THE PEW CENTER ON THE STATES
Make Voting Work

Data for Democracy

IMPROVING ELECTIONS THROUGH METRICS AND MEASUREMENT

DECEMBER 2008

ACKNOWLEDGEMENTS

In our Age of Information, it's easy to get used to having numbers at your fingertips. Elections are no different. There is a dizzying array of websites and portals dedicated to the political junkie, collecting, aggregating and distilling the results of hundreds of pre-election polls, news stories and expert commentary. In the aftermath of the election, however, when the results come in, the situation changes dramatically.

For the analyst, activist, scholar and policy maker who want to assess not who won or lost, but how well the system performed, appropriate data can be frustratingly difficult to find and exceedingly time consuming to assemble. This makes monitoring and improving election performance in the United States unnecessarily difficult.

While the clash of values over election reform is the stuff of politics, political debates should not be handicapped by unavailable and unreliable elections data.

In May 2008, the Pew Center on the States' Make Voting Work initiative and the JEHT Foundation assembled a broad set of stakeholders with the expertise to comment on the importance and challenges of prioritizing, collecting and applying elections data to provide and improve information for the public on election performance and management. (The conference program and attendees are listed in the appendix).

The goal of the Data for Democracy conference was to start a conversation. This compendium broadens that conversation to a larger audience of policymakers, academics, advocates and elections officials.

The compendium includes:

- A set of overview essays that address broad-ranging issues of elections data collection, usage and management.
- A set of topic essays that deal with seven specific areas of elections data reporting, each including a set of detailed policy recommendations.
- A 50-state assessment of data reporting, covering two areas: voter registration and history files, comparing the cost and comprehensiveness of these files; and state response rates to the federally mandated U.S. Election Assistance Commission Election Administration and Election Day Survey conducted in 2006.

The compendium strives to advance the study of election information by assessing the **scope** of data reporting. The assessment highlights those states that do a particularly robust job of data collection and reporting; comments on the challenges facing other states in emulating those models; and examines the diversity of both data and data collection mechanisms among local governments within states.

We hope this compendium will provide helpful insight for policy debates in Congress; for the Election Assistance Commission as they think about their own data collection efforts; for state legislatures as they consider reform legislation; and for state and local election officials in their implementation and maintenance of our election system.

We would like to thank the following people for their tremendous contributions to the Data for Democracy project:

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Consultant to Make Voting Work Project and Professor, Reed College

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Introduction: Why Data Matters

Doug Chapin, electionline.org, Pew Center on the States

This compendium — and the Data for Democracy conference from which it derives — rests on a single bedrock assumption: better data is a foundation for any meaningful effort to understand and improve the functioning of the American election system.

Indeed, data is vitally important to any undertaking and matters tremendously in choosing the direction and assessing the success of an endeavor. This is a fundamental tenet of the move toward evidence-based management across sectors and professions.

Data is not valuable in and of itself; its value resides in what it makes possible in the hands of thoughtful and creative analysts and decision-makers. It gives us a sixth sense, another way to view the challenges and opportunities that lie ahead.

Data matters because it expands and sharpens our view of the world and turns that focus on us as well, clarifying our thinking and reasoning. Specifically:

Data provides context and counterpoint for the strong forces that color decision-making. Elections are not the only field dominated by powerful political and emotional forces that steer debate through the telling and re-telling of anecdotes in the policy arena.

Anecdotal evidence (or "anecdata")[1] is better suited to storytelling than dispassionate analysis. My journalist colleagues at Pew's electionline.org remind me that the media generally isn't interested in planes that don't crash or houses that don't burn. This is why these stories do not typically appear on the front page of a newspaper or the lead story of a broadcast.

The problem, of course, is that the beautiful disaster can be (and frequently is) mistaken for the state of affairs everywhere. Reality is usually much less beautiful, much less disastrous, and much less newsworthy.

In these situations, data becomes what Steve Weir, Contra Costa County Clerk-Recorder, calls "an antidote to an anecdote."

Data will never replace these anecdotes — policymaking being an exercise in storytelling, after all — but the commitment to collecting and analyzing data offers an opportunity to balance perceptions with measurement via context.

Data offers a consistent and ongoing foundation for assessing the success of an endeavor. Anyone launching a business, mounting a policy initiative or trying to run an election will want to know how well it's going. Reliable, repeated, and transparent data collection efforts are the starting point.

Properly designed, a data-gathering effort can also be used to identify, diagnose and react to

events in real time. One voter in the wrong polling place is unfortunate; many voters with the same problem suggests something else is amiss. In these situations, data is like a thermometer in a child's mouth. The body temperature it reports is data that illuminates a larger condition that may or may not need immediate attention.

Data forces us to think systematically, bringing values to the surface.

Deciding what data to collect and how to obtain it requires the kind of systematic thinking that focuses inquiry in a powerful (and thus useful) way. Words like "profitability," "customer satisfaction," even "fairness" or "equality" are so value-laden (and thus likely to mean different things to different people) that the commitment to data and data measurement forces those values to the surface.

Consider the controversy over requirements for identification at the polls. The 2008 U.S. Supreme Court decision upholding Indiana's photo ID requirements rekindled debates about how data might shed some light on the issue. Indeed, Spencer Overton of The George Washington University has written convincingly about the need to approach voter identification with a sense of cost-benefit analysis — using empirical data about both fraud and disenfranchisement to weigh the impact of any new law such as photo ID.[2]

But collecting some data involves value judgments as well.

If we believe that ID requirements are a barrier not only to registered voters but to eligible unregistered citizens, then we would want to look at the impact of ID requirements on that population. If, on the other hand, we are concerned not just about impersonation fraud (A pretending to be B) but also eligibility fraud (C pretending to be of age, a citizen, or a resident when he/she is not) then we have to assess the impact of ID on potential fraud by that larger set of people. We need to choose carefully; too much data could lead to weak conclusions that satisfy few and frustrate many.

We also need to understand that data merely illuminates problems. It does not solve them. Disagreements over values are resolved in the political arena — but data helps put flesh on the bones of what is often a skeletal debate over values.

A new law that will enfranchise hundreds of new voters but also opens the door to dozens of fraudulent votes will be acceptable to some and an anathema to others. Conversely, measures preventing fraud but also preventing otherwise eligible voters from casting ballots will spark similar disagreement. Data helps put these discussions on an empirical level, but the decisions themselves will go far beyond the data. Still, these disagreements are better, not worse, for the availability of data.

The articles that follow are a first step toward creating a culture of evidence-based election administration, a real-world application of the notion of Data for Democracy. On behalf of all of us at Make Voting Work, electionline.org, and the Pew Center on the States, we thank the authors for their effort.

How Data Has Improved Election Management

Dan Seligson, electionline.org, Pew Center on the States

The use of data collection in election administration is a relatively new field, prompted by the controversial 2000 election and the resulting Help America Vote Act.

In the last six years, however, collecting and using data have increased. The best-known recent example is probably the U.S. Election Assistance Commission's Election Day Survey. The data collection effort — discussed in detail elsewhere in this publication — is the vehicle through which the federal agency can meet its mandate "to serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of federal elections."[3]

While the Election Day Survey represents a massive data collection effort on a national scale — involving more than 3,000 jurisdictions and scores of survey questions — less ambitious efforts have been underway in localities around the country with eye-opening results.

Examples have included surveys of local election officials, analyses of voter-wait times in Northern California, examinations of turnout by hour at vote centers in Indiana, observations of the performance of electronic poll books in Maryland and an electronic election reporting system in Arizona.

Berkeley Wait-Time Study

A team of graduate students at the Goldman School of Public Policy at the University of California-Berkeley wanted to find out why lines formed at polling places. The question is basic, but requires detailed observation to get information beyond anecdotes.

In 2008, teams of 120 student volunteers traveled to three California counties to observe and record the functioning of polling places during the presidential primary. Teams of two observers recorded arrival and departure rates, the number of people in line at all times, and the number of poll workers engaged in assisting voters. Spikes in activity, they posited, would help explain differences in service rates.

They also surveyed poll workers, seeking basic information including age, education and sex. In all, more than 2,000 voters were tracked and 153 questionnaires were administered.

The preliminary findings indicate that the evening rush represents the busiest time for voting, with 25 percent of all voters casting ballots between 5 p.m and 7 p.m. Researchers also discovered there are few last-minute voters, with new arrivals dropping drastically after 7:30 p.m. (polls in California close at 8 p.m.).[4]

Other findings:

- Voting on DRE machines took significantly longer than casting an optical-scan ballot. On average, San Mateo County voters took four-and-a-half minutes to cast their vote on eSlate DRE voting machines. Napa County voters, who cast paper optical-scan ballots centrally counted at the end of the day, took just over three minutes. Precinct-count optical-scan ballots in Alameda County took voters just under three-and-a-half minutes to cast.[5]

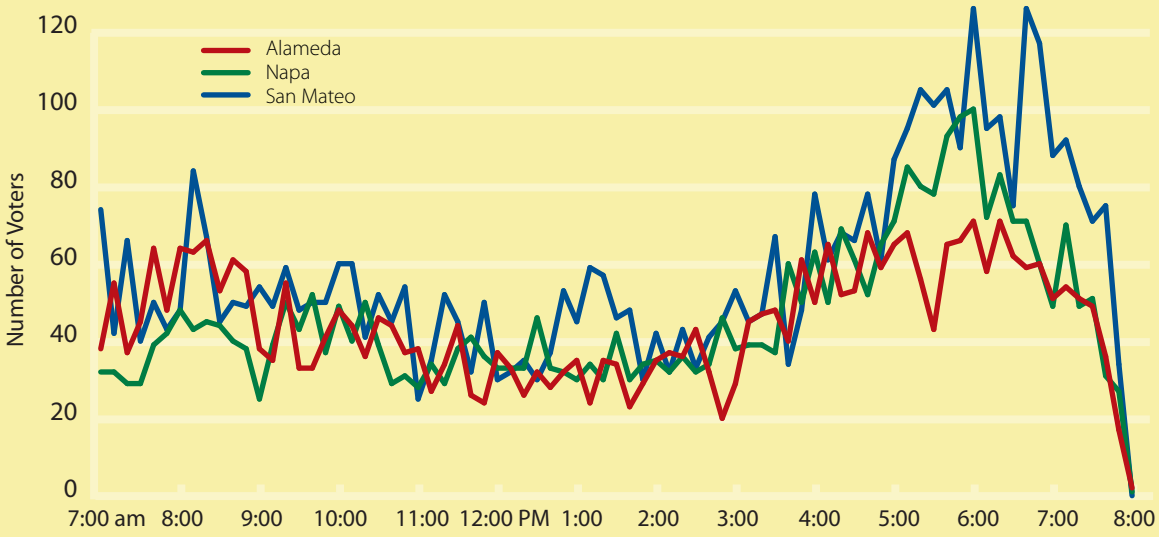
Maryland's Electronic Poll-Book Check-in Study

State officials in Maryland undertook a similar study with a broader sample. With 5,500 electronic poll books deployed for the September 2006 primary, election administrators were able to receive a number of different data sets, many of them illuminating for future elections.

Just as Berkeley students used their clipboards to find out who checked in and when in California counties, electronic poll books allowed Maryland administrators to track voting patterns throughout the day. The information they received was similar to the sample in California, except with direct feedback from e-poll books in use throughout the state.

The information ranged from the trivial — 11 percent of male voters cast ballots within the first hour that polls were open — to the unexpected; the patterns of the youngest voters (18-24 years old) were nearly identical to the oldest (65 years plus).

VOTER ARRIVALS IN THREE CALIFORNIA COUNTIES, 2008 PRIMARY



As part of an investigation into voter wait times in three California counties, graduate students at University of California, Berkeley tallied when voters arrived at polls and cast ballots during the February 2008 election. They noted that while polls were open for 13 hours on Election Day, a quarter of all voters cast ballots suring a two-hour period from 5 p.m. to 7 p.m. They also found voting activity was almost non-existent in the final 30 minutes. Their data matched similar findings in Maryland, also indicating a sharp drop in participation during the last hour of voting. Such information could assist voting jurisdictions in making staffing decisions.

(Zachary Markovits and Douglas Spenser, University of California-Berkeley.)

Most importantly for management, however, is that the data suggests how best to use limited resources to meet what appears to be predictable voter demand.

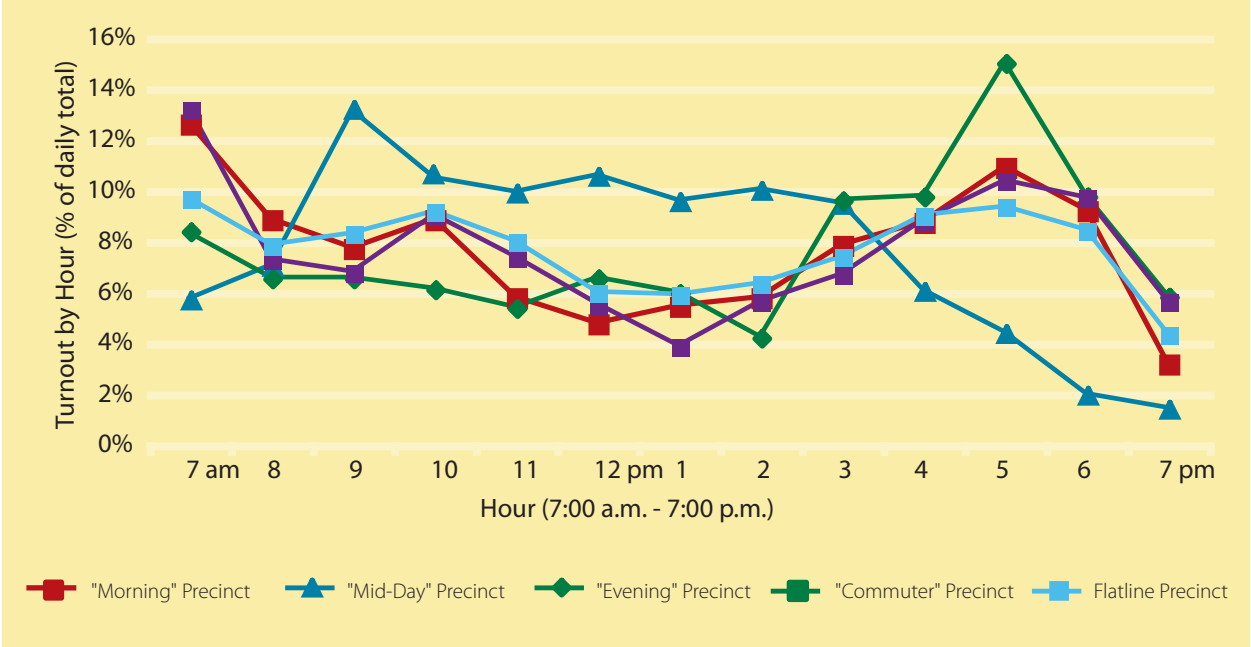
"The state has discovered that precincts tend to fall into distinct groups of hourly turnout patterns…and that these patterns seem to hold true from one election to the next. Given that the supply of voting equipment and poll workers is limited, and given the goal of minimizing line lengths and wait times, the hourly turnout profile data has provided a useful tool for allocating election-day resources," a state report noted.

Maricopa County, Arizona's Election Reporting System

The challenges of managing thousands of pieces of information from voters, poll workers, field trouble shooters, political party observers, city clerks, town clerks and staff members on Election Day led Maricopa County, Arizona to institute an electronic Election Reporting System. This single online repository, officials say, has become an indispensable tool.

Not only is it a more effective substitute for tracking information on paper call slips on Election Day — when feedback on the convenience of a polling place, the efficacy of signage, performance of poll workers and subsequent reaction time can be critical — but it allows for up-to-the-minute trend analysis that previously was time-consuming and usually occurred after Election Day. The system responds to increasing public interest in the conduct of elections, problem resolution, accountability tracking and results reporting. It consolidates and centralizes information and allows rapid input from multiple locations, instant notification for timely resolution and summary analysis — with numerous sorting and reporting abilities available to local officials throughout three locations in the county.

COMPARATIVE HOURLY TURNOUT PATTERNS IN MARYLAND



The county finds that this system effectively provides quantifiable documentation to support or debunk proposals in election related legislation, media reports, and administrative decisions. It allows employees to spend more time analyzing, not gathering, data in order to continually improve election administration.

Local Election Official Survey

A February 2008 survey of approximately 1,400 local election officials sponsored by the Congressional Research Service was undertaken following the 2004 and 2006 federal elections.[6] It revealed much about the American election system through the eyes of the ones responsible for administering the vote[7] — largely middle-aged white women earning under $50,000 a year.

Election officials are leery of the influence of the federal government, the media and political parties in decisions about voting-system usage while being highly satisfied with the equipment being used in their jurisdictions. Those administrators who have used lever-voting machines were particularly satisfied. Those using direct-recording electronic (DRE or touch-screen machines) and optical-scan systems were less so, particularly in 2006.[8]

While not offering any concrete recommendations for polling-place management, the study nonetheless provides a window into attitudes of election officials, particularly concerning satisfaction with voting systems. It also looks at attitudes toward training, voter-verified paper audit trails with electronic voting systems, difficulty in implementing HAVA and other issues.

