



CENTER for DEMOCRACY &
ELECTION MANAGEMENT

SCHOOL of PUBLIC AFFAIRS

The State of Elections In The Fifty States: Evaluating the Process Where It Counts



July 15, 2009

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Letter from the Co-Director

July 15, 2009

After the Presidential election of 2000, the American people awakened to learn that their electoral system was deeply flawed. While other democracies had modernized their electoral institutions, Americans were complacent with a 19th century, excessively decentralized and partisan-based system.

In 2001, former Presidents Gerald Ford and Jimmy Carter co-chaired a Commission that studied the U.S. electoral system, discovered systemic problems, and proposed numerous reforms. With the crisis of the 2000 election fresh in their minds, and armed with the Ford-Carter report, Congress approved the “Help America Vote Act” (HAVA) in 2002 – the first federal law ever passed on electoral administration.

HAVA set up a U.S. Election Assistance Commission (EAC) to provide nearly \$4 billion to states that accepted some federal requirements, including statewide computerized voter lists; voter IDs for individuals voting by mail; provisional ballots for voters whose names are missing from the registration list; and measures to facilitate voters with disabilities. HAVA was necessary but insufficient as was evident on the eve of the 2004 Presidential election when only one-third of the voters expressed confidence that their votes would be counted properly. During the election, hundreds of thousands of voters registered complaints, and after the election, only a minority of the electorate was very confident that their votes had been counted accurately.

With that as a backdrop, former President Jimmy Carter and former Secretary of State James A. Baker, III formed a new Commission on Election Reform, and American University’s Center for Democracy and Election Management (CDEM) was asked to direct the Commission. As Director of CDEM and Executive Director of the Commission, I was privileged to work with its twenty members. Their report, ***Building Confidence in U.S. Elections: Report of the Commission on Federal Election Reform***, was issued in September 2005.¹

That report adopted a bolder, more comprehensive approach to election administration. The Ford-Carter Commission grappled with the question as to whether the federal government had a role in election administration. Thus, they were hesitant in offering recommendations, let alone mandates to the states. The result was that provisional ballots, IDs, and even state-wide registration lists were implemented unevenly and differently all over the country. The Carter-Baker Commission decided to use HAVA as a foundation and proposed five pillars on which a new and modern edifice should be built:

- A universal voter registration system in which the states, not local jurisdictions, are responsible for the accuracy of the list, and the Election Assistance Commission would connect all of them with an inter-operable system.
- A single way to count provisional ballots and a uniform system of voter identification coupled with an affirmative role by the states to ensure that every eligible voter is registered and is given a free ID if they don’t have a driver’s license.

¹ For the link to this report and others written by American University’s Center for Democracy and Election Management (CDEM), see <http://www1.american.edu/cdem/index.cfm> and the chronology and links at Appendix 1

- Measures to ensure ballot integrity while increasing access and participation through voter education and web sites and by facilitating voting by people with disabilities, overseas military and civilians, and ex-felons who served their sentences.
- Voter-verifiable paper ballots and audit procedures of voting machines.
- Establishment of independent, nonpartisan, professional election administration systems at the state level responsible for all elements of the electoral process.

Since the report was published, the Commission Co-Chairs, members, and staff have sought to bring its recommendations to the attention of policy-makers and Congress at the federal and state levels. Two years ago, we issued a report on the progress that had been made. Much work had been done on two-thirds of the recommendations. One controversial recommendation – on voter IDs and an affirmative state role to provide them free – was mentioned often to promote a one-sided version, but it was never fully implemented in the spirit in which it was written. Republican state legislatures pressed for stringent IDs without the affirmative aid to broaden registration and provide free IDs, and Democrats opposed the ID measures without trying to incorporate the affirmative elements. The result was unfortunate.

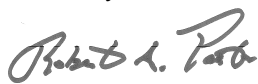
On the eve of the 2008 election, we issued a pre-election assessment, highlighting the key problems that remained to be fixed. The large turnout in the 2008 election together with the wide margin of victory may lead Americans to a new and dangerous complacency with the electoral process. That would be a mistake.

In past reports, we focused on the national government, but the states remain principally responsible for elections, and so we have focused this report on the states. We have measured progress by judging what the states have done as compared to the Carter-Baker recommendations. The states have made some progress, and we have tried to capture it in this report. As there is no central repository for all the electoral laws and procedures, we might have overlooked some. We would welcome comments and corrections.

The first draft of this report was written by Alison Prevost, Project Manager of CDEM, with the assistance of Vassia Stoilov, who has been researching these issues since the beginning of the Carter-Baker Commission. Both have worked hard to help implement the recommendations of the report and encourage states and local governments to understand the need for these reforms. I would also like to thank Dr. George Guess, the Co-Director of CDEM, for his support. This report as well as the work of the Commission and its follow-on activities would not have been possible without the leadership of Ms. Geri Mannion of the Carnegie Corporation of New York and the support of the John S. and James L. Knight Foundation and American University.

We believe this report offers a comprehensive summary of electoral procedures in the states and a basis for evaluating their performance. We hope the states will find this analysis useful, and that they will continue their journeys to election reform.

Sincerely,



Robert A. Pastor
Co-Director, Center for Democracy and Election Management
Professor, American University School of International Service

Introduction and Summary

In the year 2000, the United States and Mexico held Presidential elections. Although the United States had the world's second longest history of democratic elections, and Mexico had a long history of electoral fraud, the improbable occurred. National and international election observers concluded that the Mexican election was free, fair, and professional. Not so for the U.S. elections. International observers were not permitted to observe the U.S. elections, and most national observers concluded that the recount in Florida – the decisive state – was not professional, and many believed the election was neither free nor fair. After decades of election fraud, Mexico built one of the most professional, independent, and nonpartisan electoral systems in the Americas, while the United States had allowed its system to slip below Third World standards.

Since that controversial election, the U.S. Congress and State legislatures have tried to improve the electoral system, and substantial progress has been made. But the U.S. electoral system still does not rise to the level of most Third World democracies, which have independent, professional, nonpartisan election Commissions and invite international observers. The U.S. registration system is hardly universal, and it remains of uneven quality within most of the states. Moreover, there is no inter-operable system to connect the state registration lists and prevent duplication and multiple voting. There is an almost dangerous lack of uniformity on provisional balloting, identification of voters, and interpreting disputed ballots. There are no national standards for testing electronic machines or auditing the results, and no systematic or comprehensive voter-verifiable paper audit trail. Finally, the principal person responsible for elections in most states is a partisan politician, and when the elections are close, voters suspect the administrators are not fair. As compared to many Third World democracies, the U.S. electoral system is not professional or modern.

