse required)
<b>HAVA funds received, expended:</b>	\$38,067,744; \$19,355,672 (50.9 percent)

## Louisiana



<b>Voting systems (Manufacturer):</b>	DRE (Sequoia)
<b>Voter ID:</b>	Photo ID requested of all voters. If the voter has a non-photo ID, the voter will need to sign an affidavit to cast a ballot.
<b>Provisional voting:</b>	Eligible for verification if cast in correct jurisdiction
<b>Statewide voter registration database:</b>	In place
<b>VVPAT or paper record requirement:</b>	No
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No-excuse early voting
<b>HAVA funds received, expended:</b>	\$47,330,777; \$34,859,102 (73.7 percent)

## Maine



<b>Voting systems (Manufacturer):</b>	Optical scan, hand-counted paper ballots and vote-by-phone system (Premier Election Solutions, ES&S and IVS)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Election-day registration; challenged ballot procedure in place.
<b>Statewide voter registration database:</b>	Not in place. Entered into agreement with U.S. Department of Justice
<b>VVPAT or paper record requirement:</b>	VVPAT requirement in place; state paper-based systems
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse in-person absentee voting
<b>HAVA funds received, expended:</b>	\$16,596,803; \$3,321,221 (20 percent)

## Maryland



<b>Voting systems (Manufacturer):</b>	DRE (Premier Election Solutions)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct jurisdiction
<b>Statewide voter registration database:</b>	In place. Developed by Saber Corporation.
<b>VVPAT or paper record requirement:</b>	No current VVPAT requirement. Paper-based voting systems required by 2010.
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No
<b>HAVA funds received, expended:</b>	\$49,752,770; \$35,713,473 (71.8 percent)

# Massachusetts



<b>Voting systems (Manufacturer):</b>	Optical scan, ballot-marking/hybrid device and DRE with VVPAT (Premier Election Solutions, ES&S and Hart InterCivic)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place
<b>VVPAT or paper record requirement:</b>	No requirements; majority of systems in use are paper-based. DREs are VVPAT-equipped.
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No
<b>HAVA funds received, expended:</b>	\$60,332,104; \$5,276,401 (8.8 percent)

# Michigan



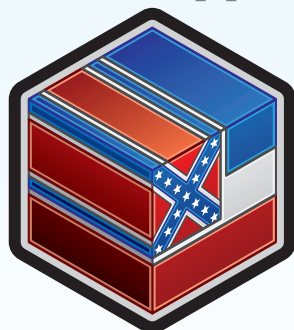
<b>Voting systems (Manufacturer):</b>	Optical scan and ballot-marking/hybrid device (Premier Election Solutions and ES&S)
<b>Voter ID:</b>	Photo ID required. If the voter does not have a photo ID, they may sign a form attesting to that fact and may then proceed to cast a regular ballot.
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place (completed pre-HAVA)
<b>VVPAT or paper record requirement:</b>	State employs paper-based voting systems.
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No
<b>HAVA funds received, expended:</b>	\$94,699,081; \$67,003,920 (70.8 percent)

# Minnesota



<b>Voting systems (Manufacturer):</b>	Optical scan and ballot-marking/hybrid device (Premier Election Solutions and ES&S)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	N/A — Election-day registration
<b>Statewide voter registration database:</b>	In place
<b>VVPAT or paper record requirement:</b>	Systems creating marked optical-scan ballots required.
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	In counties with fewer than 50,000 registered voters must review at least two precincts. Counties with between 50,000 and 100,000 registered voters must review at least three precincts. Counties with over 100,000 registered voters must review at least four precincts. At least one precinct selected in each county must have had more than 150 votes cast at the general election.
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	Excuse-required in-person absentee voting
<b>HAVA funds received, expended:</b>	\$44,492,574; \$37,688,821 (84.7 percent)

# Mississippi



<b>Voting systems (Manufacturer):</b>	DRE with VVPAT and optical scan (Premier Election Solutions, ES&S and Advanced Voting Solutions)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Developed by Saber Corporation.
<b>VVPAT or paper record requirement:</b>	No requirements but all DREs are equipped with VVPATs.
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No
<b>HAVA funds received, expended:</b>	\$27,869,654; \$20,139,498 (72.2 percent)

## Missouri



<b>Voting systems (Manufacturer):</b>	DRE with VVPAT, optical scan and ballot-marking/hybrid device (Premier Election Solutions, ES&S, Sequoia and Populex)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory.
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Developed by Maximus.
<b>VVPAT or paper record requirement:</b>	VVPAT requirement
<b>VVPATs and recounts:</b>	Rules still under development.
<b>Post-election manual audit of ballots:</b>	At least one precinct for every 100 election precincts.
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No
<b>HAVA funds received, expended:</b>	\$62,262,661; \$45,773,331 (73.5 percent)