Basic Principles of Data Collection

Paul Gronke, Reed College and Charles Stewart III, Massachusetts Institute of Technology

As Doug Chapin notes in the opening to this compendium, "better data is a foundation for any meaningful effort to understand and improve the functioning of the American election system." Cases highlighted in this compendium show how data has helped election officials allocate staff and voting machines, determine early and Election Day voting locations as well as proactively address trouble spots on Election Day. The Data for Democracy conference participants and authors point to ways that better-quality election data can help us register more citizens, attract more voters, count more ballots, and reduce polling place incidents.

All of this is empty rhetoric, however, without high-quality data that is applicable, accessible and usable by elections officials, policy makers, advocates, citizens and scholars.

While election reforms since HAVA have, in many ways, transformed how elections are conducted in the United States, increased scrutiny and funding have not yielded better systematic measures by which we can judge the effectiveness of these reforms.

Without systematic measures of election performance, we don't know if any of the goals of election reform have been met.[9] We don't know whether elections are run any better in 2008 than they were eight years ago.

In this essay, we identify four principles for gathering and reporting data that will improve the quality, accessibility and usability of elections data.[10] We show how each can play a valuable role in elections data collection. We end by highlighting the continuing challenges to collecting and reporting high-quality elections data.

Data Collection Principles

Uniformity: The most important ingredient in valid data analysis is data that is readily comparable across the units being studied. The biggest barrier to using data to improve elections in America is that states, counties and cities adopt different definitions for the most basic concepts in election administration. What passes for "voter turnout" in South Carolina is different from turnout in Kansas. To improve American elections, election jurisdictions must adopt a common set of definitions and metrics for elections data. As Michael McDonald points out later in this compendium, failing to do so undermines our ability to make even the most basic comparisons of turnout across states and over time.

The U.S. Election Assistance Commission (EAC) and professional associations of state and local elections officials can make substantial contributions by working to establish common definitions for the most frequently measured elections data elements.

Transparency: In all areas of governmental performance, a basic principle of holding officials accountable is making data related to that performance not only readily available to citizens, but in a form they can easily understand. In the great explosion of election reform that occurred in the Progressive Era in the early 20th century, states accompanied reforms by publishing voluminous data to document elections, including data about turnout and election returns, often at the precinct level.

A century later, most states are still stuck in a series of data practices that have not advanced past the horse-and-buggy age. Given the power of the software that is now used to help tabulate elections, there is no reason why these reports cannot be routinely reported in very fine detail, such as at the precinct level, or by breaking out results according to mode of voting (in-precinct, early, absentee, etc.) and published online in a way that can be imported into basic data-analysis software.

THE VOTING CHAIN: ACCURATE DATA IS NEEDED AT EVERY LINK

1 Registering to vote

Did the voter's registration card arrive in the mail — at both ends? Did it contain errors?
Did the office clerk process everything correctly?

2 Checking in at the polling place

Was the registration properly processed?
Did the voter come to the correct precinct?
Does the voter have an identification problem?

3 Casting the ballot

Is the voting machine working properly?
Does the voter understand how to use the machine?
How high are residual vote rates?

4 Counting the votes

How do the officials deal with ambiguity?
How do states conduct audits, and on what scale — if they do so at all?
How can we confirm accurately recorded voter intent, given the secret ballot process?

Improving elections in the United States requires that we collect applicable data at every link in the voting chain, because a breakdown at any link can abrogate a citizen's voting rights.

Election data should be electronically available in well-documented and easily accessible formats, as part of the public record. In our 50-state comparison, we found wide disparities in the fees states charge political parties and candidates for voter registration files. We also found that some of these files were poorly documented and provided in data formats that only experienced analysts could use.

State elections offices should take the lead in helping make registration figures, turnout by all modes, voting machine usage, audit results, and other key data easily and readily accessible. State legislatures should make certain that elections offices have sufficient resources to meet this transparency requirement.

Speed: For voting to be an effective tool of governmental accountability, there must be a relatively small window between when elections are conducted and when officials take office. Yet this narrow window also puts a premium on reporting detailed election data, allowing all stakeholders sufficient time to check for inconsistencies in the current election and to prepare for the next one.

Multiple Sources: An important principle of effective oversight is having multiple perspectives from which to judge government activity. The most fundamental source of data used to assess how well elections are run is the results themselves, but election data provides only one perspective from which to assess the quality of election administration.

While registration rolls and election returns form the core of elections data, federal, state, and local officials need to think creatively about better ways to collect information about the performance of the elections system. Examples include random sample surveys of local elections officials and of the population (Make Voting Work is currently funding just such a survey), and even structured observation at the polling place.

Challenges and Obstacles

The Challenge of Diversity: There are 10,071 jurisdictions in the nation that conduct elections on a regular basis. Slightly more than 3,100 of them are counties; nearly 7,000 are towns, townships and cities in New England, Michigan, Minnesota and Wisconsin. Their size and complexity varies dramatically — over half have fewer than 1,400 registered voters, and 7,654 of the 10,071 have fewer than 10,000 registered voters. At the other extreme, 340 jurisdictions have more than 100,000 registered voters and 15 counties have more than one million registered voters.[11] Tailoring a one-size-fits-all set of data collection standards and procedures is a daunting prospect.

The Challenge of Federalism: Diversity in size is matched, if not exceeded, by diversity in laws, procedures, and administrative capacities. Kenneth Mayer, professor of Political Science at the University of Wisconsin, recently wrote of his year studying and lecturing about election reform in Australia:

When I described electoral practices in the U.S., these international audiences were genuinely stunned about the voting process here, finding it difficult to believe that we leave the administrative machinery largely in the hands of thousands of openly partisan state and local officials.[12]

THE ROLE OF STRUCTURED OBSERVATION IN ELECTION RESEARCH

Kelly Patterson, Center for the Study of Elections and Democracy, Brigham Young University

Election data has been traditionally thought of as consisting of three kinds of information; voter registration rolls, election results and post-election auditing materials. However, some scholars have recently suggested a new alternative — sending observers to the polling places to monitor line lengths, time voters and to record information about precinct activities. While we don't expect this to be adopted nationwide, it is a new and creative way to think about elections data collection.

In 2006, researchers from Utah and Ohio used a method of structured observation to assess conditions at the polling locations in those two states. Structured observation is "systematic, careful observation based on written rules [which] explain how to categorize and classify observations."[13]

Observational data can provide valuable information about polling place conditions that is unobtainable by other methods and that can help improve election administration. First, structured observation allows for replication of studies and improves the reliability of results.[14]

Second, observers can be trained to measure specific aspects of the voting experience, whereas within the limits of survey questions voters' or poll workers' judgments about these aspects are less standardized and less reliable. Third, structured observation provides researchers an opportunity to be precise and to develop more objective documentation of abstract concepts related to the voting experience. Finally, structured observation can benefit from random sampling that allows generalizations beyond the set of polling places observed.

While there are many advantages to structured observation, election officials and researchers should be aware of some disadvantages. Because structured observation alone cannot reveal the intentions of individuals, it should be combined with other data on polling place administration. Second, structured observation may raise ethical concerns if there are possible risks to a subject's confidentiality. Election officials and voters may understandably have heightened sensitivity to this issue.

While we are not taking a position here on the issues of partisan election officials, there is no denying the fact that federalism is a major obstacle in the way of improving the quality of elections data. The source of many of the conflicting definitions resides in state laws and in state and local procedures, and, unfortunately, many well-intentioned improvements in data reporting can get caught in the buzz saw of partisan competition.

The Challenge of Money: While many jurisdictions — particularly large ones — are well-staffed and have highly professionalized information technology departments, other elections departments are staffed by single, part-

time recorders and clerks. In a recent survey of local elections officials, more than half reported spending less than 20 hours/week on elections-related duties, and over 60 percent made less than $40,000 annually.[15] Many election departments are already operating with severely constrained budgets, so any improvements in data reporting will ideally improve the conduct and reduce the costs of elections.

Improving elections in the United States requires that we collect applicable data at every link in the voting chain, because a breakdown at any link can abrogate a citizen's voting rights.

Most states have a well-developed data collection capacity at some points along the chain, such as voter registration. But at other links, data is virtually nonexistent, such as the length of time voters spend checking in and waiting in line, or the accuracy of ballot counting.

How Data Can Improve Elections Management

Alysoun McLaughlin, Make Voting Work, Pew Center on the States

The Issue

Despite heightened public scrutiny of election officials since November 2000 and dramatic changes in election administration nationwide, there has been far more research on the machinery of democracy than its management. The study of elections focuses primarily on law and technology with comparatively little attention to such questions as: How are elections financed? Who administers them? Who are the poll workers in whose hands voters entrust their ballots on Election Day? What motivates poll workers? How do they make decisions under pressure? How can they be effectively trained and managed to perform such critical tasks without direct supervision?

Elections are an increasingly complicated function of government that requires dedicated personnel, professional management and technological savvy. Citizens now demand a flawless, transparent election process. Striving toward that goal strains the resources of jurisdictions that have new and unexpected financial demands to administer elections; the capacity and imagination of local officials who are overseeing election logistics in a constantly changing environment; and, the patience and agility of poll workers who must keep up with myriad changing legal requirements, technologies and procedures.

Current Practices

Dialogue and research on election administration primarily focus on election results, technology and specific responsibilities and requirements that are dictated by state laws and regulations. That lens fails to bring day-to-day management of election operations into focus, obscuring a broad diversity of practices and an enormous disparity of resources both within and across states. Both significantly impact the voter's experience on Election Day.

Studying election administration at the local level in a comprehensive manner is challenging. (See page 10, "Challenge of Diversity" for details.)

It is hardly surprising that most dialogue and research on election administration focus on the largest jurisdictions, where the primary local election official may earn a six-figure income and oversee a staff of hundreds. However, large jurisdictions provide just one lens through which we can view election administration. Focusing exclusively on the challenges they face neglects important management issues in smaller jurisdictions and rural areas.

Local election officials in jurisdictions with more than a million voters and dedicated information technology staff face entirely different challenges in securing, maintaining and operating voting technology than their brethren in smaller jurisdictions. In many rural areas, election

administrators are not full-time employees and often lack information technology expertise and a dedicated facility for warehousing that equipment. Election functions in rural areas are frequently handled not by a separate department but as one of many tasks. Rural jurisdictions are likely to elect officials, while urban areas tend to appoint an individual or board to administer elections.[16] Larger jurisdictions also hold more elections than smaller jurisdictions.[17]

Unlike more established areas of expertise such as public health management and law enforcement, election administrators have few professional development resources at their disposal.[18] According to the Congressional Research Service:

- The typical local election official is a white woman between 50 and 60 years old who is a high school graduate.
- She was elected to her current office, works full-time in election administration, has been in the profession for about 10 years, and earns under $50,000 per year
- Two-thirds are elected rather than appointed.

The profile of election administrators is changing rapidly. The field is experiencing a turnover rate of about 10 percent each election cycle. From 2004 to 2006, local election officials who: 1) were elected decreased from 65 percent to 58 percent;[19] 2) worked full-time increased from 66 percent to 76 percent; and, 3) spent more than 20 hours per week on election duties increased from 41 percent to 47 percent. Those who had served for more than a decade in their current position decreased from 47 percent to 44 percent and those earning a salary under $40,000 decreased from 47 percent to 39 percent.[20]

Less is known about the approximately 1.4 million poll workers who serve as the "street-level bureaucrats" of election administration.[21] On Election Day, this largely volunteer army is entrusted with the custody and management of ballots, responsible for determining who is eligible to vote; ensuring that each voter casts only one ballot; and making certain that provisional ballots are used appropriately.[22]

Anecdotally, many jurisdictions report that their costs for administering elections have doubled, tripled or even quadrupled since enactment of the Help America Vote Act.

In testimony to the U.S. House of Representatives Committee on House Administration, Ray Feikert, former county commissioner of Holmes County, Ohio, testified that in his rural jurisdiction, it cost approximately $4,000 to run a special election for school board before enactment of the Help America Vote Act. That price tag increased to more than $20,000 by 2007 because of costs for personnel, training and storage or service contracts on new voting equipment. The diversity of practices in cost accounting makes nationwide comparison and trend analysis difficult.

In many cases, costs are shared among different constitutional offices within a local jurisdiction and they can often be difficult to parse from other functions of a local office. Primary elections, municipal elections, recounts, and other significant cost drivers in some cases are borne by the administering jurisdiction and at other times are administered directly by, or are billed to, a local jurisdiction, political party or candidate.

For many jurisdictions, election performance management is more an art than a science. There

has been little quantitative study of broader practices in election performance measurement and management.

Challenges

Our election system faces significant management challenges. The rapid pace of change, implementation of new technology, and escalating public demand for flawless election administration and a choice of voting methods are placing enormous pressures on policymakers, administrators and poll workers in a difficult budget environment. Recognition of that strain, however, provides new opportunities for innovation in voting methods and administrative practices. Good elections data can help this process.

Improving elections requires an unaccustomed level of commitment to performance management. Elections are notoriously messy; the logistical challenges of administering them in multiple locations on a single day make it difficult to supervise front-line employees in a traditional manner. The unpredictability of elections — from the weather to traffic jams to last-minute court decisions — contributes to a sense of learned helplessness among many officials, who perceive the ultimate success or failure of an election as being largely outside their control. In addition, because election management occurs in a high stakes, highly politicized environment, many officials are reluctant to move toward more rigorous performance measurement that would shine a spotlight on failure and embarrass poll workers or staff when failures are not significant enough to have changed the outcome of an election.

As policymakers increasingly back away from quick fixes and focus on structural reform of election procedures; as election officials increasingly focus on demonstrating what works and what doesn't to external audiences of activists and policymakers; and, as researchers increasingly focus on election management as well as law and technology, more and better data will help inform election policy and the performance. But this progression is still in its infancy.

Recommendations

- More research is needed to help us better understand election administration: not simply how the law says elections should be run, but how they are actually conducted in polling places. The role of poll workers as "street-level bureaucrats" — front-line personnel who actively interpret and reinvent laws in administering them — must be better understood and incorporated into decisionmaking. Otherwise, they will "modify their objectives to match their ability to perform."[23]

- As the tasks of administering elections become more complex, state and local governments need to assess the critical responsibilities and required skills. They should evaluate their existing training and provide professional development opportunities for officials and poll workers.

- Officials should use evidence-based data to identify meaningful and achievable benchmarks for performance and success.

- Officials must account for and report on the costs of election management, especially when implementing new reforms or absorbing extraordinary expenditures. Researchers and advocates must understand the financial and administrative costs of any reform, as well as its proximate effects, replicability and interaction with other aspects of the process.[24]

How Data Improves Policymaking

Eric Fischer, Congressional Research Service

Election data can play a role in lawmaking on Capitol Hill, but timing, content and relevancy are critical.

Data is integral to policy making, but is of greatest utility to policy makers when it relates clearly to current issues, constituent concerns or oversight of previously enacted legislation.

In short, data that is relevant, properly gathered and critically analyzed can contribute to informed and effective policy making. Conversely, its absence can lead to poor decisions and misspent funds.

Election data — either statistical or derived from experimental research — has the potential to shape and inform policy debates. Debates about appropriations bills could be elevated by hard statistical data about the costs of implementing Help America Vote Act (HAVA) requirements — information that is not currently available (and that did not inform the initial passage of HAVA). A paucity of accurate and meaningful data makes it difficult to assess the policy implications of many of the election administration issues before Congress, including absentee voting, voter identification, allocation of equipment among polling places and poll worker competence.

The absence of such vital information may result in insufficient financing and effectively impose an unfunded mandate on states. Another potential consequence is overfunding, which arguably wastes federal dollars or, at a minimum, diverts them from other priorities.

Cost information is often lacking and creates problems during debates about bills that would impose new requirements on the states. An example is the proposal to require voter-verifiable paper ballot records to address concerns about the security and reliability of direct-recording electronic (DRE) voting systems. The costs of implementing such a mandate are unclear — as are the benefits. While the media focus on problems with DREs, two recent national surveys found very little difference in local election officials' ratings of both the security and reliability of voting systems. Regardless of the system they used, they rated them very highly.

Experimental research data that is relevant to elections and useful to policy makers is even more scarce than accurate statistical information. This deficit — in the absence of a well-established field of election science — is especially difficult to address.

Constraints in Election Data Collection

Whether statistical or experimental, data must be scientifically valid in order to be useful, and the complexities of election administration make it difficult to conduct studies that are both useful and valid. The Congressional Research Service wrestled with many of these issues while designing our surveys of local elections officials (LEOs).

State and local variations in administrative setups — some states have as few as 10 LEOs, while others have more than 1,000 – complicate the design of surveys of LEOs.

For example, a random sample of the total number of election officials in the country would result in a disproportionate number of Wisconsin officials, because Wisconsin's LEOs constitute 25 percent of LEOs nationwide. Yet, in terms of total population, Wisconsin constitutes just 1.8 percent of the country.

Alternative ways to weight the data (according to state, voting-age population or portion of LEOs) would present similar problems. Absent a simple solution, the two surveys employed a sampling strategy to reasonably balance population and geographic representation. The strategy increases the relative influence of states with fewer LEOs while ensuring a relatively strong influence of those with large numbers.

Some observers may argue that this casts doubt on the utility of the results. Yet the inherent complexity requires that data collection efforts are carefully designed and necessitates compromise. Only data that is accurate, reliable, and appropriately designed with policymakers in mind can help guide decision making.