Due to the relatively wide margin of victory in the 2008 Presidential election, there is less interest in improving the electoral process, and due to the high turnout, people have new confidence in the system. The historic nature of the election pushed turnout to its highest level since 1960, with 131,257,542 or 63% of Americans voting.² In addition, data from a nationwide survey conducted by Alvarez et al. indicates that voter confidence has improved with over 90% of voters very or somewhat confident that their votes were cast as counted and fewer than 2% of voters encountering serious enough problems at the polling place to preclude voting.³

However, several post-election assessments found that the problems have not gone away or gotten better. There remain serious problems with voter registration, under-trained poll workers, absentee ballots, and voting by military and overseas citizens. In addition, early voting has created new problems and sometimes longer lines than on Election Day. Professor Stephen Ansolabehere of Harvard and Doug Chapin, Director of Elections for the Pew Center on the States testified before Congress that more than 8 million people did not vote, and one of the reasons was problems with the election system.⁴ Moreover, a quarter of eligible citizens remained unregistered and disengaged from the electoral process.⁵

² Curtis Gans (December 2008). "African-Americans, Anger, Fear and Youth Propel Turnout to Highest Level Since 1960: Possible Pro-Democratic Realignment, GOP Disaster," p.1. Available at: <http://www1.american.edu/ia/cdem/csae/pdfs/2008pdfoffinaledited.pdf>

³ Michael Alvarez et al (February 18, 2009). "2008 Survey of the Performance of American Elections Final Report," pp.i-iv. Available at: <http://www.pewcenteronthestates.org/uploadedFiles/Final%20report20090218.pdf>

⁴ Stephen Ansolabehere (March 11, 2009). "Testimony Before the Senate Rules Committee." Available at: http://rules.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=536048b6-2e97-4193-8110-d18d2e95e201; Doug Chapin (March 2009). "The 2008 Election: A Look Back on What Went Right and Wrong" – Testimony Before the United States

At the same time, states continue to pursue various reforms. Colorado, Ohio, and several other states have recently concluded comprehensive evaluations of their election systems with recommendations for further improvement. States have also considered, and many have passed legislation on voter identification, early voting, and military and overseas voting. In addition, the U.S. Congress has conducted hearings on the 2008 election, voter registration, and military and overseas voting, and bills have been re-introduced on voting integrity and verification (Rep. Holt-NJ and Sen. Ensign-NV), ex-felon voting (Rep. Jackson-Lee-TX), limitations on partisan activity of election officials (Rep. Davis-CA), and prevention of deceptive practices (Rep. Conyers-MI).

Previous reports by the Center for Democracy and Election Management have focused on national electoral issues. In this report, our focus is on the states because the states – and localities – remain the principal government responsible for elections. In this report, we will analyze the current state of state election management with reference to the recommendations offered in the Carter-Baker report of 2005.

In her recent book, *The Democracy Index*, Professor Heather Gerken of Yale Law School makes the case for an objective index to evaluate U.S. election performance.⁶ She does not offer an Index in the book, but we agree on the need and believe that the Carter-Baker Commission's recommendations provide one such index. Using those recommendations as the criteria for judging the states' performance and legislative activity, CDEM staff undertook an exhaustive search of state laws, administrative codes, and post-HAVA activities in all fifty states.⁷ There is no comparable study of all 50 states, though Steven Huefner *et al.* undertook a regional analysis of Midwestern states in *From Registration to Recounts: The Election Ecosystems of Five Midwestern States* published in 2007. It took more than five months to compile the material in this report and in two sets of appendices. The first set describes what each state has done in the five key areas identified by the Carter-Baker Commission to build a modern and professional electoral system. The second set of appendices, which is published as a separate report, creates a full profile of each state on these and other election administration indicators.

This project has again shown the excessive decentralization in U.S. election administration. Even the manner of codifying election practices varies greatly. Some states, such as Illinois and California, have detailed and prescriptive election laws, while others, such as Ohio, give significant authority to the Secretary of State to establish the rules that govern elections. And in many other states, the key rules are developed at the county level.

Some states are doing better than others in establishing statewide uniformity. Some have comprehensive voter education programs, but most do not. Some have adopted strong standards for ensuring the accuracy of voting systems, but most have not.

The prolonged exercise of Minnesota's recount for the Senate has highlighted both the strengths and weaknesses of the state's election system. It has shown significant problems with absentee voting. Nearly 12,000 of about 290,000 absentee votes were rejected by election officials for allegedly violating voting rules, and Minnesota Secretary of State Mark Ritchie

House of Representatives Committee on House Administration Subcommittee on Elections. Available at: <http://www.pewcenteronthestates.org/uploadedFiles/Chapin%20testimony%203-26-09.pdf>

⁵Gans, *op cit.* p.17.

⁶ Heather Gerken (2009). *The Democracy Index: Why Our Election System Is Failing and How to Fix It*. Princeton University Press: Princeton, NJ.

⁷ Specific references to statutes and code can be found in the state profile supplement to this report.

estimated that nine or ten percent of the decisions to reject ballots were mistaken.⁸ To improve the process, Minnesota election officials have suggested creating a website where voters can learn the requirements and whether they are eligible to vote by absentee ballot. In other ways, Minnesota's election system offers a good model.⁹ Minnesota's paper ballots provide a permanent record of each voter's intent, which, according to state law, needs to be determined during a recount. In addition, Minnesota audits a random sample of roughly 5% of the ballots immediately after every federal election cycle—giving Minnesota election officials experience in manually counting ballots and determining voter intent and providing a crucial accuracy check of electronic vote counts.¹⁰

In the first part of this report, we analyze the activities and performance of all the states by reference to the Carter-Baker recommendations on voter registration, voter identification and provisional voting, voting technology, voter access and education, and election management. (The details of this analysis on a state-by-state basis are in Appendix 2). A summary table is provided on each issue as well as a table highlighting the best and worst states and those that fall in between. Not every state is ranked in every category as we are simply trying to illustrate what a Democracy Index might look like. For reasons of simplicity, equal weight is given to each of the Carter-Baker Commission's recommendations, though some are more important in the electoral process, and people would differ on their judgment of the importance of each element. Any attempt at grading the states is bound to be controversial and difficult, but we hope our effort illustrates both the need and the difficulty of such an exercise. The section concludes with a final assessment of the best and worst states, and some new recommendations that build on the work of the Carter-Baker Commission's report.