## Montana



<b>Voting systems (Manufacturer):</b>	Optical scan, hand-counted paper ballots and ballot-marking/hybrid device (ES&S)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory.
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Developed by Saber Corporation.
<b>VVPAT or paper record requirement:</b>	State employs all paper-based voting systems
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse in-person absentee voting
<b>HAVA funds received, expended:</b>	\$16,596,803; \$13,264,106 (79.9 percent)

## Nebraska



<b>Voting systems (Manufacturer):</b>	Optical scan and ballot-marking/hybrid device (ES&S)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Developed by ES&S.
<b>VVPAT or paper record requirement:</b>	No requirement; state employs paper-based voting systems.
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse in-person absentee voting
<b>HAVA funds received, expended:</b>	\$18,749,549; \$14,690,310 (78.4 percent)



## Nevada



<b>Voting systems (Manufacturer):</b>	DRE with VVPAT (Sequoia)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Developed in-house. Initial contract with Covansys suspended in February 2006.
<b>VVPAT or paper record requirement:</b>	VVPATs required
<b>VVPATs and recounts:</b>	Electronic ballot used in recount
<b>Post-election manual audit of ballots:</b>	Yes — Manual or a mechanical audit (including bar-code scanners for VVPATs). Counties with populations of 100,000 or more must audit 2 percent of voting machines used in the election or no less than 20 voting machines, whichever is greater. Counties with populations under 100,000 must audit 3 percent of voting machines used in the election or no less than four voting machines, whichever is greater.
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse early voting
<b>HAVA funds received, expended:</b>	\$21,166,810; \$12,497,029 (59 percent)

## New Hampshire



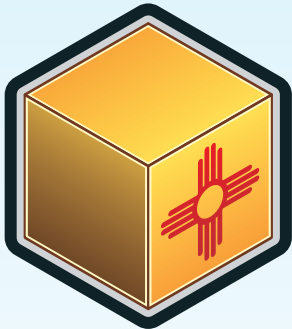
<b>Voting systems (Manufacturer):</b>	Optical scan, hand-counted paper ballots and vote-by-phone system (Premier Election Solutions, ES&S and IVS)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	N/A — election-day registration
<b>Statewide voter registration database:</b>	In place. Developed by Covansys Corporation and PCC Technology Group.
<b>VVPAT or paper record requirement:</b>	Paper ballots required
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No
<b>HAVA funds received, expended:</b>	\$16,596,803; \$355,689 (2 percent)

## New Jersey



<b>Voting systems (Manufacturer):</b>	DRE (ES&S, Sequoia and Avante)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct jurisdiction
<b>Statewide voter registration database:</b>	In place. Developed by Saber Corporation.
<b>VVPAT or paper record requirement:</b>	VVPATs required by Jan. 1, 2008
<b>VVPATs and recounts:</b>	Paper ballot to be used in recount
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No
<b>HAVA funds received, expended:</b>	\$84,904,403; 55,933,253 (65.9 percent)

## New Mexico



<b>Voting systems (Manufacturer):</b>	Optical scan and ballot-marking/hybrid device (ES&S)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory.
<b>Provisional voting:</b>	Eligible for verification if cast in correct jurisdiction
<b>Statewide voter registration database:</b>	In place. Developed by ES&S.
<b>VVPAT or paper record requirement:</b>	All paper ballots required
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	2 percent of voting systems.
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse early voting
<b>HAVA funds received, expended:</b>	\$19,279,790; \$14,123,471 (73.3 percent)

## New York



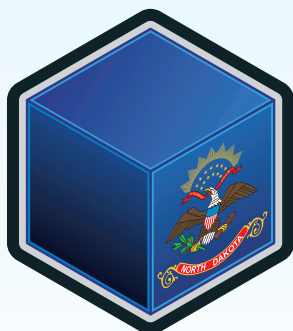
<b>Voting systems (Manufacturer):</b>	Lever, ballot-marking/hybrid device and DRE with VVPAT (AVM, ES&S and Avante). Selection of new voting systems still pending.
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	Interim system in place after agreement reached with U.S. DOJ. Saber Corp. is developing new system.
<b>VVPAT or paper record requirement:</b>	VVPAT requirement
<b>VVPATs and recounts:</b>	Paper ballot to be used in recount
<b>Post-election manual audit of ballots:</b>	At least 3 percent of voting systems within the jurisdiction.
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No
<b>HAVA funds received, expended:</b>	\$219,512,672; \$3,144,170 (1.4 percent)