How Data Improves Campaign Strategy

Christopher Mann, MHSC Partners and Yale University

Campaigns care most about the election data that comes from precincts when polls close. But they also rely heavily on other data in shaping their strategies.

Indeed, the foundation of every campaign strategy is data about the electorate.

Campaign data comes via computerized voter files, often accessed through online database interfaces with sophisticated selection, mapping and analysis tools. However, this data is not all that different from the note cards in a shoebox held by precinct captains. Like the note cards, it reveals who is registered and who votes. The difference today is that the data is much more widely, rapidly, and, one would hope, more cheaply, available.

Campaigns make use of both aggregate data (e.g. prior election returns by precinct) and individual level data about voters. Aggregate-level data is vitally important for high-level strategic decisions in campaigns, so accuracy is essential.

Acquiring election data is expensive for campaigns in both time and money. But the investment pays off in targeted, efficient communication with registered voters — the population candidates most want to reach. No campaign wishes to reach every voter in the electorate, and certainly not with every communication. At the simplest level, campaigns don't want to waste precious resources on individuals who cannot cast a ballot. Selecting registered voters depends on accurate and up-to-date voter registration rolls.

Campaigns craft communication strategies around the understanding that all voters are not equally likely to cast a ballot.

Two types are priorities for communication: undecided ones who are highly likely to vote and supporters who are unlikely to turn out. The measurement of undecided and supporters relies on campaign data, including polling and micro-targeting, but the likelihood of voting relies on information about past voting history and, to a lesser extent, date of registration. Voters of many other types are targeted for various reasons, but the likelihood of voting always plays a role in selection.

To a casual observer, the solution is easy: simply head to your county or state election office and pick up a copy of the voter file. However, anyone with experience working with voter files will tell you that this solution is far from adequate — the barriers are illustrated well in the 50-state assessment included in this compendium (see page 50).

Election officials face a data-management task far larger and more complicated than any in the consumer world, yet catalogs, online shopping sites and banks all invest significantly more resources in data management.

The accuracy, timeliness and hygiene of election data are vital to good campaigning. Unfortunately, despite the goals, incentives and penalties of the

Help America Vote Act, data management practices for election data remain highly fragmented.

Within some states, counties differ in how they track vote history, update registrations, purge registrations and maintain other critical data.

Despite considerable investment by the parties in national voter files, campaigns still rely heavily on people with local knowledge to standardize and scrub election data.

A wish list

Political campaigns can't have everything. They expect to pay for the data they need to win elections. However, campaigners have extensive experience in the uses — and abuses — of elections data. I provide a short wish list for campaigns, but I think it will benefit every user of election data, including election administrators themselves.

Keep it fresh. Accurate information, timely updates and standard definitions and practices top the list for campaigners.

They want frequently updated lists with consistent formats at a reasonable price. States sometimes wait weeks or months for one overdue county before making the statewide file available, leaving campaigns in painful limbo about decision-making.

Keep it clean. Basic data hygiene procedures find large numbers of duplicate records based on name, address, date of birth, other unique identifiers and combinations of these factors, making unclean rolls quite unwieldy. This duplication causes headaches for the campaigns that must try to sort out the arbitrary on-the-fly decisions made about duplicate records by election administrators in order to get accurate information for their own decision making.

One of the most common reasons that files become bloated is voters who have changed residences. The United States Postal Service offers a National Change of Address (NCOA) database with forwarding addresses, but few election agencies compare their files with it. Public agencies could use NCOA matches to update registration or mailing addresses or to contact voters to do so themselves.

No paper trail exists for voters who are purged from the rolls, and one would be beneficial. Information about the reason for removal, for example, is of great value to campaigns, voter protection advocates and others interested in the conduct of elections. In computerized databases, keeping these purged records and the reasons for removal would require only a trivial cost for hard drive storage.

Keep it consistent. Among the most maddening idiosyncrasies in voter files is the treatment of registration dates. Some election officials record the date when the registration is entered into the computer rather than when it is received — often weeks or months after a voter may have cast a ballot.

The delay in entering registrations creates additional provisional ballots, and over the long term causes confusion in the voting records of individual voters.

Keep the history. Many jurisdictions do an excellent job of retaining vote history, while others do little or none. This information — including the type of voting (Election Day, early, mail, provisional) — is critical for campaigns. The information is valuable not only for general elections, but also for primaries, special elections and local elections.

How Data is Used by Advocates

Justin Levitt, The Brennan Center for Justice, New York University

In many respects, data is an election advocate's lifeblood. Data helps advocates identify and diagnose problems and opportunities, set priorities, persuade policymakers, generate publicity, secure relief from the courts and monitor policy change and compliance.

Diagnosis

Advocates strive for tangible impact; few have the luxury of time or resources to devote attention to practices that seem suboptimal but are not overtly harmful. There are substantial disagreements about the nature or magnitude of the effect that any given policy may have; one man's triviality may be to another the end of democracy as we know it. But at heart, these disagreements boil down to a question of data.

Election advocates look to two basic kinds of data to diagnose problems and identify opportunities. The first is qualitative: descriptions of how a jurisdiction operates and voter and administrator experiences. Qualitative data helps advocates set benchmarks and identify policy outliers, both good and bad.

Advocates also aim to establish a common vocabulary. Federal elections are still extremely decentralized; consequently people in different states use different words to describe the same thing and the same words to describe different things. Whether a registration record is "pending" or "suspended" or "inactive" or "provisional" might have different consequences for a voter (or not), leading to attention from advocates (or not).

Qualitative data helps advocates understand what they are looking at.

The second and more familiar type of data is quantitative. Here too, it helps set benchmarks and identify outliers. It also helps assess the magnitude of the impact of certain policies, and the differential effect on various populations. The more detailed the data, the better able advocates are to identify issues and to determine the real drivers of change.

There are pitfalls to diagnosing and responding to problems based solely on readily available data, however. Sometimes it's a long way from the available, measured item to the question that truly demands an answer. Advocates must constantly remind themselves of the possibility that as-yet-unmeasured variables represent the real cause of (or solution to) a particular issue, and that the current state of the art in measured data may be just sophisticated enough to be distracting.

Priorities

Advocates will naturally turn to the issues that yield the most bang for the buck. Data helps separate bangs from whimpers.

With limited time and resources, they also face the need to set priorities. Sometimes, priorities are based on public opinion or individual anecdotes. But they can also be driven by information of the sort we are discussing here: qualitative data about election practices, and quantitative data about the

impact of those practices on populations of interest.

Advocates are keenly aware that policymakers have limited time and that elections are seldom at the top of the list of pressing reforms. Even for those policymakers with specific elections responsibility, simply administering the status quo is hardly simple. Reforms are usually greeted — often appropriately — with a skeptical eye.

Data is essential to persuading policymakers that reform is necessary, or that a particular proposal is more or less worthwhile.

Publicity

Publicity is a critical tool for advocates, especially in a crowded public policy environment.

Most publicity efforts will feature an anecdotal hook and a particular narrative frame. But any advocate skilled in dealing with the media knows that reporters will also demand data, particularly quantitative data. New media outlets — blogs, online publications, and email lists — provide ripe opportunities for disseminating quantitative results because they are less constrained for space. Reporters routinely ask for numbers and statistics demonstrating how many people are affected; whether some populations are affected more than others; and how many states or counties experience the issue.

Courts

Given the time, expense and uncertainty of litigation, a lawsuit is almost always an advocate's last resort. In exceptional circumstances, however, she may turn to the courts for policy reform on discrete issues, and in those cases, data is crucial to her success.

Indeed, advocates were given a stark reminder of the importance of data in the Supreme Court's recent *Crawford v. Marion County Election Board* case, confronting a challenge to Indiana's photo identification rule.

The Court's emphasis on specific facts — who was affected by the voter ID rule and to what degree — indicates that it is no longer possible for any litigant to challenge election procedures on constitutional grounds to question the importance of reliable data.

Funding

Finally, most advocacy efforts rely on fundraising from an external constituency. And whether that constituency consists of individuals at the end of an email, or foundations with sophisticated appraisal-and-review operations, all donors like to know that they're getting their money's worth. Quantitative data is certainly not the only metric by which funders determine how to spend their charitable dollars, but data undoubtedly represents a valued piece of the development portfolio.

Voter Registration Databases

Michael McDonald, George Mason University

The Issue

For nearly all Americans, voting is a two-step process that requires registration before casting a ballot.[25] Understanding who registers is, therefore, important to understanding who votes, and ultimately, the policies the American representative government adopts. In addition to creating a record of citizen engagement, voter registration rolls provide information to election administrators for allocating Election Day resources and to political campaigns for developing voter outreach strategies.

The Help America Vote Act of 2002 (HAVA) requires states to implement "a single, uniform, official, centralized, interactive, computerized statewide voter registration list."[26] At a minimum, these databases contain names and addresses to direct a voter to his or her correct precinct, though most capture more information. Nearly all provide birthdates and some provide gender and race as shown in the 50-state assessment (see page 52).

As Chris Mann noted, campaigns are increasingly supplementing these databases with information from consumer finance databases for "micro-targeting" efforts. States often collect additional election administration information, such as each election a voter participated in, the voting method (in-person, early in-person, absentee, or provisional), the processing status of absentee ballots (when a ballot is requested, sent, returned, and counted), when a registration record has been updated (e.g., for a change of address) and the source of a voter registration (e.g., at a motor vehicles office).

Registration data provides opportunities to investigate and improve many aspects of America's voting system, from understanding voting patterns by minorities for Voting Rights claims to meeting more effectively the absentee voting needs of our overseas military.

Current Practices

Some states have struggled to meet HAVA's statewide voter registration database mandate. Some local election officials believe that their old system works better than the new statewide one that has been imposed upon them. Yet, further database integration is necessary if state election officials and their local counterparts will develop a single system to manage voter registration, report election returns, track absentee and provisional ballots, and produce reports on voting technology. Integrated systems provide new opportunities to evaluate performance.

Jurisdictions benefit from lowered election administrative costs by using statewide databases to identify and purge registered voters who move between jurisdictions within a state. Statewide voter registration databases could enable cross-checking of registrations between states, too, a project a consortium of Midwestern states started undertaking in 2005.

Other innovations continue. Throughout Arizona and in most Washington counties, voters can register entirely online, which could help reduce data entry errors and streamline the process. Washington is also digitizing registration application signatures as a means to electronically verify the identity of those voting by absentee ballot. A number of jurisdictions are experimenting with automatic change of address updating and eligibility verification by matching registration and other databases, such as U.S. post office change of address and corrections' lists of incarcerated felons.

Challenges

Perhaps the greatest challenge of working with this data arises from the historical legacy of administering elections at the local level. Prior to modern computing technology, local election officials maintained lists of registered voters by pen and paper. These lists were unlikely to be in a single format across a state. Although states must now maintain a statewide electronic database, local election officials continue to be the primary point of contact for registration applications. In some states, election administration data such as voting history may be available only from localities. Registration records — particularly older legacy records — may contain errors from carelessly completed applications, poor or misinterpreted handwriting, or data keying errors.

Migration of voter registration records into centralized vertical databases raises interoperability issues between locality and state software, particularly when states join regional or national compacts to track and audit registration rolls.

Software solutions are usually fashioned for specific applications and a common solution among all states remains elusive. The decentralized approach, lack of standardized file formatting, and inconsistent availability of data items continually challenge those who work with multi-state databases. The absence of common definitions among states further complicates efforts. Some states identify voters who have voted in a recent election as 'active,' and all others as 'inactive.' Other states use dissimilar terms, and it is unclear if states that differentiate use consistent definitions of active and inactive voters. Whether or not a state differentiates between these voters can produce misleading comparisons of the size of registration rolls and turnout rates across jurisdictions.

Common spelling variations can affect proper names and street addresses. Variations frequently occur for people who have an apostrophe or other punctuation in their name or have a common name variant, such as "Steven'" or "Stephen." Data entry errors would be the most likely explanation for birthdates that are correct only for visitors from the future or persons having lived for over 200 years. These seemingly minor mistakes multiply when dealing with millions of records. The lack of an exact match between voter registration and drivers' license databases, for example, can result in the denial of a right to vote. While it may seem unlikely for two people to share the same name and birth date, such false matches occur with surprising frequency. Incorrect matches with felons, for example, have led some to falsely overstate levels of double voting.

Recommendations

- The U.S. Election Assistance Commission or a comparable organization needs to develop a common data format for all state-level election data, including voter registration files. Vocabulary needs to be standardized and universally adopted so that meaningful between-state comparisons can be made.
- Database integration safeguards must be developed to protect eligible voters from being dropped due to a false positive or false negative match with another database.
- As states continue experimenting with innovative policies such as on-line registration — which will hopefully reduce data entry errors — they should build database systems that capture as much information as possible, and thus assess the efficacy of these new policies. Public access to registration source data — which is restricted by the 1993 National Voter Registration Act — should be granted to responsible researchers and policy advocates. This would permit studies to increase transparency, improve election administration and encourage confidence in the electoral system.

VOTER REGISTRATION AND THE LEGALITY OF THE PROPOSED "RE-DO" OF THE 2008 FLORIDA PRESIDENTIAL PRIMARY[27]

Seemingly innocent errors in voter registration files, such as common name spelling variations, street addresses without apartment numbers or incomplete and improperly formatted zip codes multiply quickly when processing millions of records.

These errors became part of the debate over the 2008 Florida primary when the state Democratic Party proposed a "re-do" of the primary using a vote-by-mail system.

My analysis of the Florida statewide voter registration file shows that African Americans are more frequently affected by easily detectable address errors on the Florida voter registration file. This calls into serious question the legality of a full by-mail election in Florida unless these errors are rectified.

Among the information recorded on the Florida voter registration file is a registered voter's race. The overall statistics are:

- Total number of records on the Florida voter registration file: 11,428,946
- Total number of African Americans: 1,353,272
- Percentage of African Americans: 11.8

Missing Apartment Numbers

The first problem I discovered in the Florida file is that a large number of addresses fail to include an apartment number, even though the record is apparently at an apartment building. Because African Americans are disproportionately likely to rent, they are also disproportionately affected by this error:

- Total number of potential records lacking an apartment number: 189,186
- Total number of African Americans: 36,193
- Percentage of African Americans: 19.1

Missing and Erroneous Zip Codes

A second easily detectable error on the Florida voter registration file is missing or obviously erroneous zip codes. These errors are far less frequent statewide, but once again disproportionately affect African Americans.

- Total number of records with missing or erroneous zip codes: 1,708
- Total number of African Americans: 432
- Percentage of African Americans: 25.3

Data Collection and the National Voter Registration Act

Michael J. Hanmer, University of Maryland[28]

The Issue

Unlike most democracies, the United States has long placed the burden of voter registration on the individual citizen. The National Voter Registration Act of 1993 (NVRA), also known as "Motor Voter," sought to streamline the process by intertwining the registration process with other state-citizen interactions, including obtaining or renewing driver's licenses and dealings with public service agencies. Lawmakers envisioned the NVRA increasing the number of registered voters and simultaneously broadening the electorate with lower-income citizens who were (and remain) drastically underrepresented in the electorate.

While the states subject to the NVRA were required to implement the law at the beginning

REGISTRATIONS AT PUBLIC ASSISTANCE AGENCIES DROP

Project Vote, a nonprofit organization that promotes voting in low-income and minority communities, has been at the forefront of attempts to evaluate the NVRA, particularly its public assistance agency registration provisions. The table on page 27, reproduced from a 2008 Project Vote report, shows the dramatic decline in public assistance agency-based registration, suggesting failed or inconsistent implementation of this aspect of the NVRA.[29] The report also notes that many states do not comply with reporting requirements — and that the U.S. Department of Justice fails to remedy noncompliance. Important information was gleaned from existing data sources, but a full evaluation was not possible because of varied reporting practices in the states, their agencies and local jurisdictions.