Findings

Here is a brief summary of what we have found:

- There has been real, though incomplete progress in improving registration lists in the states. Forty-one states now have top-down registration lists, which permit full integration of the lists and easy up-dates, and eight states have bottom-up in which the lists are organized at the local level. However, the majority of the states still allow local jurisdictions to assume responsibility for the final list. States like Kentucky and South Carolina that have had statewide voter registration databases since HAVA score well in our rankings, but there is no uniformity with regard to standards for voter list maintenance and database design. This has limited the number of data exchanges that have occurred, and there is no progress toward an interoperable system. More important, perhaps as many as 8-9 million eligible voters have not been able to vote either because of administrative problems related to registering or at the time of voting.
- Voter identification remains a contentious issue. While nearly half of all states maintain only the federal minimum identification requirement, there has been a steady movement by an increasing number of states toward broadening identification requirements, but these efforts have invariably divided along partisan lines. Some states, like Georgia and Indiana, have embraced strict photo ID requirements, but have ignored the Commission's recommendation for an affirmative role for government in extending the

⁸ Schmickle, Sharon (December 11, 2008). "Lessons from the Minnesota recount: Officials look for silver lining." *The Minnesota Post*. Available at: <http://truevote.us/nucleus/index.php?itemid=986>

⁹ Citizens for Election Integrity Minnesota (2008). *Why MN's Recount Process is a Model for the Country - Statement by CEIMN*. Available at: http://www.ceimn.org/Minnesota_senate_recount_Franken_Coleman_Ritchie_elections

¹⁰ *Ibid.*

registration base and providing free IDs for those who don't have driver's licenses. No state has yet passed legislation that adopts the two sides of the Carter-Baker compromise, assuring ballot integrity and widening access. On provisional voting, there are two chronic problems – lack of uniformity of rules within and between states and diverse rules for counting. In fewer than half of the states are the standards for the use of provisional ballots in both the laws and the codes, and poll-workers are adequately trained to understand their proper application. With regard to the counting, the Carter-Baker Commission recommended that if the voter is eligible but voted in the wrong precinct, the ballot should still be counted in the correct jurisdiction (i.e., for Congress). This standard has been accepted in only eleven states. Eleven other states will only count the vote if the voter is from the same precinct. The others are unclear.

- In voting technology, since 2005, the number of states that use technology that provides a voter-verifiable paper audit trail (VVPAT) increased from 25 to 35, and another 6 states have these machines though they are not required. This is a very positive development, but it is insufficient. With regard to post-election audits or manual recounts, only 24 states require it, and there is a wide variance in the scope of the audits. Given the prolonged dispute on its Senate election, it is ironic that Minnesota scores the highest in our rankings on voting technology, but that is because its use of paper ballots (optical scan technology) and requirements for a post-election audit made it easier to identify errors in the vote count.
- Early voting and vote-by-mail have grown dramatically since 2000, and in 2008, accounted for over one-third of the ballots cast. If one assumes that these forms of convenience voting are positive, states like Washington and Oregon, which are primarily vote-by-mail states, would receive high marks, and states like Alabama which require an excuse for all forms of absentee voting would score poorly. On the other hand, if one places a higher value on the importance of citizens voting in person at their polling station at the end of a campaign rather than in the middle, then the states with the best grades would get the lowest ones. Regarding, military and overseas voters, the problem of a confusing array of deadlines and requirements remains. Six states don't make ballots available to their overseas voters until fewer than 30 days before an election, and only sixteen allow ballots received after Election Day to be counted. Regarding voter education, our review revealed that only fifteen states mail a voter guide and/or sample ballot to all voters, and many rely on websites alone to provide information. There has been substantial, albeit progress regarding felon re-enfranchisement. In 35 states, felons' voting rights are restored upon release from prison (12) or on completion of full sentences (23), and in two other states, they never lose their voting rights. Still, The Sentencing Project estimates that 5 million people, who have been released from prison, still were not eligible to vote in November.
- Finally, on election administration, no state has implemented an election management system that is nonpartisan, independent, and professional at the state level. The state of Wisconsin alone has a nonpartisan system, but it does not have the stature or independence of the election commissions that have been established around the world. Elected officials continue to be responsible for elections in 35 states, and in another 7 states, the Governor or Secretary of State appoints the Chief Election Official. In the remaining seven states, a bipartisan appointed election commission is responsible, but as we have seen with the Federal Election Commission, a bipartisan group represents the two parties rather than the public interest. Elected officials, inevitably, are accused of partisanship when there are close elections in which their party wins. There has

been encouraging steps in a number of states, however, to prohibit officials involved in the conduct of elections from engaging in partisan political activities. Poll workers remain poorly trained because little time or money is invested in the training and the diverse procedures within states require much more time to learn than if there were a single, simple manual. Only three states permit international groups to observe U.S. elections.

Recommendations: The Way Forward

Though there have been numerous bills to promote electoral reform introduced in the House and Senate in recent years, Congress has not passed anything significant in this area since the Help America Vote Act of 2002. There has been considerable activity at the State level, although it is debatable as to whether there has been “progress.” Republican State legislatures have concentrated on passing stringent identification card laws. Governors have implemented the provisions mandated under HAVA, particularly regarding a unified registration list, although even in this area, some of the most populous states still resist a top-down system. Voting machines were modernized, although many of the states learned that electronic machines posed new problems, which some have yet to solve.

Nonetheless, this report demonstrates that the sum of all these changes is not a coherent or modern electoral system. There are signs that Congressmen and Senators are beginning to recognize the need for wholesale or comprehensive reform, and our recommendations below begin from that point of departure.

Election Administration. The first pillar on which a modern electoral system must build is the establishment by statute of an **independent, nonpartisan, professional election commission** in each state. A model statute has been developed by CDEM, Common Cause, and other NGOs (see <http://www1.american.edu/ia/cdem/usp/npl.cfm>), but no state has approved this bill or any variation on it thus far. Most state legislators are apparently content with the status quo since it is the current system that produced their election. The advantage of this new structure is that it would permit a thorough modernization of the electoral system and concentrate authority in each state in a body that could be held fully accountable to the Governor, the legislature, and the people.

The new State Election Commissions would be responsible for the registration lists (meaning that all systems would be top-down), and for ensuring uniform procedures within the state. States should recruit **poll workers** much as the courts recruit juries – by random selection – but service would be mandatory. In Mexico, where this system has been developed, each district asks 10 percent of the registered voters to be trained, and then, only a small percentage of those – usually the most educated – are selected. This procedure has the additional advantage of helping educate a growing segment of the voting population to the electoral process.

At the same time, the **U.S. Election Assistance Commission** (EAC) should also be reconstituted as a nonpartisan institution and provided funds and power so that it can play a more assertive role promoting comprehensive election reform and “best practices.” Congress should empower the EAC to ensure uniformity of procedures among the states so that each citizen in the United States will have an equal chance to vote and have the vote count.

In addition, the EAC needs to assume responsibility for devising and managing an **interoperable registration system** that will allow all the states to exchange data on voters.

This should be coupled with the development of a **national biometric identification card**. Such a card has been proposed for reasons of national security and also to address the weaknesses in the immigration system, but it could also address the identification card issue for voting. The Carter-Baker Commission chose not to recommend a national ID, believing that the “Real ID” would be satisfactory. Instead, the states and now the federal government have recognized that the Real ID is inadequate to the task of being a secure means to identify the population. Many members of the Carter-Baker Commission feared that there might be a proliferation of inadequate ID cards and cost of have so many duplicate cards would exceed a single national ID. Those fears are coming true even while the need in the area of national security, immigration, and privacy has grown. For all these reasons, as well as for elections, we believe the time has arrived to reconsider a national biometric card. The institutionalization of such a system should occur simultaneously with the construction of a **universal registration system** whereby every U.S. citizen would be registered to vote at the age of 18 or upon naturalization, and that card would remain with that person throughout life.