## North Carolina



<b>Voting systems (Manufacturer):</b>	DRE with VVPAT, optical scan and ballot-marking/ hybrid device (ES&S)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct jurisdiction
<b>Statewide voter registration database:</b>	In place. Developed in-house.
<b>VVPAT or paper record requirement:</b>	VVPAT requirement
<b>VVPATs and recounts:</b>	Paper ballot to be used in recount
<b>Post-election manual audit of ballots:</b>	In one or more full precincts, full counts of mailed absentee ballots, full counts of one or more one-stop early voting sites, or a combination. The size of the sample of each category is chosen to produce a statistically significant result in consultation with a statistician.
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse in-person absentee voting
<b>HAVA funds received, expended:</b>	\$74,259,370; \$49,200,344 (66.3 percent)

## North Dakota



<b>Voting systems (Manufacturer):</b>	Optical scan and ballot-marking/hybrid device (ES&S)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory.
<b>Provisional voting:</b>	No voter registration
<b>Statewide voter registration database:</b>	No voter registration
<b>VVPAT or paper record requirement:</b>	No requirement; state employs paper-based voting systems.
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse early voting
<b>HAVA funds received, expended:</b>	\$16,596,803; \$8,367,713 (50.4 percent)

# Ohio



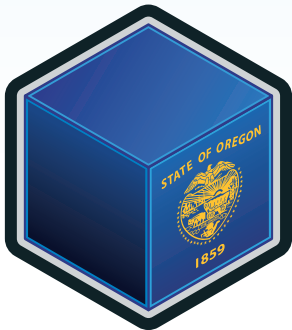
<b>Voting systems (Manufacturer):</b>	DRE with VVPAT, optical scan and ballot-marking/hybrid device (Premier Election Solutions and ES&S)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory.
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Developed in-house.
<b>VVPAT or paper record requirement:</b>	VVPAT requirement
<b>VVPATs and recounts:</b>	Paper ballot to be used in recount
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No excuse in-person absentee voting
<b>HAVA funds received, expended:</b>	\$132,045,112; \$131,682,814 (99.7 percent)

# Oklahoma



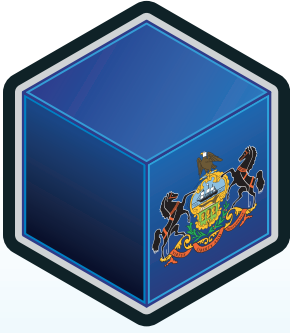
<b>Voting systems (Manufacturer):</b>	Optical scan and vote-by-phone system (ES&S and IVS)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place
<b>VVPAT or paper record requirement:</b>	No requirements; state employs paper-based voting systems.
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse in-person absentee voting.
<b>HAVA funds received, expended:</b>	\$32,659,638; \$2,619,668 (8 percent)

# Oregon



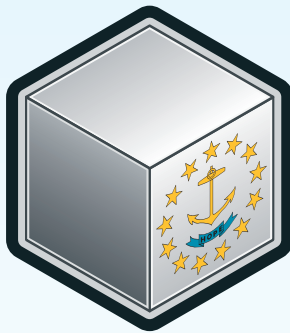
<b>Voting systems (Manufacturer):</b>	Vote-by-mail and vote-by-phone system (IVS)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct jurisdiction
<b>Statewide voter registration database:</b>	In place. Developed by Saber Corporation.
<b>VVPAT or paper record requirement:</b>	N/A. Vote-by-mail system employs paper-based ballots.
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	Statewide system
<b>Pre-election day in-person voting:</b>	N/A
<b>HAVA funds received, expended:</b>	\$33,863,940; \$13,993,020 (41.3 percent)

# Pennsylvania



<b>Voting systems (Manufacturer):</b>	DRE, optical scan, lever and ballot-marking/hybrid device (ES&S, Premier Election Solutions, Danaher, Sequoia, Hart InterCivic and Advanced Voting Solutions)
<b>Voter ID:</b>	Required of all first-time voters. Photo ID not mandatory.
<b>Provisional voting:</b>	Eligible for verification if cast in correct jurisdiction
<b>Statewide voter registration database:</b>	In place. Developed by Accenture.
<b>VVPAT or paper record requirement:</b>	No
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No
<b>HAVA funds received, expended:</b>	\$134,818,949; \$124,793,466 (92.6 percent)