Motor vehicle agencies have also been called into question for their handling of NVRA requirements. In 2008, 13 years after the implementation date for NVRA — and after complaints and Election Assistance Commission (EAC) evidence[30] — the New Jersey Department of the Public Advocate conducted an investigation. It reported that only 8 percent of surveyed state residents who completed motor vehicle transactions were offered an opportunity to complete a voter registration form. A paper by a recent arrival to New Jersey cites the report and notes that "a new resident with a valid out-of-state driver's license can pay $10 at the Department of Motor Vehicles to 'skip all that.' 'All that' includes both the driver's examination on New Jersey law and the voter registration form."[31]

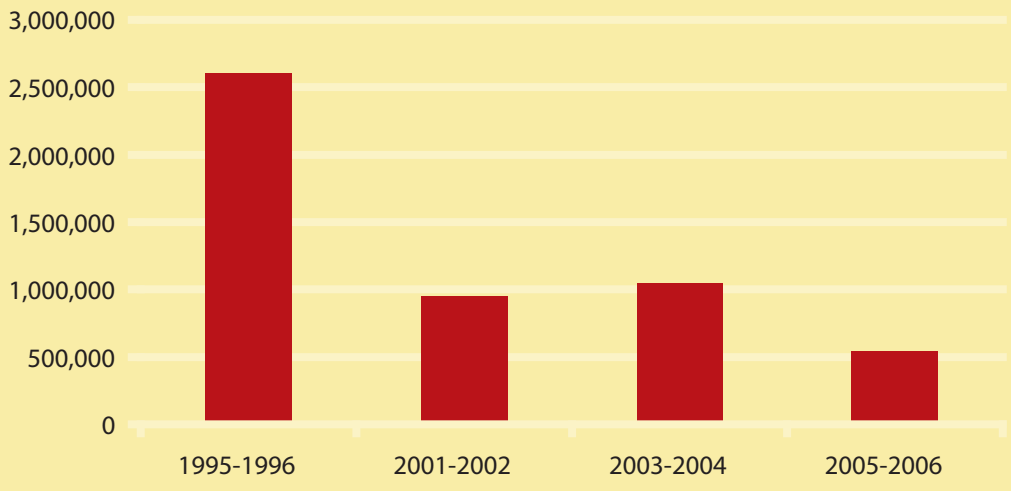
of 1995, NVRA encountered resistance from state officials and others.[32] Some charged that it was rigged to benefit Democrats. Others thought the law would bloat rolls with inactive voters and increase election fraud. And finally, some worried that the law would put voter registration in the hands of agencies that have neither the equipment nor experience to handle and transfer forms.[33]

Despite strict enforcement language in the legislation, there is mounting evidence of lax implementation of the NVRA in some states.[34] Given the decentralized nature of election administration — with vast authority granted to states and local jurisdictions — there is little standardization of data collection and minimal evaluation of the NVRA provisions.

Current Practices

Data on NVRA registration transactions comes from two primary sources: the EAC and the U.S. Census Bureau's Current Population Survey (CPS): Voter Supplement File. The CPS provides representative samples from each state. Information reported to the EAC varies widely (shown in the 50-state comparison at the end of this compendium), as do the NVRA-mandated procedures for removing registrants from the rolls. The Voter Supplement File of the CPS asks: 1) if the respondent registered before or after implementation of the NVRA; and, 2) the method of registration. That information can be combined with CPS voter participation data to calculate the turnout rate among registrants in various categories.[35] It is difficult, if not impossible, to collect information on NVRA transactions from other sources, such as individual states or localities.

REGISTRATIONS FROM PUBLIC ASSISTANCE AGENCIES BY ELECTION CYCLE



Source: Federal Election Commission as reported by Project Vote.

Challenges

Election administrators perform a complex set of tasks with limited resources. The NVRA brought voter registration into areas and agencies that have different missions; they must strike a balance between fulfilling new roles and their core duties. The decentralized structure of election administration further complicates matters because every state — and sometimes every county and city — functions differently.

The EAC survey seeks to provide information crucial to the evaluation of the NVRA overall as well as in individual states. Yet, requests for information have not been accompanied by sufficient suggestions, guidance or support to facilitate its collection.

Moreover, even with detailed coding systems, the volume of transactions can overwhelm election officials' ability to record details about matters as simple as the origination of registration (e.g. motor vehicle office, public assistance agency, etc). The Census/CPS questions voters about the timing and method of registration years afterward.[36]

Recommendations

- Develop standard definitions for all aspects of voter registration.
- Establish a system for local election officials to record information about the timing and method of registration. Provide training and integrate the system with a statewide database to allow for real-time updating.
- Investigate states that fail to report or provide incomplete or suspicious information to the EAC.
- Record information on all transactions, including those that do not result in a valid registration and the reasons for the failure.

Voting Technology and Data Collection

Paul Herrnson, University of Maryland; Tammy Patrick, Maricopa County, Arizona, Board of Elections; Pamela Smith, Verified Voting Foundation

The Issue

Voting technology and ballot design affect voters' experiences and the integrity of the electoral system in significant ways. Researchers are gaining a better understanding of the forces at play. Aggregate measures — the residual vote, for example — provide a general sense of how often voting system and ballot design lead to voter errors.[37] Usability research — including an examination of voters' confidence in the system, their need for help when voting and likely errors — lends further insight to the issue.[38] However, this remains a relatively new field.

New voting systems are being introduced, existing systems are being refined and ballots are being improved. Innovative approaches to studying voting systems and ballots are also underway. Nevertheless, data collection efforts and reporting methods would benefit from greater uniformity. The federal government is developing Voluntary Voting Systems Guidelines, a set of standards that could aid data collection efforts.

Voting Technology and Data Collection Case Study

Since the passage of the Help America Vote Act in 2002, most jurisdictions have modified their voting system technology, administrative procedures or both. Implementing such sweeping change requires months of preparation and planning as well as a post-election evaluation.

Maricopa County, Ariz., created a reporting system to track and analyze categorized information from a variety of sources. The new system enables the jurisdiction to review voting machine performance, supply or distribution problems and poll worker effectiveness. It also helps the county identify best practices for future elections. An analysis found that hand-held electronic devices or electronic poll books for poll workers could provide at least two benefits: 1) access to information, such as county-wide registration lists and polling place locations, necessary for answering frequently asked questions, and 2) records of the accessed information. (See page 7 for more details.)

Both could, in turn, yield valuable data on turnout trends, the number of voters who cast their ballots at their correct precinct polling location, as well as the number of voters who arrive at the wrong precinct. The technology could also assess the effectiveness of administrative changes and equipment performance. Such opportunities for applying technology in elections are only beginning to be explored.

Current Practices

Data collection has been uneven in some parts of the country and almost nonexistent in others. Few states, for example, report vote totals for each machine and some do not even keep records of the technology they use. Inconsistent collection practices require researchers to look to the county or local levels for this information. Many states do not systematically maintain records of ballots and of machine malfunctions originating from hardware, software or human error.

All voting systems, associated auxiliary equipment and administrative procedures should be regularly evaluated in the context of the entire process to assess security vulnerabilities. Direct comparisons of the security of voting systems — including direct-electronic recording machine and paper-based ones — should be conducted.

Analyses of electronic poll books and other new technologies should be undertaken as well. Finally, end-to-end studies beginning with the design of ballots and concluding with the certification of an election are needed.

Challenges

Problems continue with the usability, security and ballot design of both electronic and paper ballot systems. The sparsely populated voting industry faces pressure to make its source codes public, and must meet certification requirements when making even minor modifications to products. New voting machines often require additional recruitment and training of poll workers. The increasing use of central-count paper-ballot systems raises the likelihood of additional errors and a variety of issues related to data collection remains.

Recommendations

- Conduct additional research on the impact of specific system and ballot features on the voting experience. Collect and analyze data to assess the impact of various voting systems and other relevant technology on post-election audits
- Immediately report incidences of voter intimidation, polling place distribution of misleading information and other questionable practices to a "hotline" or responsive authority.
- Search for a consensus among election officials, security experts, advocates and vendors about what constitutes usability and election security, the relevant data for measuring them and the systematic comparative studies to conduct.
- Encourage comprehensive, end-to-end studies of the voting process, from programming ballots to auditing election results.

LOS ANGELES COUNTY'S "DOUBLE BUBBLE": HOW DATA AND TRANSPARENCY CAN AVOID PROBLEMS

Dean C. Logan, Los Angeles County Registrar-Recorder/County Clerk

The 2008 presidential preference primary election in Los Angeles County showcased the consequences of poor ballot design. It also underscored that data collection and analysis can help solve election problems.

As shown in the accompanying images, the optical-scan ballot design required voters without partisan affiliations who wished to vote in either the Democratic Party or American Independent Party primary to mark an extra "bubble" on their ballots to designate their party choice as well as the corresponding "bubble" to vote for a presidential nominee. Voters who failed to mark the extra bubble unknowingly invalidated their selection for president. Upon learning of the problem, I issued a statement committing to "conduct a thorough review of the nonpartisan ballots cast and to identify the extent to which potential voter disenfranchisement may have occurred in relation to ballot layout."[39]

Although the scope of the problem was undetermined, initial media reports estimated nearly 100,000 ballots out of an estimated 2.2 million cast were not counted. The Los Angeles Country Registrar-Recorder (LACRR) took a random sample of its 1 percent manual tally and determined that there were approximately 50,000 erroneous ballots. While still unacceptable, the estimate established a baseline for constructing a solution to narrow the number of invalidated votes to 12,000.

As I testified before the California Senate Select Committee on Integrity of Elections, the LACRR convened a working group of community stakeholders to study the existing ballot and produce a revised design and instructions to satisfy usability, legal and administrative requirements.[40] The findings formed the foundation for a new ballot that was implemented in the June primary election.

The situation revealed that election administrators often possess the tools to analytically examine and correct voter and administrative issues. Properly used, the tools can mine the data to identify possible solutions and inform decisions.

Election Results

Karin Mac Donald, University of California-Berkeley

The Issue

Election result summaries — which include information about turnout as well as votes for measures, candidates and parties — are generally reported at the precinct level. Numerous groups use these data for a variety of purposes. Advocacy groups and service providers, for example, use them to gauge the political temperament of the electorate and to lobby elected officials. Watchdog organizations reference the data for assessing compliance with the Voting Rights Act and employ them for redistricting jurisdictions.

Correlated to a wide range of issues — including ballot design and voting technology — the results can illuminate successes, failures and challenges. Turnout information, for example, helps determine voter participation rates and provides local election officials with a tool for accountability. Although data can draw attention to problems, it is important to keep in mind that they do not independently explain causes.

Election results played a critical role in identifying voting discrepancies in the 13th Congressional District election in Florida, 2006. In a close race, Sarasota County, one of the four main counties that comprise the 13th Congressional District, had an unusually large residual vote — 18,000 ballots showed that no votes were cast for a race that fewer than 400 votes decided. The initial focus of the investigation was voting machine error; the second was ballot layout; and, the third was the hypothesis that a negative and bitter campaign led voters to avoid the race.[41] A February 2008 GAO report relayed researchers' findings that "significantly reduced the possibility" that the machines were responsible. Rather, it concluded that a combination of poor ballot design and weak voter participation in the race in question likely accounted for the discrepancy.[42]

Current Practices

Thousands of local jurisdictions collect election results. Most states have a great deal of autonomy and independently decide what to collect and report. However, the data — which lack uniformity in reporting, quality and reliability — are inconsistently reported to state and federal authorities. Most local election offices use management systems with the capacity to produce reports and thus satisfy the majority of requests (assuming they are asked for in advance and programmed by the vendor). Nonetheless, administrative practices in some jurisdictions do not lend themselves to data collection. A request to them to track and identify the reasons for spoiled ballots, for example, would therefore require additional staff.

Challenges

Local election officials (LEOs) have little incentive to cooperate with unfunded data requests, which often involve extra work and expense for understaffed and underfunded offices. In addition, the data may be used to criticize or, in some cases, even sue them. Non-compliance, on the other hand, results in infrequent and relatively minor negative repercussions that are rarely more than embarrassing

Requests for data which are even slightly dissimilar to previous ones can require time-consuming work. Collaborative collection efforts among state and federal agencies are infrequent, and the absence of uniform terminology in local jurisdictions further complicates efforts. Are absentee votes, for example, provided with precinct results, or, are they allocated to non-geographic "mail ballot" precincts? Inconsistent, incorrectly produced, and often unavailable data have compromised the reliability of national surveys.

Recommendations

- Structure surveys so LEOs can use the results to assess their procedures.
- Include LEOs in the planning of data requests, and provide them sufficient notice to make changes to their election management systems.
- Define the reporting mode of each indicator and strive for intra-state consistency among jurisdictions.
- Leave poll workers to focus on their already complex job duties rather than data collection efforts.
- Have LEOs track spoiled ballots locally for accountability purposes.
- Distinguish between early- and Election-Day voting in national surveys.
- Supplement election results with qualitative information such as a description of the administrative environment and an overview of the processes and procedures.
- Increase data sharing and language uniformity among agencies to reduce the demands of multiple, similar requests on LEOs.
- Implement shorter, high-quality national surveys and supplement them with in-depth studies with a sample of states.

Convenience Voting

Eva Galanes-Rosenbaum, Early Voting Information Center, Reed College

The Issue

Over the last decade, alternative methods of balloting have become increasingly popular among voters, election officials and campaigns. "Convenience voting," the umbrella term for absentee, early in-person, vote-by-mail and other alternatives to traditional election-day precinct voting, has the potential to be either a gold mine or a land mine for every group concerned with elections.

While election officials might have to manage two separate voting systems, they can ease the strain on polling places on Election Day when voters choose to cast ballots early.

While campaigns must maintain maximum intensity for a longer period — Election Day is extended over a period of weeks or even months — resources can be more effectively targeted toward undecided voters and get-out-the-vote efforts, banking those who have already cast their ballots.

And voters, while required to make up their minds earlier if they choose convenience voting, can skip the lines, parking hassles and other inconveniences associated with Election-Day voting.

For those charged with running elections, there are compelling reasons to consider convenience voting as a tool for more effective election administration. In order to evaluate the benefits or drawbacks of convenience voting, however, it is essential to have high-quality uniform data.

Current Practices

Alternative modes of voting have rapidly gained popularity. More than a quarter of the American electorate cast ballots outside of traditional voting precincts in 2006. Election data, however, has not kept pace. Some states can track the method by which a citizen casts the ballot, the machine on which the ballot was cast or counted (since jurisdictions may use different machinery for absentee, early in-person, and precinct place voting), and even the date that the absentee ballot was returned to the local office or the in-person early vote was cast. In some cases, campaigns and get-out- the-vote organizations can access this information in real-time during the campaign, allowing them to target their mobilization efforts (as noted by Chris Mann in his essay).

But not all states have not kept up with the pace of change. In many, real-time information is available only at the county level and can be needlessly expensive. Some states don't separate non-precinct place votes from precinct place votes. In Florida, state law requires election officials to keep no-excuse absentee votes confidential while making in-person early voting records readily available on the Web. This is a case where state law has tied the hands of elections officials.

Terms and Rules: The terms and rules that states apply to the same or only slightly different administrative practices vary widely. "Vote-by-mail," for example, describes Oregon's system of all-mail elections for all registered voters or an opt-in system, such as that employed California and Colorado, where voters can elect to receive absentee ballots on a permanent basis. Similarly, "in-person early voting," "one-stop absentee voting," and "in-person absentee voting" all share some characteristics — voters cast ballots at election offices or central polling locations rather than traditional precincts — but the rules and terms are swapped and combined in a seemingly-infinite array of particular situations.

Reporting Mode: While a growing number of states report their election statistics by mode of voting (traditional polling place, absentee, early in-person, etc.), most still do not. Separating early/absentee voting statistics from election-day balloting is essential to analyze the impact on the election system.

Challenges

Evaluating Cost: Some states, including Oregon and Washington, have reported significant cost savings when administering the vote by mail rather than at precincts. With limited data on the cost of elections, it is difficult to evaluate these claims. Others suggest that the costs are actually higher when a jurisdiction must run a "hybrid" election system — that is, one with both traditional election day polling places and one or more methods of convenience voting — because of additional staffing and equipment needs. How can election costs be evaluated, and how much are we willing to pay for convenience?

Ballot Security: Many critics of convenience voting — especially of no-excuse absentee balloting and vote-by-mail — suggest that ballot security is compromised between the time that the ballot leaves the election office and the time it returns. The potential for fraud, tampering, stolen ballots and undue influence on voters are all reasons for caution, but how significant is the risk?

Voter Error and Regret: Absentee ballots, like all paper ballots, hold the potential for voters to skip races mistakenly or overvote. Unlike polling-place voters, absentee voters do not have the chance to correct a ballot once it has been dropped in the mailbox. Similarly, any voter who votes before Election Day might encounter information to change his or her mind after the ballot has been cast. Studies analyzing voting systems have indicated that centrally counted optical-scan ballots, the system most frequently used for absentee voting, leads to more uncounted votes than many other systems.[43] A study of vote rates conducted by David Kimball of the University of Missouri St. Louis indicated centrally counted optical-scan ballots had a residual (ballots cast that failed to record a valid vote for president) rate of 1.8 percent in 2004, a figure twice as high as that for precinct-based optically scanned ballots.[44]

Recommendations

- States should assess the cost of elections by voting method. The cost per voter of each type of voting, including polling place precinct, in-person early, by-mail absentee, and other convenience methods should be determined.

- Working with the EAC and their own professional organizations, such as the National Association of Secretaries of State and the National Association of State Election Directors, states and local jurisdictions should strive to adopt a uniform set of terms describing convenience voting practices. Where possible, they should adhere to a common set of guidelines and rules.
- All states should report turnout statistics by mode of balloting.

USING DATA TO INCREASE EFFECTIVENESS AND DECREASE COST OF ADVANCE/EARLY VOTING SITES IN FORSYTH COUNTY GEORGIA

Gary Smith, Chairman, Board of Registrations and Elections, Forsyth County

Four years after the implementation of Georgia's advance/early voting, interest continues to be high and there is demand from voters for longer hours, more days, and additional locations.