Voting Technology and Audits. While states have been improving voting system security and accuracy, a federal requirement for both a voter-verifiable paper audit trail (VVPAT) and minimum audit standards is needed to assure that all votes by eligible voters in all states count. Rep. Rush Holt has been pressing for such legislation for years. The time has come for Congress to pass his bill. As part of the audit requirement, states should grant access to non-partisan domestic and international election observers to all parts of the election process. It should be embarrassing that Iran and the United States are among the very few countries in the world that do not welcome international election observers.

Felon Re-enfranchisement. There has been substantial progress toward felon re-enfranchisement in 37 states, but that – plus the fact that 5 million people who have served their terms still are unable to vote – are good reasons for the remaining states to restore this basic human right.

Voter Education. All states should undertake voter education programs that would include the mailing of election guides to all voters.

Election Index. Our report seeks to assemble an election index for the states, using as criteria the reforms proposed by the Carter-Baker Commission. The difficulty of “grading” a reform or compiling an index is evident throughout the report. The first challenge is to decide the criteria for judging each step in the electoral process. Using the issue of voter identification, one can readily see the difficulty. If one believes that IDs are critical for an honest electoral system, the more stringent the requirement the better the grade. If one believes that accessibility is more important than integrity, then the least stringent ID system is the best. We rely on the political process to choose between the two criteria or, better still, to try to fashion a compromise that addresses both concerns. A second challenge is to attribute a weight to a particular issue. Is it more, less, or of equal importance for an electoral system to have a voter-verifiable paper audit trail as to have a semi-annual, comprehensive audit of the machines? If they are equally important, then one can value them the same. But, again, who is to judge? These are just two cases that help explain both the value and the difficulty of compiling such an index.

I. VOTER REGISTRATION

One of the most important changes in election administration mandated by the Help America Vote Act (HAVA) of 2002 has been the requirement that states implement a “single, uniform, official, centralized, interactive computerized statewide voter registration list defined, maintained, and administered at the state level.”¹¹ Before HAVA, only thirteen states had centralized voter registries.¹² Most states left the registration lists to local officials with limited means to share information to maintain accurate voter rolls. By 2005, 38 states had implemented or were in the process of implementing top-down voter registration databases, but the difficulty and expense of centralizing and converting voter registration data pushed many beyond HAVA’s January 2006 deadline for implementation. Today, there are 41 states with top-down systems, and 8 with bottom-up. Colorado and Wisconsin only brought their systems online during the 2008 election season, and Arizona, California, Illinois and New York still have bottom-up models and incomplete databases.

In addition to the delays in implementation, HAVA’s requirement for a statewide voter registration database has not been interpreted uniformly. Although the EAC provided voluntary guidance in 2005 suggesting that top-down systems were preferable, its recommendations were non-binding, and several states have ignored the guidance.¹³ In fact, some of the largest states, ones arguably in greatest need of a top-down system that would keep track of a highly mobile population, have opted for bottom-up systems that don’t allow for real-time communications and updates between counties and jurisdictions. California, New York, and Illinois – states that constitute roughly a fifth of the U.S. population – all maintain bottom-up systems, and Texas utilizes a hybrid system in which some counties participate in a “real-time” system, while others are “offline” and do not enter data into the statewide system.

In the majority of the forty-one states that utilize top-down databases, local election officials are responsible for list maintenance, sometimes with limited guidance from the state. In only Alaska, Kentucky, South Carolina and Wisconsin are ongoing list maintenance (removal of voters from the registry) conducted entirely at the state level. In a handful of other states, responsibilities for list maintenance are shared between state and local authorities with state officials cross-checking records against other state databases and notifying counties of needed updates. However, in most cases, local officials are responsible for voter purges which remain controversial because of the lack of transparency and clear standards. In almost every state, the statutes and administrative codes described the practice of maintaining the list in exceedingly complicated and obscure language, which would be very challenging for election officials.

In addition, there is great variance in state voter registration deadlines, and many states rely on third-party organizations to conduct the majority of voter registration outreach. It is not a surprise that many voters are left off the list. A report from “Election Protection” based on over 200,000 calls received from voters on Election Day 2008 notes that over one-third of the complaints received were related to voter registration problems encountered at the polls.¹⁴ In testimony before the Senate Judiciary Committee, Professor Stephen Ansolabehere reported data from the Cooperative Congressional Election Study suggested that approximately 4 million

¹¹ Section 303(a)(1)(A) of HAVA.

¹² Alaska, Arkansas, Delaware, Georgia, Kentucky, Louisiana, Michigan, Montana, Nebraska, New Mexico, North Carolina, Oklahoma, and South Carolina

¹³ U.S. Election Assistance Commission (July 2005). *Voluntary Guidance on the Implementation of Statewide Voter Registration Lists*. Available at: http://www.eac.gov/election/docs/statewide_registration_guidelines_072605.pdf/attachment_download/file

¹⁴ Lawyers’ Committee for Civil Rights Under the Law (March 2009). *Election Protection 2008: Helping Voters Today, Modernizing the System for Tomorrow*. Available at: http://www.lawyerscommittee.org/admin/voting_rights/documents/files/0017.pdf

registered voters did not vote because of administrative problems related to registration and another 4-5 million people reported administrative procedures as a reason for not registering.¹⁵

Another problem with the lack of uniformity in state registration databases is that it makes it more difficult to exchange data between states. As noted in our pre-election analysis, fewer than half of the states have conducted data exchanges to identify potential duplicate registrations. In our review of state laws, only four states explicitly authorize some form of data exchange with other states, though a dozen states and some localities have participated in exchanges.¹⁶ Overall, Kansas has been the most proactive in exchanging voter registration data with other states, having established agreements with eleven states. These limited exchanges have come under criticism, however, because as with intrastate data matching programs, some exchanges have generated “false-positives” that have erroneously removed voters from lists.

Ongoing problems with voter registration highlight the continuing relevance of the Carter-Baker Commission’s recommendations for greater uniformity within states, clearer standards for updating voter rolls, and greater government involvement in the entire registration process. Since the November 2008 election, many election reform and voting rights organizations have proposed a program of universal registration, but to achieve this goal, quality databases and an interoperable system among states are needed. State governments will need a comprehensive strategy to bring all eligible voters into the system. The National Academy of Sciences is expected to issue a report on voter registration databases at the end of this year, and that could be quite helpful in identifying ways to implement such a system.

Voter Registration Recommendations Revisited

- 2.1.1** The Commission recommends that states be required to establish unified, top-down voter registration systems, whereby the state election office has clear authority to register voters and maintain the registration list. Counties and municipalities should assist the state with voter registration, rather than have the state assist the localities. Moreover, Congress should appropriate funds for disbursement by the U.S. Election Assistance Commission (EAC) to states to complete top-down voter registration systems.
- 2.2.1** In order to assure that lists take account of citizens moving from one state to another, voter databases should be made interoperable between states.
- 2.2.4** Congress should amend HAVA to mandate the interoperability of statewide registration lists. Federal funds should be appropriated for distribution by the EAC to states that make their voter databases interoperable and the EAC should withhold federal funds from states that fail to do so. The law should also provide for enforcement of this requirement.