# Rhode Island



<b>Voting systems (Manufacturer):</b>	Optical scan and ballot-marking/hybrid device (ES&S)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct jurisdiction
<b>Statewide voter registration database:</b>	In place. Developed by Covansys Corporation and PCC Technology Group.
<b>VVPAT or paper record requirement:</b>	No requirements but state uses all paper-based voting systems.
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No
<b>HAVA funds received, expended:</b>	\$16,596,803; \$14,117,981 (85 percent)

## South Carolina



<b>Voting systems (Manufacturer):</b>	DRE (ES&S)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory.
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place
<b>VVPAT or paper record requirement:</b>	No
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No
<b>HAVA funds received, expended:</b>	\$39,241,210; \$40,362,239 (103 percent - The state reported it overspent its Section 251 funds resulting in total expenditures exceeding funds received)

## South Dakota



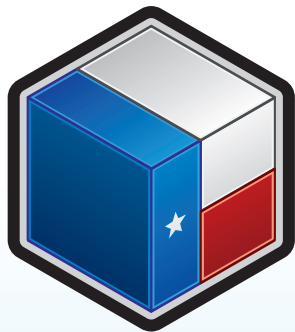
<b>Voting systems (Manufacturer):</b>	Optical scan and ballot-marking/hybrid device (ES&S)
<b>Voter ID:</b>	Photo ID requested of all voters. If the voter has a non-photo ID, the voter will need to sign an affidavit to cast a ballot.
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Developed in-house.
<b>VVPAT or paper record requirement:</b>	No requirements but state uses all paper-based voting systems.
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	Yes. No-excuse in-person absentee voting.
<b>HAVA funds received, expended:</b>	\$16,596,803; \$5,635,898 (34 percent)

## Tennessee



<b>Voting systems (Manufacturer):</b>	Optical scan and DRE (MicroVote, Hart InterCivic, ES&S and Premier Election Solutions)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory.
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Developed in-house.
<b>VVPAT or paper record requirement:</b>	No
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No-excuse early voting
<b>HAVA funds received, expended:</b>	\$54,714,608; \$21,048,399 (38.5 percent)

## Texas



<b>Voting systems (Manufacturer):</b>	DRE, optical scan and ballot-marking/hybrid device (ES&S, Hart InterCivic and Premier Election Solutions)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory.
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Developed by Hart InterCivic and IBM.
<b>VVPAT or paper record requirement:</b>	No
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No-excuse early voting
<b>HAVA funds received, expended:</b>	\$184,168,065; \$128,504,360 (69.7 percent)

## Utah



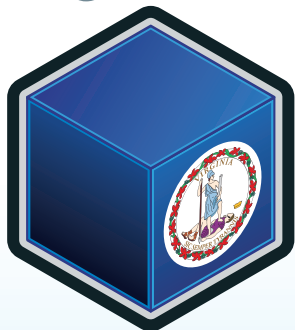
<b>Voting systems (Manufacturer):</b>	DRE with VVPAT (Premier Election Solutions)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Developed in-house.
<b>VVPAT or paper record requirement:</b>	VVPAT requirement
<b>VVPATs and recounts:</b>	Electronic ballot to be used in recount
<b>Post-election manual audit of ballots:</b>	1 percent of the total number of AccuVote TSx and precinct count AccuVote OS voting machines in use statewide.
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse in-person absentee voting
<b>HAVA funds received, expended:</b>	\$25,284,969; \$22,708,000 (89.8 percent)

## Vermont



<b>Voting systems (Manufacturer):</b>	Optical scan, hand-counted paper ballots and vote-by-phone system (Premier Election Solutions and IVS)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct jurisdiction
<b>Statewide voter registration database:</b>	In place. Developed in-house.
<b>VVPAT or paper record requirement:</b>	Paper ballots required
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse in-person absentee voting
<b>HAVA funds received, expended:</b>	\$16,596,803; \$2,692,784 (16.2 percent)

## Virginia



<b>Voting systems (Manufacturer):</b>	DRE, optical scan and ballot-marking/hybrid device (Premier Election Solutions, UniLect, Advanced Voting Solutions, Hart InterCivic and ES&S)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory.
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Developed by Unisys.
<b>VVPAT or paper record requirement:</b>	After July 1, 2007, localities can no longer purchase DRE systems.
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	Excuse-required in-person absentee voting
<b>HAVA funds received, expended:</b>	\$69,121,820; \$35,308,415 (51.1 percent)