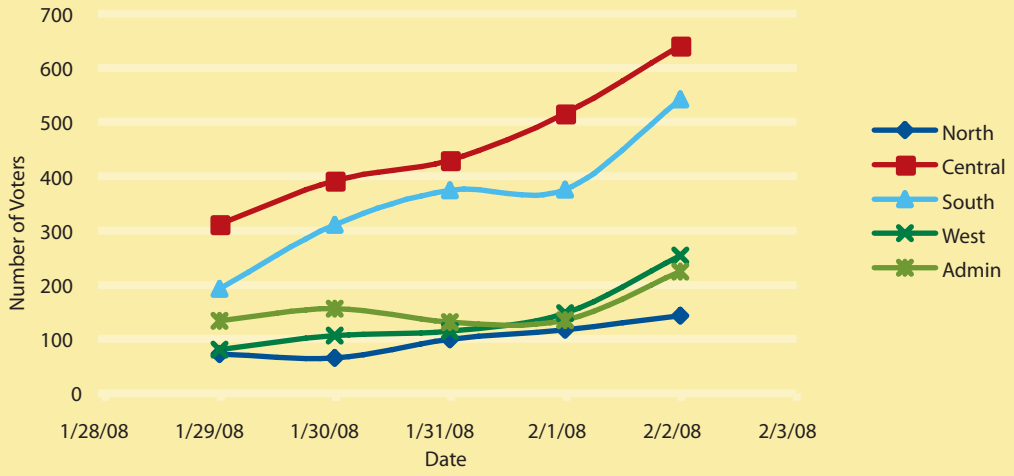
The Forsyth County Elections Office collects data on how many voters cast their ballots at various early voting locations as well as where these voters live. This data is invaluable in managing early voting, by helping us meet voter demand while simultaneously attending to budgetary and staffing constraints.

Using Advance Voting Statistics to Manage Staffing

Data from our Early Voting sites is collected on a dynamic basis, enabling us to increase or decrease the number of poll workers present on an as-needed basis. This is important for counties that have limited or reduced budgets and need to ensure that their funds are spent judiciously. Additionally, it decreases the pressure on the precinct during Election Day and increases the positive experience that a voter has as a result of reduced wait time.

For instance, in the 2008 presidential preference primary, we tracked daily turnout at five advance voting sites. This data was used to help us allocate additional poll workers and other staff to the sites with increasing turnout. In the three sites with unusually low turnout, we reviewed our policies and procedures to see if there were ways to increase turnout in those areas.

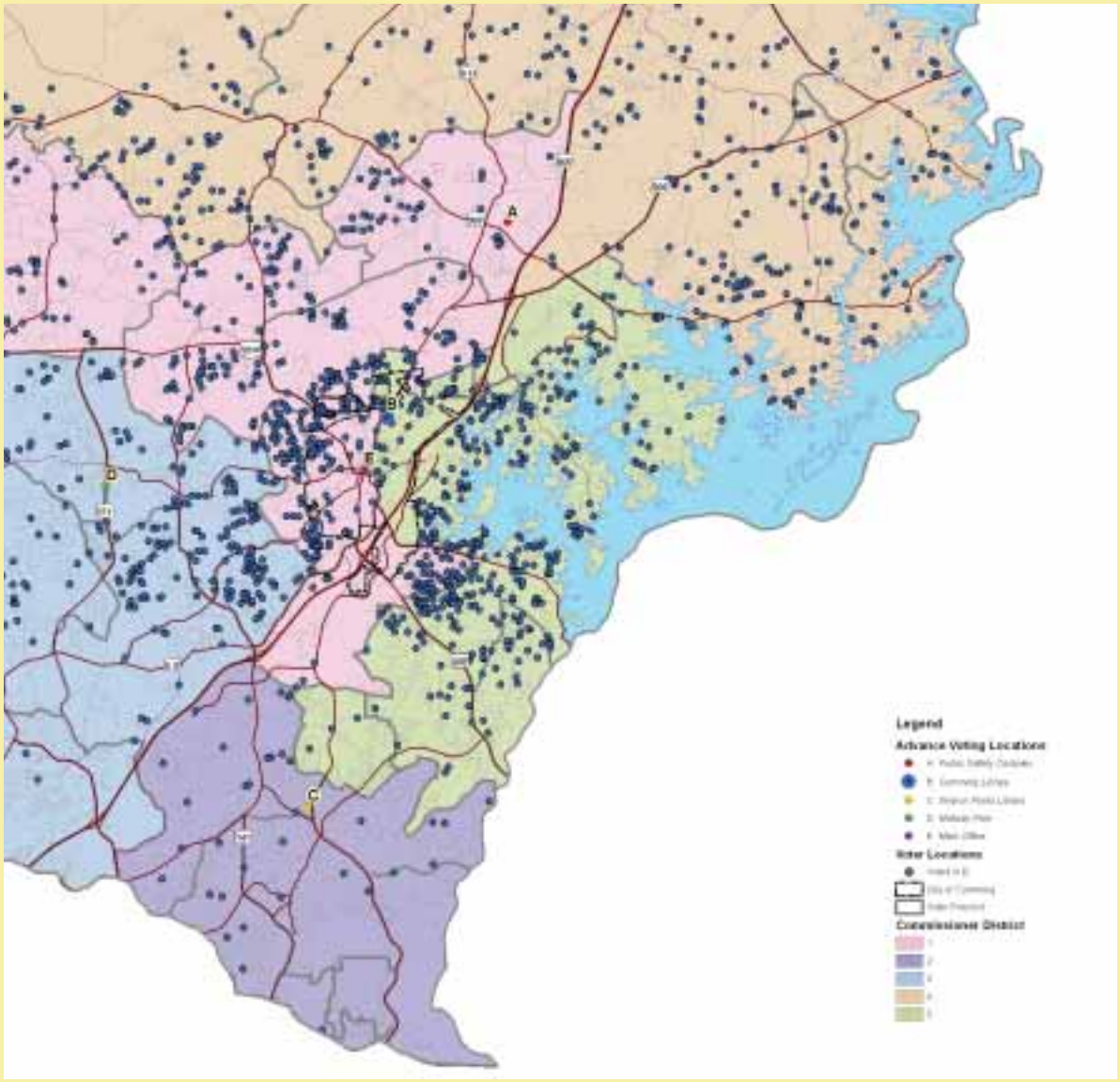
ADVANCE VOTING STATISTICS FOR THE 2008 PRESIDENTIAL PRIMARY



Geographic Information Systems and Early Voting

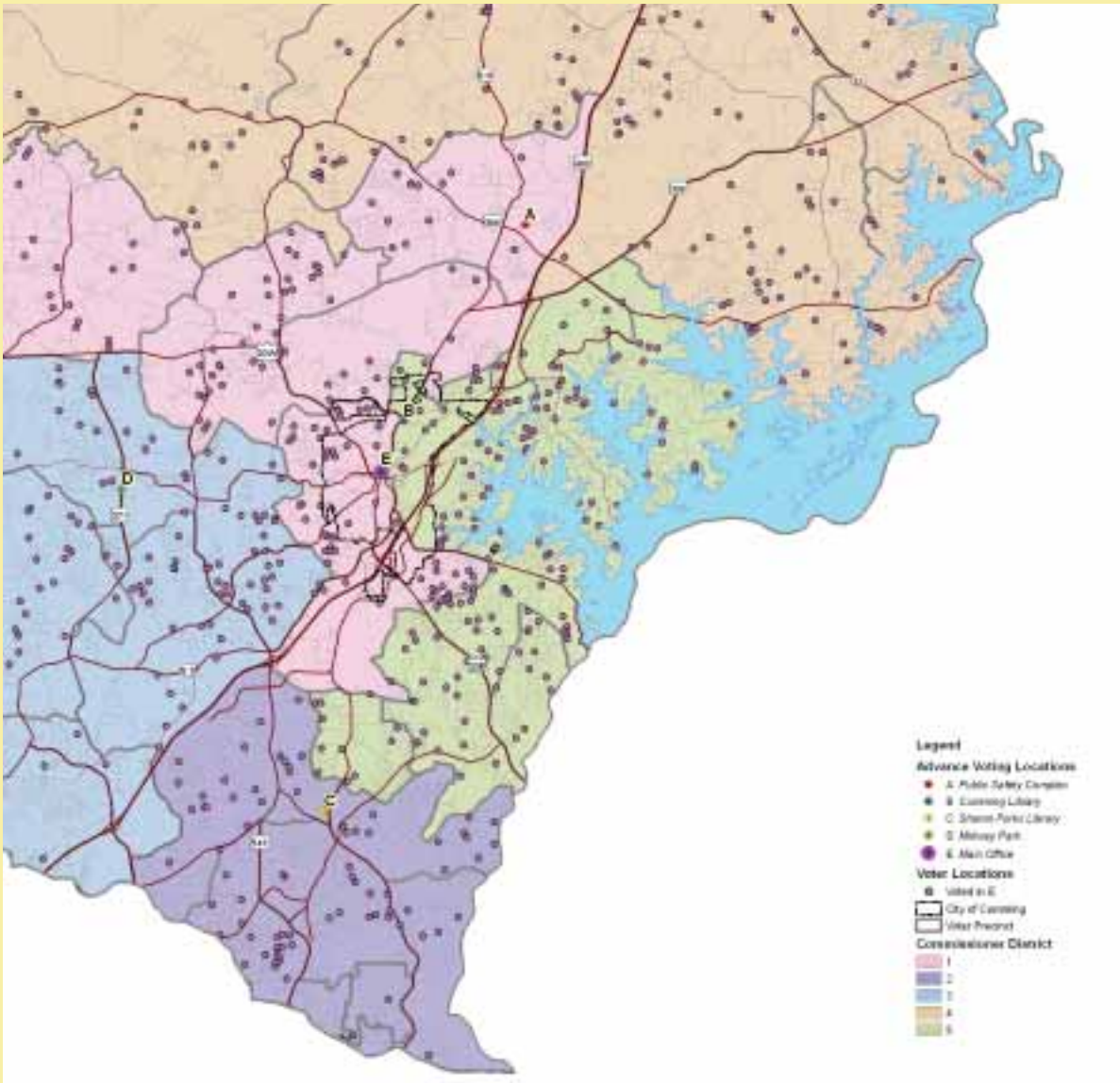
To better understand the geography of early voting, Forsyth County uses geographic information systems (GIS) to evaluate the placement of our early voting stations. GIS data allows us to track where early voters live and how far they are willing to travel to vote. The maps below plot the residential location of early voters for each early voting station. We have learned that some sites draw voters from across the county while others appeal to those living nearby.

Site 1 is located in the central part of our county at the Central Library. It was one of our first early voting sites. While, as expected, this site drew voters from across the county, we were not expecting the large number of elderly voters at this location coming from a senior center located adjacent to the library. These data allowed us to adjust and provide sufficient accommodations for voters with limited mobility.



Site 2 is located in the County Administration Building. As expected, voters come to this location from across the county, reflecting all the reasons that people come to this building — to pay water bills, check with tax assessor, get building permits etc. This site will always have a good turnout but we have faced challenges in making certain that we have sufficient parking.

We have conducted parallel analyses in our other three early voting sites. In two sites, we realized that a location off of a main highway was not sufficiently visible to commuters, and we were able to increase turnout by adding signage and in one case, adding information to a regular county mailing. In the third location, in a public library, voters are drawn predominantly from nearby locales.



Election Data and Provisional Voting

Edward Foley, Moritz School of Law, Ohio State University

The Issue

Fail-safe voting — which allows those not on registration rolls to cast ballots and have their eligibility established later — existed in many states before the 2000 election. All but 13 states provided some recourse to voters who went to the polls on Election Day believing they were registered, but whose names did not appear on the rolls.[45]

The Help America Vote Act (HAVA), passed in 2002, mandates the use of provisional ballots nationwide. According to Section 302 of the Act, any individual who declares herself a registered voter in her jurisdiction can cast a provisional ballot, that is then segregated from regular ballots and counted upon verification of eligibility. It also states that the voter can confirm that the ballot was counted, or the reason it was not tallied.[46]

This relatively new method of provisional voting is badly measured and poorly understood.

The mandate is applied in varying degrees across states and localities; some, for instance, require the voter be in her correct precinct to cast a provisional ballot, while others allow anyone within a jurisdiction to do so.

The extent to which the federal mandate is achieving the hoped-for objectives — as well as the degree to which jurisdictions are complying — is unknown. U.S. Election Assistance Committee (EAC) surveys conducted in both 2004 and 2006 reveal considerable variation in the rates of casting, counting and rejecting provisional ballots.

The lack of reliable measurement carries troubling legal and political implications. Moreover, lacking such measurement, there is little to do but speculate about the causes of the variations.

Current Practices

More and better data is essential for two reasons.

First, information on the procedures that local election boards undertake in determining whether or not to count a provisional ballot is usually unreliable.

Anecdotal evidence suggests that counties exercise varying degrees of effort to determine a provisional voter's registration status, which could be the primary reason for differing rejection rates. Does a county, for example, merely consult a computerized database? Or does it go further, and check voter registration cards and other state agencies (like the DMV) for inaccuracies and systemic delays?

PROVISIONAL BALLOTS IN OHIO

The different treatment of similarly situated provisional voters raises serious questions about the fairness of the electoral process.

For example, in many jurisdictions, the primary reason for rejecting a provisional ballot is that the voter is "not registered." Yet, pursuant to HAVA, each voter must sign a statement that she believes herself to be registered in order to receive a provisional ballot.

The table below shows the percentages of provisional ballots that were rejected in the state's six largest urban counties because a voter was deemed to be not registered:

Lucas (Toledo)	11.24%	Hamilton (Cincinnati)	6.24%
Cuyahoga (Cleveland)	8.05%	Summit (Akron)	5.68%
Montgomery (Dayton)	7.95%	Franklin (Columbus)	3.37%

While the variation in this table is striking, it tells only part of the story. In 10 percent of precincts within Cuyahoga, at least one quarter of provisional ballots were rejected for being "not registered." In more than 40 percent of the precincts, however, none of the provisional ballots were rejected for the same reason.

What explains these discrepancies, especially between extremes? Do voters in demographically comparable jurisdictions vary so considerably in understanding their registration status? Do dissimilar administrative practices contribute to the variation? Without more data and careful analysis, one can only surmise.

Provisional voting exists precisely for those circumstances in which the voter thinks that he or she is registered, while the poll worker thinks the opposite is true.

Unfortunately, in most circumstances we rarely know whether the provisional ballot was counted, or was not. And we know virtually nothing about how the local board made that determination; the steps it took and the amount of time it deliberated are a mystery. We also do not know about the voter's effort (if any) to confirm her registration after the election.

Second, improved data is necessary to explain the wide variation in acceptance rates. Are the differences due to administrative practices or to citizens' failure to register?

Ohio (see box above) illustrates the need for better provisional voting data.

Provisional voting is an "insurance policy" for citizens. When debating HAVA, Congress called it "fail-safe voting."[47] Provisional policies are a means of protecting voters against administrative errors in the same way that title insurance safeguards property owners from mistakes with deeds.

We need to know how well — or how poorly — provisional voting is living up to its promise and purpose. When the subject is the equal right of citizens to participate in democratic elections, knowing the effectiveness of the mechanism is vital.

Challenges

The primary challenges to collecting and reporting valid data on the use of provisional ballots are the same challenges that have been reiterated throughout this compendium: fifty separate and sometimes conflicting legal regimes, inconsistent application of state laws by local officials, irregular collection of data, and disagreements on basic definitions and categories. While changes in election administration over the past six years have dramatically improved the ability of voters to cast a "fail-safe" ballot when their registration is challenged, there has been no similar improvement in how local jurisdictions and states report this information. This makes it nearly impossible to monitor how well provisional ballots are working as a true fail safe, or whether they are just a paper tiger.

Recommendations

- Report the number of provisional ballots requested, accepted, and rejected as well as the reasons for rejection, for all precincts in each state. In order to reassure the public that access to the ballot was as full and fair as possible, this data needs to be released as soon as possible after an election, ideally within a week. Waiting until the EAC survey is administered is too late.
- Where possible, develop common, cross-state standards for administering provisional ballots, possibly coordinating with the EAC.
- Recognize that the emergence of new voting systems, such as early in-person voting and voting centers, may affect the use of provisional ballots. Develop standards for the use of provisional ballots in out-of-precinct situations.

Conclusion—The (Winding) Road Ahead

Heather Gerken, Yale Law School

This compendium represents just the first step on the road toward the use of better data in making decisions about election administration. The conference that inspired it revealed a number of important insights about how exciting—and yet how difficult—this process will be. Comments made during this conference fell into two broad categories: those suggesting that the push for data is inevitable, and those who worry about the obstacles. So a key questions remains: What happens when an irresistible force meets an immovable object?

Data-driven policy making: an irresistible force?

The idea that data for democracy is inevitable is based on several key observations:

1. Good data leads to better management.
Good data is a crucial component of good management. Election administrators offer numerous examples of ways that data allows them to make real-time corrections on Election Day and set better long-term policy, and some of these are represented in this volume. Good data helps election administrators allocate resources, monitor performance and identify best practices.

Just as significantly, bad data makes for bad choices and policy.

Information provides a context for any decision. Without good data, it is hard to tell what is being done right, let alone figure out ways to improve. Without good data, it is impossible to distinguish between a glitch and a trend. Just think about the way economic policy used to work. During the 19th century, economic downturns were called "panics" precisely because no one could tell the difference between an economic blip and a troubling trend. Because we now possess reliable economic data, economists can tell us when we have entered a recession—a pronouncement that triggers a series of policy correctives.