¹⁵ Ansolabehere. *op cit*.

¹⁶ Sean Greene (December 13, 2007). “Midwest Voter Registration Data-Sharing Project Moves Forward: Advocates Voice Concern.” *electionline Weekly*. Available at: <http://www.mapj.org/?q=node/118>

TABLE I: VOTER REGISTRATION – REVIEWING THE STATES¹⁷

States should establish unified top-down voter registration systems	Voter registration databases should be interoperable between states	Responsibility for voter registration list maintenance
Top-down: 41 states – AL, AK, AR, CO, CT, DE, FL, GA, HI, ID, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NC, OK, OR, PA, RI, SC, UT, VT, VA, WV, WI, WY	Fully interoperable: 0 states	State responsibility: 4 states – AK, KY, SC, WI
Bottom-up: 8 states – AZ, CA, IL, OH, NY, SD, TN, WA	Limited data exchanges: 12 states – AZ, AR, CO, IA, KS, LA, MN, MO, NE, SC, SD, TN	Shared state and local responsibility: 16 states – CA, CO, DE, FL, GA, IA, KS, LA, MA, MN, MO, RI, VT, VA, WA, WV
Hybrid: 1 states – TX	Statutory provisions related to data exchange: 5 states – IN, LA, TN, VA, WA	Local responsibility: 29 states – AL, AZ, AR, CT, HI, ID, IL, IN, ME, MD, MI, MT, MS, NE, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, SD, TN, TX, UT, WY

Creating a ranking system for state’s voting registration databases in relation to the Carter-Baker Commission’s recommendations is complicated by the range of variables involved, but if each is given equal weight, a simplified five point scale might yield the following:

- 5 – Top-down, fully interoperable voter registration database with list maintenance conducted at the state level
- 4 – Top-down database with limited data exchanges and list maintenance conducted at the state level or jointly by state and local election officials
- 3 – Top-down database, no data exchanges, list maintenance conducted jointly
- 2 – Bottom-up database, with limited data exchanges, list maintenance conducted jointly
- 1 – Bottom-up database, no data exchanges, list maintenance conducted at the local level

Under such a ranking system, no state would earn a “5” since no statewide database is fully interoperable with all other states, but Kentucky and South Carolina would rank high because they employ top-down databases, conduct list maintenance at the state level and have made some effort to conduct data exchanges. Both of these states also had centralized, statewide voter registration lists prior to the passage of HAVA. In the middle of the spectrum are the majority of states, which have centralized databases, but conduct list maintenance jointly and have not been involved in any data exchanges. Of these, Virginia, Delaware, and Georgia all had their databases in place prior to HAVA. At the bottom of the scale are Illinois, New York, and Ohio, which utilize bottom-up databases maintained at the local level and have not shared data with other states.

GRADING THE STATES: VOTER REGISTRATION

Best	Average	Worst
4.5: Kentucky, South Carolina	3 – Virginia, Delaware, Georgia	1 – New York, Illinois, Ohio

¹⁷ North Dakota does not require voter registration, but has established a central list of voters based on voter participation

II. VOTER IDENTIFICATION AND PROVISIONAL VOTING

The proposal by the Carter-Baker Commission on Federal Election Reform on the contentious issue of voter identification has failed to bridge the partisan divide. Both Republicans and Democrats have continued to cite the proposal, but only to justify their one-sided approach. Republicans have insisted on stringent ID requirements and have shown no interest in promoting universal voter registration and free IDs for those who do not have driver's licenses. Democrats have opposed all ID systems. No state has embraced the Carter-Baker compromise. We recognize that the foundation for the Commission's proposal was the anticipated implementation of the REAL ID Act, but most of the states delayed implementing the legislation, and in June 2009, the Obama Administration acknowledged the problem and proposed a modification of the proposal that would leave the security of the card uncertain. This will likely add to the confusion by encouraging more and different kinds of IDs, which could lead to more discrimination. The Commission originally approached the issue, fearful that we would see the proliferation of ID requirements by the States, and that fear has become true.

In the 2009 legislative session, new voter ID legislation was introduced in Colorado, Oklahoma, Kansas, Texas, Tennessee, Alabama, South Carolina, Rhode Island, North Carolina, Missouri, Massachusetts, Mississippi and Michigan. Utah passed a law changing the ID requirement.¹⁸ In Texas, an attempt was made in the state senate to draft legislation that would have come closest to the Commission's proposal by including new funding for voter outreach with a new voter ID requirement, but this effort at compromise was stymied by Republican opposition to the funding, and Democratic opposition to the IDs.

As of July 2009, 24 states use the HAVA minimum voter identification requirement, which mandates that first-time voters who register by mail and fail to provide adequate identification on their registration form provide identification (either photo or non-photo ID) before voting. Among these states, however, several allow Election Day registration or late registration during the early voting period for which additional identification requirements apply. Pennsylvania requires all first-time voters within a jurisdiction to present identification (either photo or non-photo ID) before voting. Eighteen states require all voters to present ID before voting and accept both photo and non-photo forms of identification, though Arizona and Utah require two forms of non-photo ID. Five states (Florida, Hawaii, Louisiana, Michigan, and South Dakota) require all voters to present some form of photo ID, though the types of acceptable ID and consequences for not having the appropriate ID vary. Finally, two states, Georgia and Indiana, require all voters to present government-issued photo identification and those without identification must vote provisionally. In addition to the variation in ID requirements, states differ in how they handle those without the required ID. Some states allow voters without ID to sign an affidavit and vote on a regular ballot, while others require them to vote provisionally and provide ID within a certain timeframe in order for their provisional ballots to be counted.

Thus, while HAVA sought to provide a new standard for identification, the divergence among state ID laws and uneven application of the requirements point to the need for a renewed national discussion about how to ensure that the needs of both access and security in elections are met. The Carter-Baker Commission sought to catalyze this discussion by linking identification and registration, but too many of those involved in election reform debates remain focused on only one side of the equation. With several proposals for universal voter registration, there is a new chance to bridge the voter ID divide by linking a new federal identification

¹⁸ All voters are now required to present either a single form of ID with the voter's name and photograph or two forms of non-photo ID showing the voter's name and current address.

standard with a requirement for a strengthened government role in registering all eligible voters and providing free photo IDs for those who do not have them. Interest in this idea was expressed during the Senate Rules Committee hearing in March 2009 on voter registration.

Voter Identification Recommendations Revisited

- 2.5.1** To ensure that persons presenting themselves at the polling place are the ones on the registration list, the Commission recommends that states require voters to use the REAL ID card, which was mandated in a law signed by the President in May 2005. The card includes a person's full legal name, date of birth, a signature (captured as a digital image), a photograph, and the person's Social Security number. This card should be modestly adapted for voting purposes to indicate on the front or back whether the individual is a U.S. citizen. States should provide an EAC-template ID with a photo to non-drivers free of charge.
- 4.1.1** States should undertake their best efforts to make voter registration and ID accessible and available to all eligible citizens, including Americans with disabilities. States should also remove all unfair impediments to voter registration by citizens who are eligible to vote.