## Washington



<b>Voting systems (Manufacturer):</b>	Optical scan, DRE with VVPAT and ballot-marking/hybrid device (ES&S, Premier Election Solutions, Hart InterCivic and Sequoia)
<b>Voter ID:</b>	Required of all voters. Photo ID not mandatory.
<b>Provisional voting:</b>	Eligible for verification if cast in correct jurisdiction
<b>Statewide voter registration database:</b>	In place. Developed in-house.
<b>VVPAT or paper record requirement:</b>	VVPAT requirement
<b>VVPATs and recounts:</b>	Paper ballot to be used recount
<b>Post-election manual audit of ballots:</b>	A random selection of up to 4 percent of the DRE devices or one DRE device, whichever is greater. On one-fourth of the devices, the paper records must be tabulated manually. For the remaining devices, the paper records may be tabulated by a mechanical device determined by the secretary of state to be capable of accurately reading the votes cast and printed.
<b>Absentee voting by mail:</b>	No excuse required (36 of 39 counties conduction all elections by mail.)
<b>Pre-election day in-person voting:</b>	No
<b>HAVA funds received, expended:</b>	\$60,093,850; \$26,081,858 (43.4 percent)



## West Virginia



<b>Voting systems (Manufacturer):</b>	DRE with VVPAT, optical scan, hand-counted paper ballots and ballot-marking/hybrid device (ES&S)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Eligible for verification if cast in correct precinct
<b>Statewide voter registration database:</b>	In place. Developed by PCC Technology Group.
<b>VVPAT or paper record requirement:</b>	VVPAT requirement
<b>VVPATs and recounts:</b>	Paper ballot to be used recount
<b>Post-election manual audit of ballots:</b>	At least 5 percent of the precincts chosen at random will have the VVPATs counted manually.
<b>Absentee voting by mail:</b>	Excuse required
<b>Pre-election day in-person voting:</b>	No-excuse early voting
<b>HAVA funds received, expended:</b>	\$20,630,100; \$12,934,539 (62.7percent)

## Wisconsin



<b>Voting systems (Manufacturer):</b>	Optical scan, hand-counted paper ballots, DRE with VVPAT and ballot-marking/hybrid device (ES&S, Premier Election Solutions, Voting Technologies International, Vote-PAD and Sequoia)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Election-day registration. Provisional ballots only offered if election-day registrant cannot provide requisite ID. Eligible for verification if cast in correct precinct. Is an election-day registration state
<b>Statewide voter registration database:</b>	Final HAVA-compliant database not complete. Developed by Accenture.
<b>VVPAT or paper record requirement:</b>	VVPAT requirement
<b>VVPATs and recounts:</b>	Paper ballot to be used recount
<b>Post-election manual audit of ballots:</b>	In 50 randomly selected reporting units across the state, including a minimum of five reporting units for each voting system used in the state.
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse in-person absentee voting
<b>HAVA funds received, expended:</b>	\$50,066,781; \$17,948,603 (35.8 percent)

# Wyoming



<b>Voting systems (Manufacturer):</b>	Optical scan, DRE with VVPAT and ballot-marking/hybrid device (ES&S and Premier Election Solutions)
<b>Voter ID:</b>	HAVA minimum
<b>Provisional voting:</b>	Election-day registration. Provisional ballots only offered if election-day registrant cannot provide requisite ID. Eligible to be counted if cast in correct precinct.
<b>Statewide voter registration database:</b>	Final HAVA-compliant database not complete. Under development by Saber Corporation. Contract with initial developer, Accenture, voided in March 2006.
<b>VVPAT or paper record requirement:</b>	No requirement but jurisdictions using DREs have VVPATs
<b>VVPATs and recounts:</b>	N/A
<b>Post-election manual audit of ballots:</b>	No
<b>Absentee voting by mail:</b>	No excuse required
<b>Pre-election day in-person voting:</b>	No-excuse in-person absentee voting
<b>HAVA funds received, expended:</b>	\$16,596,803; \$7,323,706 (44.1 percent)

# Methodology

Data for maps, charts and state-by-state data was collected using state election law and other primary sources from state code. Other primary source information was obtained via telephone interviews, email correspondence, official source documents — including press releases, statements, court filings, letters and other materials.

Secondary sources were also used in compiling information, including newspapers, wire service reports, radio and television transcripts and reports from non-governmental organizations with an interest in election administration issues.

All sources are listed in the endnotes section.

The opinions expressed by election officials, lawmakers, government officials or other interested parties in this document do not reflect the nonpartisan, non-advocacy electionline.org, the Pew Center on the States nor The Pew Charitable Trusts.

All questions concerning research should be directed to Sean Greene, project manager for research, at 202-552-2000.

# Endnotes

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