2. Data is a sword and a shield.
Election administrators often worry that data will be used against them by reformers and the like. As one participant admitted, "no one wants to look stupid." But we have also found that good data can serve as a sword and a shield for election administrators.

First, comparative data can serve as a sword by enabling election administrators to make the case for the resources they need. Data helps them identify precisely the problems they wish to address while providing comparative information about resources. Both are essential in order to convince an elected official that additional funding is necessary.

Second, in today's highly partisan environment, data provides election administrators with a shield against unfounded accusations. Good data can reassure advocacy groups that a problem is

not serious and/or that it is being addressed. Moreover, good data can put to rest the rumors and unfounded speculation that too often arise from haphazard reporting and minor glitches.

Because voters—and the media—learn about problems only when there is a crisis, they lack a comparative baseline for assessing what's going on—and can be quick to leap to the conclusion that the problem was deliberately engineered. After all, most voters operate in a virtual black box. They know there's a crisis; they don't see other places experiencing the same problem; and, they may even be aware of the partisan affiliation of the person in charge. It is all too easy to connect the dots. Providing valid and reliable data helps ensure that the information vacuum doesn't lead the media and the public to the wrong conclusions.

As L.A. County's recent "double bubble trouble" has shown (see page 31), transparency about the problem and its source can be extremely effective in shutting down a partisan maelstrom.

3. Data-driven policy making is the wave of the future.

Conference participants also made clear that data-driven policy making is the wave of the future and thus assumed that election administration will be swept up in this broader trend. Data is the lifeblood of business. Walmart, for instance, has such a refined data-collection system that when a hurricane approaches, it knows to stock local stores not just with flashlights and back-up generators, but with strawberry Pop Tarts (which data says people buy before hurricanes).

It's not just private businesses that depend on data to drive policy. Government agencies across the country use programs like Citistat to manage problems and set policies. Witness the remarkable work done in places like New York City and Baltimore using data-driven analysis.

4. If we don't generate the data, someone else will.

Another argument heard during this conference was that if election administrators and experts don't create data, someone else will, without the necessary rigor. Now that election administration has become a salient public issue, people are hungry for a baseline—some means for assessing how well their election system is performing.

Barriers to collecting good data—an immovable object?

Of course, if the notion of data for democracy were easy, it would already exist. Several very real obstacles currently prevent the collection of good data. These obstacles are so formidable that they seem like immovable objects.

1. Resources, resources, resources

Good data collection will require more resources. Election administrators—particularly those in small jurisdictions and rural areas—are already doing too much with too little. The absence of sufficient resources poses an important hurdle for those who want better elections data.

2. Infrastructure

The absence of a data infrastructure makes good data collection quite difficult. In some states, data would have to be collected by hundreds of local jurisdictions. At present, there is no agreement on the proper definition of basic terms, which makes it impossible to compare data across jurisdictions.

Even if agreement existed, the software used by jurisdictions (even within the same jurisdictions) is utterly incompatible, making collective "data dumps" virtually impossible.

3. The private worries of election administrators

Election administrators also harbor private worries about the push for more data. Congress has a tendency to pass unfunded mandates. As a result, election administrators worry about being saddled with another duty without being given the resources they need to fulfill it.

Scholars currently play an important role in generating what little data exists. But they have no incentive to coordinate their efforts (which means some election administrators are flooded with requests), and often don't share the data sets they generate. If election administrators were to create more data, would this problem worsen? Election administrators also worry about how advocacy groups will use the data. Will they, for example, sacrifice long-term credibility for short-term publicity? Finally, local officials express concern that imperfect data might lead to unnecessary, even bad, reforms if not used wisely. Data can play a powerful role in debates; the key is to make sure that role is also productive.

4. Is the game worth the candle?

Finally, people in the immovable object camp worry that the game may not be worth the candle. The fear is that we will devote a lot of resources to getting data only to discover that it isn't as reliable or useful as we had hoped.

What should be taken from this?

Collectively, the comments from the two sides of the irresistible force/immovable object conversation provide some useful lessons about how to think about data for democracy going forward.

1. Recognize the trade-offs

One obvious lesson is to acknowledge the costs and trade-offs involved in collecting data. As tempting as it may be to "collect it all," that is an unrealistic goal, at least in the short term. Instead, resources should be targeted at what matters most, keeping in mind precisely why we are collecting the data.

At the Data for Democracy conference, Charles Stewart of MIT suggested that "it is better to measure a few things well than lots of things badly." Take the residual vote rate. It's an elegant, easy-to-understand metric for evaluating the quality of one small but important part of the voting process.

Eric Fischer of the Congressional Research Service offered another useful strategy for thinking about the problem. He suggested careful consideration of what data is needed at each level of government: national, state and local. Data collectors would make a choice akin to that made by the U.S. Census Bureau in devising short and long survey forms. Information desired from everyone goes on the short form. Other information will suffice as long as it's drawn from a large enough random sample.

I have my own suggestion. Many federal regulatory statutes exempt small businesses because of the belief that some requirements are just too onerous for them— instances where the

game is simply not worth it. Perhaps election administrators should follow the same lesson and exempt the smallest localities from the reporting requirements we impose elsewhere.

2. Easing the burden on election officials

While there are surely election officials who will prove recalcitrant about collecting and sharing data, it is nonetheless clear that the reasons that election officials give for not collecting good data are quite real and quite serious. We should do everything we can to ease those burdens. Obvious steps include:

(a) Money, money, money

Data matters, but money does, too. We need to be able to persuade local, state and federal officials to invest in the election system. This, of course, is why Congress' recent decision to allocate $10 million to fund model data collection at the state level is so important. You can't ask Congress to fund data collection until you can document how much you need.

(b) Capacity

We can take steps to increase capacity, giving election officials the tools they need to collect good data, whether it is software that prompts local officials to collect the right information, pilot programs, reports on useful case studies, development of a set of best practices, or even direct technical assistance to states and localities.

(c) Standardization

We need standard terms in order for the data we collect to be meaningful. Throughout the conference, inconsistencies and ambiguities were discovered that the EAC, along with local officials, can and should eliminate over time.

3. Align the incentives of local officials

The quality and quantity of data that is ultimately collected will depend largely on the cooperation of local officials. We need to align the incentives of local officials with the interests of voters in order to encourage them to collect the data that everyone agrees we should have. Let me suggest a few possible strategies for doing so:

(a) Establish a standing army of political scientists to referee controversies over the data

Political scientists are always happy to have data. Data leads to papers—the coin of the academic realm. I suggest a *quid pro quo*. In exchange for assistance from election administrators, political scientists should agree to help sort out data controversies that call the election system into question.

(b) Consolidate

There is a tragedy of the commons in the world of election administration. Political scientists want data, but sometimes they forget that many of them are knocking at election administrators' doors. Rather than everyone acting as a free agent, perhaps political scientists should coordinate and prioritize data requests as they do with big, national surveys. Finally, political scientists should share their data—not just the underlying information, but the scripts and widgets they use to process that data—so that we can all reap the benefit of the work that election administrators and political scientists have done.

The good news

In closing, there are three grounds for optimism about the future of data for democracy:

1. **We are so far behind that curve that we're ahead of it.**

Election administration is far behind the rest of the country on the data-collection front. And yet it can sometimes be useful to be behind the curve. The position allows us to learn from others' mistakes and take advantage of the many advances in software and computer capacity. Consider the African phone system. Many people once believed it impossible for Africa to build the phone lines it needed to modernize. And then came the cell phone, which doesn't require land lines or complicated infrastructure. As a result, Africa was able to make remarkable advances in telecommunications without the costly interim steps more advanced nations had made to arrive in the same place.

2. **We can talk to each other.**

Rumors of discord are greatly exaggerated. It is tempting to describe election officials, political scientists and advocates as separate tribes, but the conversation to date has made it clear that areas of agreement predominate. These conversations across professional tribes work and should be continued.

3. **Everyone has gone through this.**

I am currently finishing a book on the concept of data for democracy and the Democracy Index. During that process, I did a lot of research on the experience of other people who have assembled data on topics ranging from educational quality to international aid, from governmental performance to environmental policy. Virtually everyone with whom I spoke was convinced at the outset that collecting the data would be impossible. And still, they all succeeded. I'm guessing we will, too.

A 50-State Assessment of Data Availability and Data Reporting

Paul Gronke and Bailey Schreiber, Early Voting Information Center, Reed College

Introduction

A vital part of the Data for Democracy initiative is not just to show ways that data can improve elections management, but also to assess states on their current level of data reporting. This 50 state assessment provides this information.

The data that is reported in the following pages is the first and, we hope, not the last word on the performance of states in providing the vital information necessary to evaluate, reform, and improve elections performance in the United States. The 50-state assessment puts some meat on the bones of the discussions that animated the Data for Democracy conference and the essays that comprise this volume.

In addition, we purposely do not grade states on the quality of their data reporting. The Data for Democracy initiative is at too early a stage to rank states based on this information, because the field has not yet come to any consensus about what constitutes essential and secondary data elements.

We let the data speak for itself. It is not our intention to suggest, for example, that voter registration files should be available at no cost, or that a file that costs more than $1,000 is expensive.

There are many things that could have gone into such a comparison, but in the interest of space, are not included here. We do not, for example, examine the accuracy of voter registration files, as Professors Michael Hanmer and Michael McDonald and campaign consultant Christopher Mann argue for in the compendium. We have not explored how easily election results are made available on the Internet, as Karin Mac Donald urges in her essay, nor do we list which states report results by different methods of voting, as Eva Galanes-Rosenbaum suggests. We leave these tasks for future analysts and future reports.

Instead, we focus on what most observers agree are two central elements of state elections data reporting: voter registration files, and responses to the federally mandated Election Administration and Election Day survey of the Election Assistance Commission.

The Costs and Accessibility of Voter Registration Files

Voter registration is the first step in the voting chain — the first entry point by which citizens transform into voters. Statewide voter registration files were a primary part of the reforms enshrined in the Help America Voting Act (HAVA). Many of the commentators at the Data for Democracy conference, like a recent National Academy of Sciences committee, argued for easily accessible, inexpensive, and interoperable voter registration files.[48]

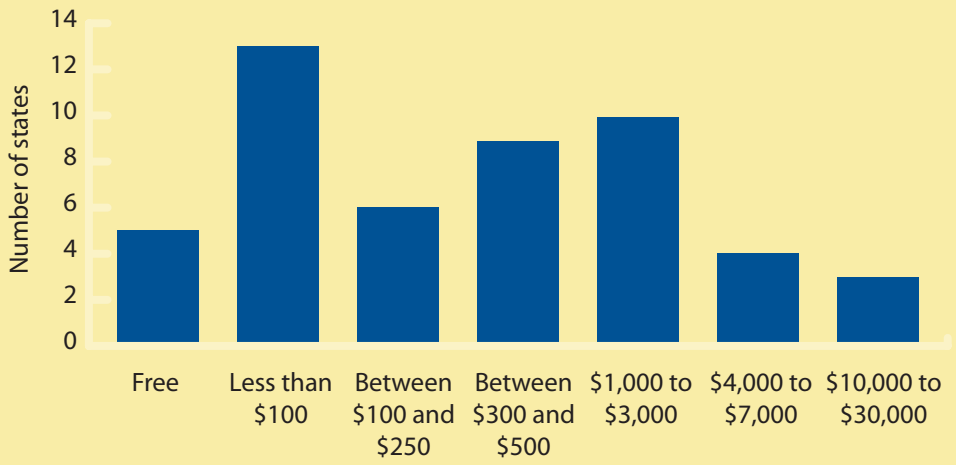
In this section, we evaluate the information contained in statewide voter registration files. In order to collect this information, staff at the Pew Center on the States and at the Early Voting Information Center at Reed College contacted the state elections office and requested information on how end users are able to obtain statewide voter registration and voter history files. In some cases, we were directed to a form on the Web; in other cases, forms were mailed or faxed to us. In all cases, if necessary, we followed up to find out in what format the data are disseminated and what restrictions, if any, there were on data use.

As the table on page 52 shows, the information available in these files varies substantially. The good news is that all files are currently disseminated in electronic formats that are easily read by spreadsheeting and statistical programs. All but four states include the data of registration, and all but six include the date of birth.

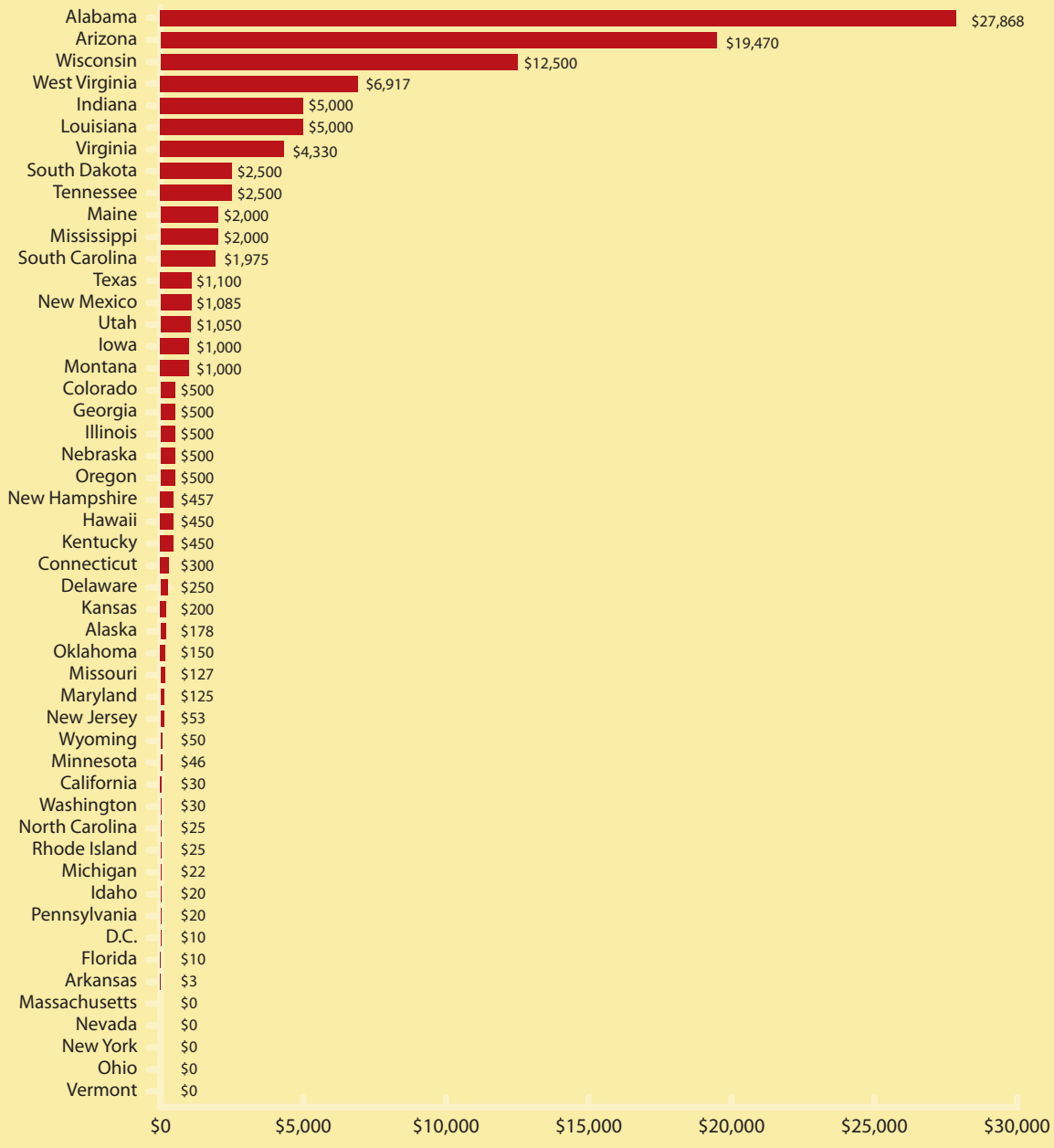
Other data elements are less consistently reported. Twelve states fail to separate inactive from active voters in their files, rendering it very difficult for a political campaign or a get out the vote organization to efficiently target voters. Only 27 states report gender. Nine states report race / ethnicity in their files, but these states do so because the Voting Rights Act requires them to. Similarly, not all states require voters to register with a political party, so there is no reason to expect that to be in the files (we have not attempted to compare state laws with data reporting).

The bad news concerns cost: there is tremendous variation in what states charge for access to these files. As shown in the attached figures, which display the range and relative costs of voter registration files, the bulk of states have determined that voter registration files can be provided for a nominal fee, less than $100. Five states charge nothing at all for the files. Yet, more than one-quarter of the states charge at least $1000 for these files. Three states charge over $10,000.

COSTS OF STATEWIDE VOTER REGISTRATION FILES



INDIVIDUAL STATE FEES FOR STATEWIDE VOTER REGISTRATION FILES



North Dakota does not have voter registration or a statewide voter registration file and is not included.

We don't know what the ideal cost of a voter registration file is. A file that is too inexpensive may be requested too often; a small fee to recover costs may not seem unreasonable. We also do not show how the policy decision has been made to set these costs. But to have such a disparity across states does seem unreasonable. There is no apparent pattern to these costs — it is not as if larger states, or states with more election jurisdictions, charge more.