Provisional Voting

At the intersection of voter registration and identification debates is provisional voting. By the 2004 election, HAVA required that all states provide voters whose names do not appear on the voter registration list, who are challenged at the polls, or who fail to provide proper identification the opportunity to cast a "provisional" ballot, which will be counted according to rules established by the state. In the 2004 election, there was no uniform procedure either within or between states on provisional voting. Many voters were not provided provisional ballots, and some state officials would only count provisional ballots that were cast in the correct precinct. Overall, in 2004, over 1.9 million provisional ballots (1.25% of all ballots cast) were cast and roughly 65% (1.23 million) of those were counted, according to data collected for the EAC, though there were significant variations from state to state.¹⁹ In 2006, fewer provisional ballots were cast (794,000 or 1% of total ballots) and more (79.5%) were counted, but states continued to handle the issue differently.²⁰

The total numbers of provisional ballots during the November 2008 election are not yet available from many states, so it is difficult to draw conclusions about the role provisional voting played. However, given ongoing problems with voter registration databases, uneven application of ID standards, and inadequate state guidance on provisional voting, many eligible voters may not be getting the "fail-safe" option that HAVA sought to provide. Moreover, a majority of states only count provisional ballots that are cast in the correct precinct, resulting in many potentially legitimate votes being lost. Additional guidance and flexibility in provisional voting and more explicit training requirements are needed.

¹⁹ Election Data Services, Inc. (September 2007). *2004 Election Day Survey Report*. p.6-5. Available at: http://www.eac.gov/program-areas/research-resources-and-reports/copy_of_docs/eds2004/eds-2004-part-2-chapter-6/attachment_download/file

²⁰ U.S. Election Assistance Commission EAC (December 2007). *2006 Election Administration and Voting Survey*, p. 20. Available at: <http://www.eac.gov/files/Eds2006/eds2006/edsr-final-adopted-version.pdf>

Provisional Voting Recommendations Revisited

- 2.3.2** States, not counties or municipalities, should establish uniform procedures for the verification and counting of provisional ballots, and that procedure should be applied uniformly throughout the State. Many members of the Commission recommend that a provisional ballot cast in the incorrect precinct but in the correct jurisdiction should be counted.
- 2.3.3** Poll workers should be fully trained on the use of provisional ballots, and provisional ballots should be distinctly marked and segregated so they are not counted until the eligibility of the voter is determined.

**TABLE II:
VOTER IDENTIFICATION AND PROVISIONAL VOTING: REVIEWING THE STATES**

States should require voters to use the REAL ID Card for voting and provide photo ID to non-drivers for free. ²¹	States should establish uniform standards for the verification and counting of provisional ballots	Counting of provisional ballots
All Voters (government-issued photo ID): 2 states - GA, IN	Standards in law and/or code and included in statewide manual/training: 23 states - AZ, AR, CT, FL, IN, IA, KS, KY, MD, MA, MS, MT, NV, NJ, NY, OR, PA, RI, SC, SD, TX, VT, WV	Votes for all offices for which the voter is eligible are counted: 4 states - AK, GA, OR, WA
All Voters (photo ID): 5 states - FL, HI, LA, MI, SD	Standards in law and code: 11 states - AL, DE, GA, MI, MO, NM, NC, OH, OK, VA, WA	Votes are counted if the ballot is cast in the correct jurisdiction: 11 states - CA, CO, KS, LA, NJ, NM, NC, PA, RI, VT, WV
All Voters (photo and non-photo ID accepted): 17 states - AL, AR, AK, AZ, CO, CT, DE, KY, MO, MT, NM, ND, OH, SC, TX, UT, VA, WA	Standards in law: 8 states - AK, CA, CO, IL, LA, NE, TN, UT	Counted if cast in correct precinct: 27 states - AL, AZ, AR, CT, DE, FL, HI, IL, IN, IA, KY, MD, MA, MI, MO, MT, NE, NV, NY, OH, OK, SC, SD, TN, TX, UT, VA
All First-Time Voters: 1 state - PA	Standards set by state election authority: 1 states - HI	Not specified in law or code: 1 – MS
HAVA Minimum ²² : 24 states – CA, ID, IL, IA, KS, ME, MD, MA, MN, MS, NE, NV, NH, NJ, NY, NC, OK, OR, RI, TN, VT, WV, WI, WY	Exempt ²³ : 7 states - ID, ME, MN, NH, ND, WI, WY	Not applicable: 7 states - ID, ME, MN, NH, ND, WI, WY

The problem in developing a “democracy index” or a grading system is evident in the case of voter identification. Beginning at the most basic level, there is a sharp division as to whether a stringent ID system deserves a good or bad grade. Secondly, if a stringent ID system is merged with a government-driven voter registration program that includes free photo IDs, does that

²¹ No state has met this recommendation as the implementation of REAL ID has been delayed and none of the states that have adopted mandatory photo ID requirements have followed the recommendation for transitioning to the new ID system. Thus, the data refers only to current identification requirements in each state.

²² Idaho, Illinois, Maine, Minnesota, New Hampshire, North Carolina, Wisconsin and Wyoming have additional requirements for voters who want to register and vote on Election Day or during the early voting period.

²³ States that allow Election Day registration and North Dakota, which does not require voter registration, are exempt from HAVA’s provisional voting requirements.

merit a higher grade? While states like Georgia and Indiana have embraced the stricter ID standard and make free IDs available, neither provided a transitional implementation period and have not taken an affirmative role in providing IDs and registering voters. Is the system better in states like South Dakota and Michigan, which require photo identification, but allow voters to sign an affidavit and receive a regular ballot? Michigan, moreover, has a mobile unit that provides driver's license and voter registration. This is the most any state has done in taking an affirmative role in voter registration. Occupying the middle ground are the states that require identification from all voters, but accept both photo and non-photo identification. However, none of these have embraced an affirmative roll in registration. . Nearly half of the states employ the federal minimum requirement and are thus HAVA-compliant, but each year, states view this as insufficient. The problem that remains is finding a uniform identification and registration solution that satisfies the needs of both access and integrity, and a second problem – related to the grading system - concerns how one can evaluate the states when the criteria are in dispute.

The criteria for assessing provisional voting is whether the guidelines are clear and whether the vote will count for all the offices for which the voter is eligible. Oregon ranks high because its guidelines are in state law and a guide provided by the Secretary of State and because it counts votes for all offices for which the voter was eligible. Close behind are Kansas, New Jersey, Pennsylvania, Rhode Island, Vermont and West Virginia who provide legal guidelines, but require the provisional ballot to be cast in the correct jurisdiction to be counted. In the middle, are states such as Arizona, Connecticut, and South Carolina, which have detailed guidelines in law and code, but only count provisional ballots that are cast in the correct precinct. At the bottom are Hawaii and Mississippi in which procedures for provisional balloting are unclear.