ACCESS VS. PRIVACY IN VOTER REGISTRATION

James Hicks, Early Voting Information Center, Reed College

While technological advances have eased access to election data for many small campaigns, grassroots political organizations, and academia, this increased dissemination also carries a potential cost. Advocates for privacy argue that since voter registration files contain extensive personal information, their circulation should be carefully controlled. Others argue that voter registration and turnout information are public records, and should be easily and cheaply available.

Arizona is one of a number of states that severely restricts access to voter registration information. It also differs from other states in that it does not provide a statewide file — the end user must go county to county to obtain a file. The cost element we report is based on summarizing county information.

In Arizona, state statute ARS§16-168(E) provides for the release of voter registration files only for purposes relating to political party activity or elections. While the state provides major political parties with a free copy of the data, other authorized users are charged 1¢ per record (statewide, a substantial $19,470 based on recent registration figures — and this cost was 10 times higher before a recent change in state law).

In 1996, the Phoenix-based *Arizona Republic* filed a complaint against Maricopa County and its Recorder, Helen Purcell, after being quoted what the newspaper considered a prohibitive fee. Both the trial and appellate courts ruled in favor of the state, the latter finding that the statute bore a "rational relationship to a legitimate legislative objective." That court further dismissed the media group's claims of violation of both equal protection, and the state's policy of access and openness.

While Arizona is currently an outlier in the fierceness of its protection of voter registration files, it is far from the only state to erect significant barriers––financial or otherwise––to the access of this data, and the privacy argument echoes in other states.

State	Voter Information							
	inactives separated?	race	gender	political party	dob/age	reg date	reg method	permanent status
Alabama	✓	✓	✓		✓			N/A
Alaska				✓		✓		N/A
Arizona*								N/A
Arkansas	✓			✓	✓	✓		N/A
California	✓		✓	✓	✓	✓	✓	
Colorado	✓			✓	✓	✓		✓
Connecticut	✓		✓	✓	✓	✓	✓	N/A
D.C.				✓		✓	✓	N/A
Delaware				✓	✓	✓		N/A
Florida	✓	✓	✓	✓	✓	✓		N/A
Georgia	✓	✓	✓			✓		N/A
Hawaii	✓		✓			✓		N/A
Idaho			✓		✓	✓		N/A
Illinois	✓		✓		✓	✓		N/A
Indiana	✓		✓		✓	✓		N/A
Iowa	✓		✓	✓	✓	✓		N/A
Kansas	✓		✓	✓	✓	✓	✓	N/A
Kentucky			✓	✓	✓	✓		N/A
Louisiana	✓	✓	✓	✓	✓	✓		N/A
Maine	✓			✓	✓	✓		N/A
Maryland	✓		✓	✓	✓	✓		N/A
Massachusetts	✓		✓	✓	✓	✓		N/A
Michigan	✓		✓		✓	✓		N/A
Minnesota					✓	✓		N/A
Mississippi	✓					✓	✓	N/A
Missouri	✓				✓	✓		N/A
Montana	✓				✓	✓		✓
Nebraska				✓	✓	✓		N/A
Nevada	✓			✓	✓	✓		N/A
New Hampshire				✓				N/A
New Jersey	✓			✓	✓			N/A
New Mexico	✓		✓	✓	✓	✓	✓	N/A
New York	✓		✓	✓	✓	✓	✓	N/A
North Carolina	✓	✓	✓	✓	✓	✓		N/A
North Dakota**								N/A
Ohio				✓	✓	✓		N/A
Oklahoma	✓			✓	✓	✓		N/A
Oregon	✓			✓	✓	✓		N/A
Pennsylvania	✓		✓	✓	✓	✓		N/A
Rhode Island	✓		✓	✓	✓	✓		N/A
South Carolina	✓	✓	✓		✓	✓		N/A
South Dakota	✓			✓	✓	✓		N/A
Tennessee	✓	✓	✓		✓	✓		N/A
Texas	✓		✓		✓	✓		N/A
Utah	✓			✓	✓	✓		N/A
Vermont	✓				✓	✓		N/A
Virginia	✓		✓		✓	✓		N/A
Washington	✓		✓		✓	✓		✓
West Virginia	✓			✓		✓		N/A
Wisconsin	✓				✓	✓	✓	N/A
Wyoming	✓			✓				N/A

*Arizona only provides voter registration files at the county level. The price recorded here is the sum of what all counties charge: $.01 per voter. See case study for more information.

**North Dakota has no voter registration and is therefore exempt from this comparison.

Formats Available			Voter History			Restrictions/Requirements		
.xls, .csv, .txt	data available online	.pdf, paper	provided?	add'l charge	includes mode?	Rest./ Reqs. Scale (1, 2, or 3)	must be registered to vote in state	affidavit
✓		✓	✓	$0.00		1		
✓			✓	$0.00	✓	1		
				N/A		3	see footnote/casestudy	
✓	✓		✓	$2.50		1		
✓			✓	$0.00		2		
✓			✓	$250.00	✓	1		
✓			✓	$0.00	✓	1		
✓			✓	$300.00	✓	1		
✓			✓	$0.00		1		
✓			✓	$0.00	✓	1		
✓			✓	$0.00	✓	1		
✓			✓	$0.00	✓	3		✓
✓			✓	$0.00		1		
✓			✓	$0.00		3		
✓			✓	$0.00		3		
✓		✓	✓	$0.00	✓	2		
✓			✓	$0.00		1		
✓			✓	$0.00		2		
✓			✓	$0.00		1		
✓			✓	$0.00	✓	2		
✓			✓	$0.00	✓	3	✓	
✓			✓	$0.00		3		✓
✓			✓	$0.00	✓	1		
✓			✓	$0.00	✓	3	✓	
✓			✓	$0.00		1		
✓			✓	$0.00		1		
✓	✓		✓	$0.00	✓	1		
✓			✓	$0.00	✓	2		✓
✓				$0.00		1		
✓	✓		✓	$0.00		3		
✓			✓	$0.00		2		
✓	✓		✓	$4,340.00	✓	2		
✓			✓	$0.00	✓	1		
✓	✓		✓	$0.00	✓	1		
✓	✓		✓	$0.00		1		
✓			✓	$0.00	✓	1		
✓			✓	$0.00		1		
✓			✓	$0.00	✓	1		
✓			✓	$0.00	✓			
✓			✓	$160.00		3	✓	
✓			✓	$0.00		1		
✓			✓	$0.00	✓	2		
✓			✓	$2,100.00	✓	2		✓
✓			✓	$0.00	✓	1		
✓			✓	$0.00	✓	2		✓
✓			✓	$0.00	✓	2		
✓	✓		✓	$0.00		1		
✓			✓	$0.00		1		
✓			✓	$0.00		1		
✓			✓	$0.00	✓	2		

A number of states have placed restrictions on who can obtain the voter registration file. Each state has been placed into one of the following categories.

1 **Unrestricted:** The file is open to the public and anyone may obtain it. Sometimes an affiliation or signature is requested but is not absolutely necessary to obtain the file. Commercial use is nearly always explicitly prohibited.

2 **Somewhat Restricted:** The file is restricted to those who are affiliated in some way with a political campaign or party, academic institution or some other organization. Description of affiliation is usually required. A file that requires an affidavit also fall into this category. Commercial use is nearly always explicitly prohibited.

3 **Very Restricted:** The file is restricted only to political campaigns, candidates, parties or to those using the information for governmental purposes only. This category also includes states that require the requestor to be a registered voter in that state. Commercial use is nearly always explicitly prohibited.

Response Rates on the 2006 Election Administration Commission Survey

Paul Gronke and Bailey Schreiber, Early Voting Information Center, Reed College

The EAC, under Section 202 of the Help America Vote Act, acts as a clearinghouse for information on election administration in the United States. As part of that responsibility, the EAC is required to submit three reports to Congress, on the National Voter Registration Act (NVRA), the Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA), and the Election Day Survey (EDS).

The EAC has chosen to collect this information by administering a survey to the states and local jurisdictions. The survey is a federally mandated data collection instrument that includes questions about state compliance with NVRA, UOCAVA and also includes an election day component. The reports on the three surveys, as well as the raw data, are available at the EAC website.[49]

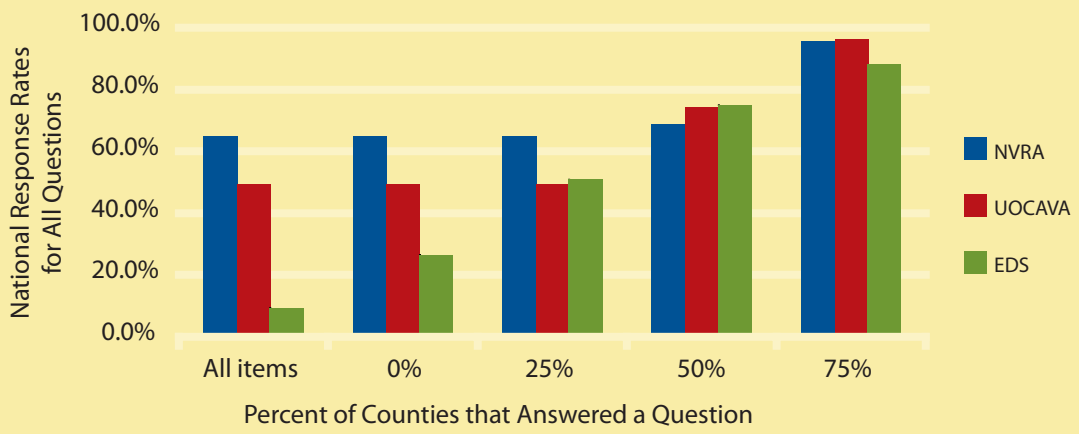
The EAC survey holds the potential to be an invaluable data resource for the elections reform community. If the survey were disseminated on a timely basis, and if all states made an effort to respond as fully as possible, it would be possible to compare the number of registered voters, the number of voters removed from the rolls, compliance with NVRA, accessibility to the ballot by UOCAVA voters, levels of early and absentee voting and implementation of provisional voting laws. In short, some, though not all, of the needs outlined by the essayists in the Data for Democracy compendium would be met.

Sadly, as the tables on the next pages illustrate, the EAC survey is far from meeting this standard. Non-response rates on some sections of the survey are so high that using the survey in any comparative context is impossible. This is a situation that must be rectified in the future.

The response rates on the various sections of the EAC surveys vary dramatically due to some design flaws. The 2006 survey was set up so that counties were the unit of analysis. But in New England, as in Michigan, Wisconsin and Minnesota, elections are administered at the township level. The survey included items on NVRA compliance for all states even though North Dakota was exempt from the NVRA since it does not require votes to register. And the Election Day Survey asked detailed questions about election results for all federal offices — a section of the survey that virtually no states responded to.

To adjust for these sources of non-response, the figures and tables include what we call the "adjusted" response rate. To create these response rates, we examined the survey question by question. If a question was answered by less than half of the counties in the nation, we chose not to include this when we compared response rates state by state.

EAC RESPONSE RATES BY ALTERNATIVE RESPONSE THRESHOLDS



	All items	0%	25%	50%	75%
NVRA	65.0%	65.0%	65.0%	68.8%	95.4%
UOCAVA	49.2%	49.2%	49.2%	74.2%	96.2%
EDS	9.3%	26.4%	51.0%	74.9%	88.2%

The table entries and bar chart report the national response rates on the EAC survey. Because some survey items were responded to by very few counties, we are able to adjust the national average by considering only survey items that some proportion of counties responded to—what we refer to as the threshold. To illustrate, the 51% in column 3 means that, when we only include EDS survey items responded to by more than 25% of the counties, the overall response rate on the EDS portion of the survey is 51.0%.

As shown in the bar chart, using a response threshold is essential in order to obtain a reasonable comparison. If we considered all items, the response rate on the EDS survey is below 10 percent. This indicates that there were many items on the EDS with no responses (these were the federal election results mentioned above). If you set the threshold just to greater than 0 percent, the average response rate on the EDS survey nearly triples.

The graphic makes clear why 50 percent is a reasonable response threshold. It means that we consider only items on which more than half of the counties in the country provided a response. It is also a threshold that results in roughly comparable response rates across the three portions of the survey. We also do not want to set a threshold that is so high that it implies that all counties responded to all items. (For those interested, the unadjusted response rates are included in the appendix.)

Finally, and not surprisingly, the graphic shows that states respond at the highest rate to the NVRA portion of the survey. This is not surprising since the NVRA survey has been conducted for the longest period of time (from 1996 until 2004, it was conducted by the Federal Election Commission).

The response rates overall vary dramatically. While half the states responded to more than 75 percent of the items, the response rates among some other states was much lower. Five states responded to less than half the items (although four of these were states that conduct elections at the township

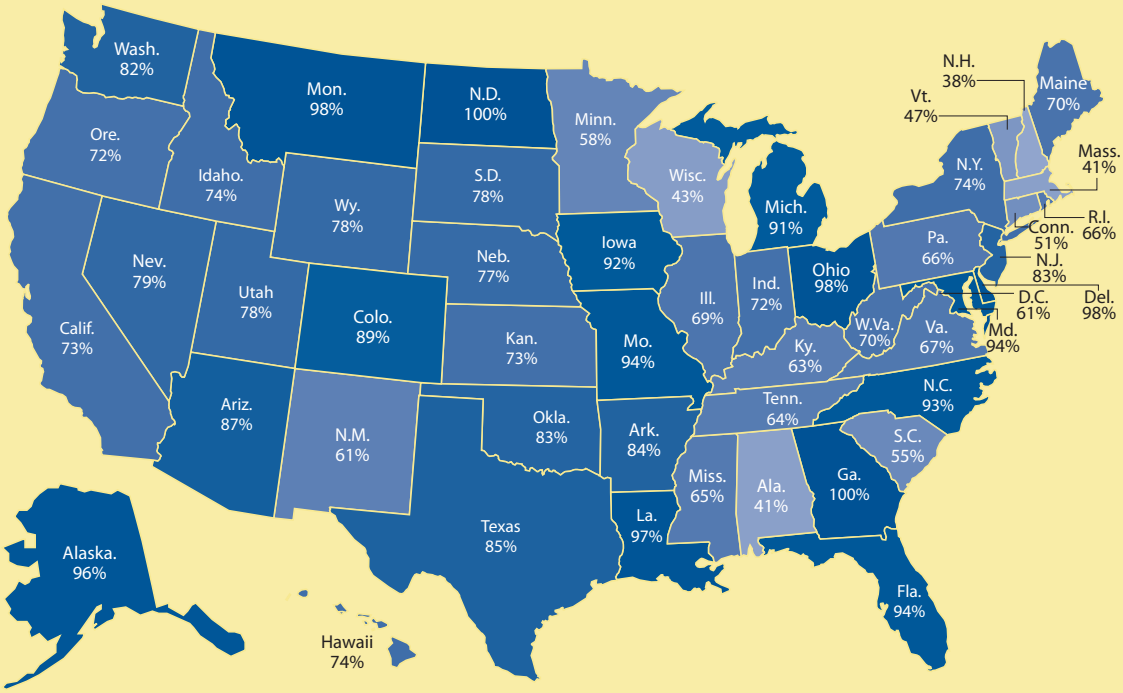
level, and therefore had a geographic mismatch between a county-based survey and their own geographic basis of elections).

Rather than shaming those states that failed to respond to many items, it is encouraging to highlight those states that responded to nearly all the items in the survey. Alaska, Delaware, Georgia, Louisiana, Montana and Ohio responded to 98 percent or more of the survey items. These states are not from a particular region, nor do they all have a low number of counties or a small population. Three have small populations and two have large populations. Two are geographically large and one (Delaware) is quite small. Georgia and Ohio have a large number of counties; Louisiana and Montana has an average number of counties (64 and 56 respectively), while Delaware has only 3. (Alaska reported its information statewide.)

Other states that responded to more than 90 percent of the items on the survey are Florida, Iowa, Maryland, Michigan, Missouri, and North Carolina, along with the protectorate of American Samoa.

While Georgia receives the gold medal — it responded to nearly every item we considered — this larger group of 12 states are the national leaders, at least according to the lens provided by the EAC survey.

ADJUSTED RESPONSE RATES ON EAC 2006 SURVEY



State	NVRA	UOCAVA	EDS	Total	State	NVRA	UOCAVA	EDS	Total
Alabama	34%	49%	41%	41%	Nevada	63%	90%	86%	79%
Alaska	88%	100%	100%	96%	New Hampshire	19%	37%	58%	38%
Arizona	93%	83%	85%	87%	New Jersey	68%	90%	91%	83%
Arkansas	94%	82%	76%	84%	New Mexico	63%	62%	58%	61%
California	74%	74%	73%	73%	New York	80%	59%	81%	74%
Colorado	95%	97%	77%	89%	North Carolina	85%	99%	96%	93%
Connecticut	59%	41%	50%	51%	North Dakota	19%	100%	100%	100%
Delaware	94%	100%	100%	98%	Ohio	98%	99%	99%	98%
Dist. of Col.	65%	64%	54%	61%	Oklahoma	96%	72%	78%	83%
Florida	91%	98%	94%	94%	Oregon	83%	64%	69%	72%
Georgia	100%	100%	99%	100%	Pennsylvania	100%	44%	51%	66%
Hawaii	78%	74%	69%	74%	Rhode Island	81%	60%	57%	66%
Idaho	35%	100%	92%	74%	South Carolina	42%	57%	66%	55%
Illinois	81%	61%	62%	69%	South Dakota	80%	77%	78%	78%
Indiana	70%	77%	69%	72%	Tennessee	83%	53%	54%	64%
Iowa	96%	91%	90%	92%	Texas	99%	77%	77%	85%
Kansas	66%	81%	73%	73%	Utah	54%	93%	90%	78%
Kentucky	39%	72%	79%	63%	Vermont	42%	49%	50%	47%
Louisiana	100%	100%	91%	97%	Virginia	35%	89%	81%	67%
Maine	65%	73%	73%	70%	Washington	72%	86%	89%	82%
Maryland	100%	91%	92%	94%	West Virginia	58%	76%	79%	70%
Massachusetts	64%	36%	21%	41%	Wisconsin	23%	55%	54%	43%
Michigan	89%	91%	92%	91%	Wyoming	52%	91%	93%	78%
Minnesota	46%	68%	61%	58%	American Samoa	85%	100%	100%	95%
Mississippi	53%	72%	71%	65%	Guam	19%	32%	15%	22%
Missouri	98%	91%	92%	94%	Puerto Rico	19%	32%	15%	22%
Montana	95%	100%	100%	98%	Virgin Islands	50%	91%	88%	76%
Nebraska	86%	70%	73%	77%					

The map reports the adjusted response rates for the complete EAC survey. The adjusted response rates remove survey items on which large proportions of the counties did not respond, as noted in the text. The separate columns in the table refer to separate portions of the EAC survey, the National Voter Registration Act (NVRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), and the Election Day Survey (EDS).

The state of North Dakota does not have voter registration and is therefore exempt from the National Voter Registration Act portion of the EAC Assessment. If the NVRA survey items are considered North Dakota would has a score of 79.8 percent. There are only seven states that allow voters to register on Election Day: Idaho, Maine, Minnesota, New Hampshire, Wisconsin and Wyoming. All other states are exempt from questions regarding election-day registration. There were a number of states that provided data at the state level in addition to countywide data. Survey items for which there was only a statewide response were given a response rate of 100 percent for that response. New England, Michigan, Minnesota and Wisconsin administer elections at the township level. In its administration of the surveys, the EAC assumed the county as the election jurisdiction. Low response rates in these states may be due to mismatch of geographic components of the survey and actual administration.

Data for Democracy Conference

Challenges and Opportunities for Elections Data Collection
May 12-13, 2008

Pew Charitable Trusts
1025 F Street, NW
Washington DC

Monday, May 12

12:00 p.m. **Informal Lunch**

1:00 p.m. **Introductions**
Michael Caudell-Feagan, Make Voting Work
Paul Gronke, Reed College

1:30 p.m. **Why Data Matters**
The opening session will discuss the importance of high-quality empirical data in managing elections and framing questions of public policy and opinion.
Doug Chapin, Electionline.org

2:00 p.m. **How Data Is Used**
This session will discuss the importance and use of election data to inform the efforts of policymakers, academics, advocates and political campaigns.
Moderator:
Paul Gronke, Reed College

Presenters:
Michael Herron, Dartmouth
Eric Fischer, Congressional Research Service
Justin Levitt, Brennan Center for Justice
Chris Mann, MSHC Partners, Inc.

3:00 p.m. **How Data Is Collected**
This session will discuss sources of election data, collection methods, and the differences between collecting election data and the standard expectations of survey research.
Moderator/Presenter:
Toby Moore, Research Triangle Institute

Presenters:
Charles Stewart, Massachusetts Institute of Technology
Kelly Patterson, Brigham Young University
Cathy McCully, U.S. Bureau of the Census

4:00 p.m. **Data for Management**
This session will spotlight case studies of election officials' efforts to incorporate data collection and analysis into their operations.
Moderator:
Alysoun McLaughlin, Make Voting Work

Presentations:
Matt Damschroder, Franklin County, Ohio
Bob Murphy, Maryland State Board of Elections
Tammy Patrick, Maricopa County, Arizona
Dean Logan, Los Angeles County, California

6:30 p.m. **Dinner**
Wine Room, Chef Geoff's Downtown
1301 Pennsylvania Avenue, N.W. (on 13th Street between E and F)

Tuesday, May 13

8:45 a.m. **Continental Breakfast**

9:00 a.m. **Voter Registration ***
EAC Data Items 1-4b, Statutory Review 2, 6-10
This session deals with the basics of the statewide voter registration files. What is the essential information that should be provided by states in these files? How accessible should this information be? How are active and inactive voters handled state by state? The focus is not on the accuracy of data but on the necessary ingredients for meaningful data analysis.
Moderator/Presenter:
Michael McDonald, George Mason University
Respondent:
Wendy Noren, Boone County, Missouri

9:45 a.m. **National Voter Registration Act***
EAC Data Items 5-9, Statutory Review 2, 11-15
A great deal of attention has been focused on how citizens are added to—and removed from—the voter rolls. How can we develop good data on use of the procedures specified in NVRA?
Moderator/Presenter:
Michael Hanmer, University of Maryland
Respondents:
Michael Slater, Project Vote
Keith Cunningham, Allen County, Ohio

10:30 a.m. **Military and Overseas Voters***

EAC Data Items 10-13, Statutory Review (none)
One of the more challenging data sections in the EAC survey for both 2004 and 2006 was UOCAVA. Many states say flat out that they have great difficulty tracking UOCAVA voters, and there are federal regulations that make the problem even worse.
Moderator/Presenter:
Kim Brace, Election Data Services

Respondents:
Susan Dzieduszycka-Suinat, Overseas Vote Foundation
Pat Hollarn, Okaloosa County, Florida

11:15 a.m. **Election Results***

EAC Data Items 18a-19, 25a-25e, 29 Statutory Review 2, 16, 22
To many, the most fundamental data element of all—election results—is, ironically, one that plays a relatively small role in the EAC survey. Should the survey include a much more substantial section on federal election results? Should they ask about overvotes and undervotes? Do we want turnout and if so, from what source (pollbooks, highest office, etc.)?
Moderator/Presenter:
Karin Mac Donald, University of California-Berkeley
Respondents:
Steve Weir, Contra Costa County, California
Joy Streater, Comal County, Texas
Clark Bensen, POLIDATA

12:00 p.m. **Lunch**

1:00 p.m. **Voting Technology ***

EAC Data Items 14-17, 25a-28, Statutory Review (none)
What do we know about voting technology and how can the questions on the EAC survey be improved to better our understanding?
Moderator/Presenter:
Paul Herrnson, University of Maryland
Respondents:
Tammy Patrick, Maricopa County, Arizona
David Beirne, Election Technology Council
Pam Smith, Verified Voting

1:45 p.m. **Absentee and Early Voting***

EAC Data Items 20-24, Statutory Review 2, 4, 16-21

States vary widely in how they collect and report data on votes cast by mail or prior to election day. Should the EAC collect more of this information? Is it enough just to know how many ballots came from precincts, absentee and "other"?

Moderator/Presenter:
John Fortier, American Enterprise Institute
Respondents:
Bill Huennekens, King County, Washington
Gary Smith, Forsyth County, Georgia

2:30 p.m. **Break**

2:45 p.m. **Provisional Ballots***

EAC Data Items 20-24, Statutory Review 2, 4, 16-21

How are provisional ballots accepted and when are they rejected? How can states better track this information?

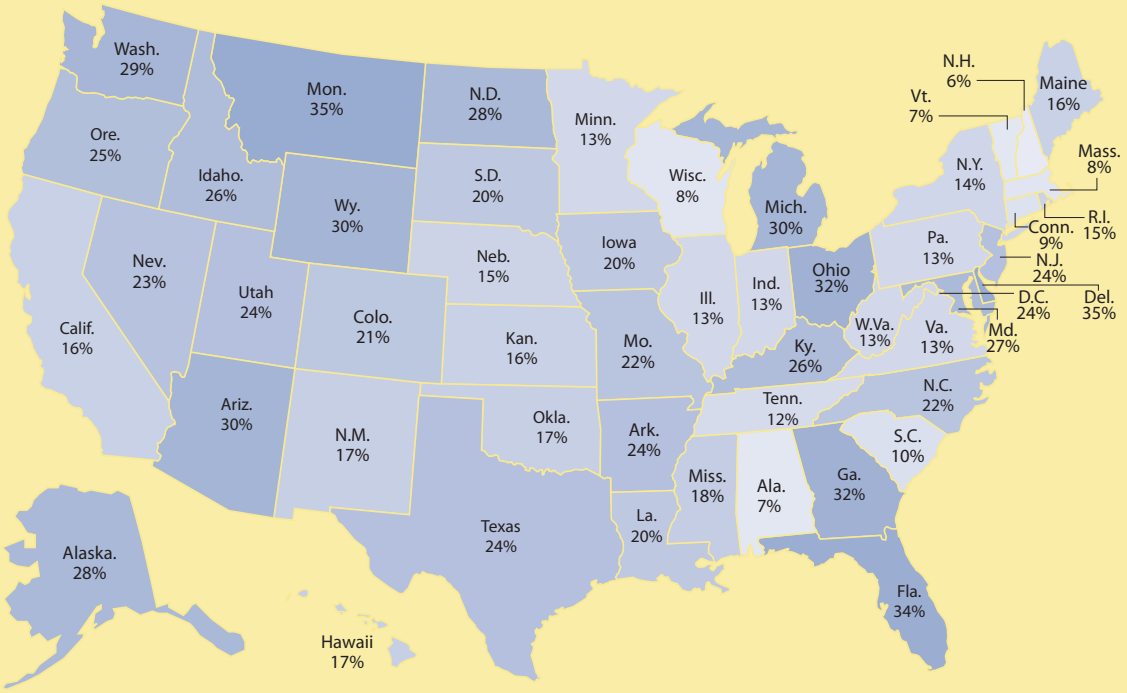
Moderator/Presenter:
Ned Foley, Ohio State University

Respondents:
David Kimball, University of Missouri-St. Louis
Dean Logan, Los Angeles County, California
Matt Damschroder, Franklin County, Ohio

3:30-4:30 **Wrap Up and Discussion**

** For these sessions, conference participants are assigned to working groups. Each working group will draft a memo on the topic for circulation prior to the conference. Each working group has an assigned team leader who will be responsible for presenting the memo at this session, incorporating feedback from working group participants and conference attendees and preparing a paper on the topic for a Compendium in the weeks following the conference.*

UNADJUSTED RESPONSE RATES ON THE 2006 EAC SURVEY



State	NVRA	UOCAVA	EDS	Total	State	NVRA	UOCAVA	EDS	Total
Alabama	29%	17%	3%	7%	Nevada	59%	74%	11%	23%
Alaska	90%	78%	14%	28%	New Hampshire	16%	12%	4%	6%
Arizona	91%	79%	16%	30%	New Jersey	70%	65%	13%	24%
Arkansas	92%	63%	12%	24%	New Mexico	58%	43%	8%	17%
California	70%	41%	8%	16%	New York	80%	23%	7%	14%
Colorado	94%	57%	9%	21%	North Carolina	75%	58%	11%	22%
Connecticut	52%	14%	5%	9%	North Dakota	16%	94%	18%	28%
Delaware	92%	100%	18%	35%	Ohio	95%	87%	17%	32%
Dist. of Col.	65%	71%	12%	24%	Oklahoma	90%	36%	8%	17%
Florida	92%	98%	18%	34%	Oregon	73%	62%	14%	25%
Georgia	103%	92%	16%	32%	Pennsylvania	96%	21%	5%	13%
Hawaii	78%	43%	8%	17%	Rhode Island	79%	33%	6%	15%
Idaho	34%	94%	13%	26%	South Carolina	38%	22%	5%	10%
Illinois	77%	27%	5%	13%	South Dakota	75%	58%	9%	20%
Indiana	62%	35%	6%	13%	Tennessee	73%	24%	4%	12%
Iowa	97%	40%	10%	20%	Texas	95%	62%	11%	24%
Kansas	56%	43%	8%	16%	Utah	50%	80%	13%	24%
Kentucky	42%	76%	16%	26%	Vermont	35%	17%	3%	7%
Louisiana	100%	48%	8%	20%	Virginia	29%	36%	8%	13%
Maine	59%	29%	10%	16%	Washington	72%	79%	17%	29%
Maryland	93%	62%	15%	27%	West Virginia	55%	32%	6%	13%
Massachusetts	59%	13%	2%	8%	Wisconsin	22%	25%	4%	8%
Michigan	84%	85%	16%	30%	Wyoming	50%	91%	17%	30%
Minnesota	48%	40%	5%	13%	American Samoa	84%	91%	17%	32%
Mississippi	49%	53%	10%	18%	Guam	16%	11%	1%	3%
Missouri	98%	64%	9%	22%	Puerto Rico	16%	11%	1%	3%
Montana	96%	98%	18%	35%	Virgin Islands	48%	40%	8%	15%
Nebraska	81%	31%	7%	15%					

The map reports the response rates for the total EAC survey. This table does not remove any items on which large proportions of the counties did not respond, as noted in the text. The separate columns in the table refer to separate portions of the EAC survey, the National Voter Registration Act (NVRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), and the Election Day Survey (EDS). Additional information on the map and table are contained on page 57.

ENDNOTES

1 Eric Fischer of the Congressional Research Service should be credited for the *bon mot*.

2 Overton, Spencer. "Voter Identification," *Michigan Law Review*, Vol. 105: 631, February 2007.

3 "2008 Election Day Survey: background," United States Election Assistance Commission, *www.eac.gov*, last visited July 23, 2008.

4 Markovits, Zachary and Douglas Spencer. "Lines at Polling Stations? Observations from the 2008 California Primary," *University of California-Berkeley Survey Research Center*, May 2008.

5 *Ibid.*

6 "Election Reform and Local Election Officials: Results of Two National Surveys," CRS Report for Congress, *Congressional Research Service*, Feb. 27, 2008.

7 *Ibid.*

8 *Ibid.*

9 Stewart, Charles. 2005. "Measuring the Improvement (or Lack of Improvement) in Voting since 2000 in the U.S." Paper presented at the Annual Meeting of the American Political Science Association, Washington, D.C.

10 A more extended discussion of many of these issues may be found at Stewart, Charles III, "Improving the Measurement of Election System Performance in the United States" in *Mobilizing Democracy: A Comparative Perspective on Institutional Barriers and Political Obstacles,* eds. Margaret Levi, James Johnson, Jack Knight, and Susan Stokes, Russell Sage, 2008.

11 Kimball William Brace, "Testimony delivered to the Committee on House Administration of the U.S. House of Representatives." Apr. 14, 2008. *http://cha.house.gov/UserFiles/152_testimony.pdf*. Last accessed Aug. 12, 2008.

12 Mayer, Kenneth. 2007. "Comparative Election Administration: Can We Learn Anything from the Australian Electoral Commission?" Paper prepared for delivery at the 2007 Annual Meeting of the American Political Science Association, Chicago, IL.

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18 Many election officials come up through the ranks; for others, administering elections is a second career, not something that they initially entered as a profession. An increasing number of states do offer professional certification to both upper-level and mid-level election staff. Auburn University has launched the only MBA program in the country with a concentration in election administration.

19 This reflects a trend toward hiring full-time staff to oversee elections under the supervision of an elected official who previously bore that responsibility. It does not indicate that changes in state law or local code have stripped elected officials of the authority.

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22 A relatively small percentage of poll workers are drafted into the position. Many jurisdictions have the authority to do so under emergency situations. Douglas County, Nebraska is the only jurisdiction in the country that drafts voters to serve as poll workers in the same manner as jury duty.

23 *Op.-Cit.*, Lipsky.

24 A study underway by the National Association of Counties and the Carl Vinson Institute at the University of Georgia is undertaking a nationwide study of election cost accounting.

25 As of 2008, prospective voters everywhere except North Dakota must first register to vote. Voters in Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin and Wyoming may register and vote on Election Day while all others must register at a specified time prior to the election, no greater than thirty days as regulated by the Voting Rights Act of 1965. (There are further exceptional policies, such as Election Day registration in Connecticut and Rhode Island for persons wishing to cast a vote for presidential electors only and so-called "one stop" voting in North Carolina that permits early voters to register and vote at the same time.)

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37 Caltech/MIT Voting Technology Project, "Residual Votes Attributable to Technology": An Assessment of the Reliability of Existing Voting Equipment," (www.vote.caltech.edu).

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39 Testimony of Dean C. Logan, Acting Registrar-Recorder/County Clerk, Los Angeles County. Joint Information Hearing, Discussion of Problems Faced by Voters at the 2008 Presidential Primary Election, Senate Select Committee on Integrity of Elections, March 7, 2008

40 News Release, Los Angeles County Registrar-Recorder/County Clerk Statement on Cross Over Voting, Feb. 5, 2008

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47 *Ibid.*

48 Interoperable files are files that use common data definitions and format, and thus can be much more easily accessed by end users. The National Academy of Sciences report, *State Voter Registration Databases: Immediate Actions and Future Improvements, Interim Report*, is available at http://www.nap.edu/catalog.php?record_id=12173

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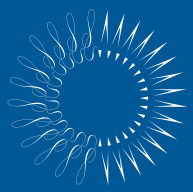

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