Ranking Scale

- 5 - Provisional voting standards in law and/or code and included in statewide manual/training; all votes for offices for which the voter is eligible will be counted
- 4 - Provisional voting standards outlined in state law and code; all votes for offices for which the voter is eligible will be counted
- 3 - Provisional voting standards outlined in state law and/or code; all votes for offices for which the voter is eligible will be counted if cast in the correct jurisdiction
- 2 - Provisional voting standards outlined in state law; provisional ballots counted only if cast in the correct precinct;
- 1 - Provisional voting and counting standards unclear;

GRADING THE STATES: PROVISIONAL VOTING

Best	Average	Worst
5 - Oregon	3 - Arizona, Connecticut, and South Carolina	1.5: Mississippi and Hawaii

III. VOTING TECHNOLOGY AND AUDITS

Despite improvements in voting technology, many concerns remain about the reliability of the various electronic voting systems. A strong advocacy community has emerged to monitor and critique the performance of voting machines and to push for stronger testing standards and a voter-verifiable paper audit trail (VVPAT) and post-election audits to assess the accuracy of the new technology. Public pressure and strong leadership from state election officials led several states, notably California, Ohio, Florida and Colorado to conduct reviews of their voting systems, and these have resulted in the decertification and required replacement of machines. Elements of these rigorous testing protocols could serve as models. However, federal leadership has been lacking as the U.S. Election Assistance Commission has been slow in developing an update of its Voluntary Voting System Standards, and it has not assumed responsibility for the voting system certification program that was formerly managed by the National Association of State Election Directors. In addition, efforts to pass legislation at the federal level requiring a VVPAT and setting minimum standards for post-election audits continue to be stymied, though Representative Rush Holt (D-NJ) has re-introduced his voting bill for the 111th Congress.

As of 2009, thirty-five states require and use VVPAT while another six use it on some of their machines although it is not required. In contrast, only nine states do not use it at all. This, however, is a significant improvement from 2005, when only 25 states required voter-verifiable paper ballots.²⁴ Maryland, Tennessee, New York and New Jersey have all passed legislation requiring that all equipment produce a VVPAT by the 2010 election or sooner, but state financial crises and questions over voting system certification standards may prevent implementation of new equipment. Moreover, not all of the states that mandate a VVPAT require a post-election audit that would help build confidence in the accuracy of vote counts. Currently, only 24 states require some form of post-election audit or manual recount, though there is a wide variance in the scope of the audits. In Florida, an audit requirement has been implemented, but it only occurs after the certification of an election and is thus unhelpful in ensuring the accuracy of the results. Most of the audits currently mandated are focused narrowly on statistical recounts of votes rather than a full review of the entire election process.

Even the best designed electoral systems need periodic evaluation to improve performance. Understanding whether the election structures and administrators contribute to the transparency and fairness of the process is critical to building a stronger system. Yet, only Missouri, Nevada and Wisconsin specifically authorize any form of non-partisan election observation, which could provide valuable feedback on improving election practices. Additionally, only Washington has a requirement for a comprehensive review of county election administration (once every five years). Ohio and Colorado have both recently conducted thorough reviews.²⁵

Thus, while states have been moving in a positive direction in improving voting system security and accuracy, a federal requirement for both a VVPAT and minimum audit standards is needed so that we can have a better understanding of the problems within our election system and the best ways to address them. As part of the audit requirement, states should grant access to non-partisan domestic and international election observers to all parts of the election process.

²⁴ Center for Democracy and Election Management (June 2007). *Progress Report - Carter-Baker Commission on Federal Election Reform: Status of the Recommendations*, p. 15. http://www1.american.edu/ia/cdem/usp/np/cbc_progress_2007_06_12.pdf

²⁵ *Election Enhancements for Ohio: A Report to the Governor and the Assembly*. Available at: <http://www.sos.state.oh.us/sos/upload/news/20090422postconferencereport.pdf> ; For information on the Colorado Election Reform Commission see: http://www.state.co.us/gov_dir/leg_dir/lcsstaff/2008/comsched/08Electionsched.html

Voting Technology Recommendations Revisited

3.1.1	Congress should pass a law requiring that all voting machines be equipped with a voter-verifiable paper audit trail and, consistent with HAVA, be fully accessible to voters with disabilities. This is especially important for direct recording electronic (DRE) machines ... Federal funds should be appropriated to the EAC to transfer to the states to implement this law. While paper trails and ballots currently provide the only means to meet the Commission's recommended standards for transparency, new technologies may do so more effectively in the future. The Commission therefore urges research and development of new technologies to enhance transparency, security, and auditability of voting systems.
3.2.1	State and local election authorities should publicly test all types of voting machines before, during, and after Election Day and allow public observation of zero machine counts at the start of Election Day and the machine certification process.
3.3.1	Independent Testing Authorities, under EAC supervision, should have responsibility for certifying the security of the source codes to protect against accidental or deliberate manipulation of vote results. In addition, a copy of the source codes should be put in escrow for future review by qualified experts. Manufacturers who are unwilling to submit their source codes for EAC-supervised testing and for review by independent experts should be prohibited from selling their voting machines.

TABLE III: VOTING TECHNOLOGY AND AUDITS: REVIEWING THE STATES

Machines should have a voter verifiable paper audit trail (VVPAT) and be accessible to voters with disabilities	Independent Testing Authorities (ITA) should be responsible for certifying the security of voting systems	State and local election officials should publicly audit all voting machines before, during and after Election Day.
VVPAT: 35 states - AL, AK, AR, AZ, CA, CO, CT, FL, HI, ID, IL, IA, ME, MD ²⁶ , MI, MN, MS ²⁷ , MO, MT, NV, NH, NM, NY ²⁸ , NC, OH, OR, RI, TN ²⁹ , UT, VT, VA ³⁰ , WA, WV, WI	ITA Certification: 31 states - AL, AZ, CO, DE, GA, ID, IL, IN, IA, KS, LA, MD, MA, MI, MN, MO, NM, NC, ND, OH, PA, RI, SC, SD, TN, TX, UT, VA, WA, WV, WI	Pre-election testing and post-election audit required: 24 states - AK, AZ, CA ³¹ , CO, FL ³² , HI, IL, KY, MN, MO, MT, NV, NJ ³³ , NM, NY, NC, ND ³⁴ , OR, PA, TN ³⁵ , TX, WA, WV, WI
No requirement, but machines with VVPAT in use: 6 states - MA, NE, ND, OK, SD, WY	State Certification according to federal standards: 8 states - AR, CA, CT, KY, MS, NV, NY, OR	Pre-election testing required, but no audit requirement: 25 states - AL, AR, CT, GA, ID, IN, IA, KS, LA, ME, MD, MA, MI, MS, NE, NH, OH ³⁶ , OK, RI, SC, SD, UT, VA ³⁷ , VT, WY
No VVPAT: 9 states – DE, GA, IN, KS, KY, LA, NJ ³⁸ , PA, SC, TX,	Certification by state standards: 11 states - AK, FL, HI, ME, MT, NE, NH, NJ, OK, VT, WY	Testing requirements not specified: 1 states - DE

²⁶ Required by the 2010 election

²⁷ All new equipment purchased after 2005 must provide a VVPAT, but old equipment without VVPAT may still be used.

²⁸ Required by law, but compliant voting systems have not yet been purchased.

²⁹ Precinct-based optical scan systems required by the 2010 election

³⁰ All NEW equipment purchased after July 1, 2007 must provide a VVPAT, but old equipment without VVPAT may still be used.

³¹ Pre-election testing requirements are not specified, but a post-election audit is required.

³² Audit is conducted only after certification of results.

³³ Audit is contingent upon implementation of VVPAT requirement.

³⁴ A post-election logic and accuracy test is required.

³⁵ Audit requirement goes into effect in 2010.

³⁶ Post-election audit pilot was conducted in 2008.

³⁷ Pilot post-election audits are authorized.

³⁸ State law requiring VVPAT was suspended due to insufficient funds.

The challenge with ranking states on voting technology lies in the wide variation in auditing requirements. In general, Minnesota, Washington, Missouri and Wisconsin rank at the top because they have the most comprehensive auditing requirements and meet other voting technology standards. Wisconsin and Missouri are among the few states to allow nonpartisan election observers; Washington requires regular reviews of election administration; and, the thoroughness of Minnesota’s post-election review process has identified needed improvements in absentee voting and ballot counting procedures. In the middle are states like Utah and Connecticut, which require that voting machines meet federal standards, produce a VVPAT, and undergo pre-election testing, but do not require a post-election audit. At the bottom is Delaware, which utilizes paperless DRE voting systems, does not specify pre-election testing requirements, and does not require a post-election audit.

Ranking Scale

- 5 – VVPAT required, ITA certification, pre-election testing and comprehensive post-election audit
- 4 – VVPAT required, certification according to federal standards, pre-election testing and limited audit
- 3 – VVPAT required or in use, ITA certification, pre-election testing, no audit requirement
- 2 – VVPAT required or in use, state certification, limited pre-election testing, no audit requirement
- 1 – No VVPAT, state certification, pre-election testing procedures not specified, no audit requirement

GRADING THE STATES: VOTING TECHNOLOGY

Best	Average	Worst
5 – Minnesota	3 – Connecticut and Utah	1.5 - Delaware

IV. VOTER ACCESS AND EDUCATION

Early Voting and Vote by Mail

One of the major developments of the 2008 election was the surge in early voting. A majority of states now offer some form of no-excuse absentee or early voting and some states began allowing voting as much as a month before Election Day. Throughout the country, nearly one-third of all votes cast were cast before Election Day. Thirty-five states allow some form of no-excuse absentee or early voting. In addition, 16 states allow all-mail voting in certain circumstances, and Oregon and most of Washington State conduct elections entirely by mail. Other states (Colorado and California, in particular) may be moving in that direction, despite ongoing concerns about the security of mail voting.

Early voting is also part of a trend away from traditional polling places and toward larger, centralized voting locations. States that allow early voting and in-person absentee voting generally limit these options to a handful of locations within counties at which a voter from anywhere in the county can vote. Fewer states have embraced this concept for Election Day voting. Only 13 states offer any form of centralized voting or “vote centers” on Election Day, and some of these limit the use of these central locations to voters with disabilities. Colorado and Utah are the only two states that authorize the use of vote centers or combined precincts for all elections. Such convenience voting is popular among voters, but has added to the complexity of resource allocation and vote counting and has created significantly different electoral environments among the states.

The Commission was ambivalent about early voting, believing the convenience was positive but at a significant cost in terms of the civic responsibility of voting on the same day and the need to allow the entire campaign cycle to be completed before deciding. However, for the purposes of evaluating states in this report, we assume that the added convenience of these voting methods is a positive development.

Early Voting, Vote-by-mail and Vote Centers Recommendations Revisited

- 4.2.1 The Commission encourages further research on the pros and cons of vote by mail and of early voting.
- 4.3.1 States should modify current election law to allow experimentation with voting centers. More research, however, is needed to assess whether voting centers expand voter participation and are cost effective.
- 4.3.2 Voting centers need a higher quality, computer-based registration list to assure that citizens can vote at any center without being able to vote more than once.

TABLE IV-A: EARLY VOTING, VOTE BY MAIL AND VOTE CENTERS: REVIEWING THE STATES

Early Voting and Vote-by-mail	Vote Centers
All-mail voting for all elections: 2 states - OR, WA ³⁹	Vote centers authorized for all elections: 4 states - CO, MO ⁴⁰ , NV ⁴¹ , UT
Limited all-mail voting allowed: 14 - AK, AZ, CA, CO, FL, HI, ID, MO, NE, NV, NJ, NM, ND, WV ⁴²	Vote centers/centralized voting allowed for certain elections or under certain conditions: 5 states - IA, IL, KS, OR, WA
No-excuse absentee voting by mail and in person allowed: 28 states - AK, AZ, AR, CA, CO, FL, GA, HI, ID, IL, IA, KS, ME, MD, MT, NE, NV, NJ, NM, NC, ND, OH, OK, SD, UT, VT, WI, WY	Vote center pilots authorized: 3 states - IN, TN, TX
No-excuse early voting (in-person) allowed: 6 states - IN, KY, LA, TN, TX, WV	
Excuse required for all forms of early voting: 13 states - AL, DE, MA, MI, MN, MS, MO, NH, NY, PA, RI, SC, VA	

Assuming again that increasing the convenience of voting is positive, vote-by-mail states like Oregon and Washington would likely rank near the top as they offer voters his expertise – allowing them to mail ballots back, providing drop box locations for ballots, and retaining centralized voting locations for those who wish to vote in person. Colorado would follow closely behind because it allows no excuse absentee/early voting, allows voters to be placed on a permanent absentee voting list, allows counties to utilize vote centers and authorizes vote-by-mail for some local elections. It has, however, had some problems with implementing its vote centers as the electronic poll books needed to prevent multiple voting crashed in the Denver area during the 2006 election. There are some reports that these problems were resolved recently. In the middle are states like Texas and Tennessee who offer no excuse, in-person early voting and have done or are planning pilot projects with vote centers. At the bottom are the cluster of states that require an excuse for any form of early or absentee voting, with the worst being Alabama, Mississippi and South Carolina, which requires that absentee ballot return envelopes be notarized or witnessed.

Ranking Scale

- 5 – Greatest number of early voting and vote-by-mail options
- 4 – No excuse absentee voting (in person and by mail), experimentation with vote by mail and/or vote centers
- 3 – No excuse, in-person early voting and vote center pilots
- 2 – Excuse required for any form of absentee/early voting
- 1 – Excuse required for any form of absentee/early voting and absentee ballots must be notarized/witnessed

GRADING THE STATES: EARLY VOTING, VOTE BY MAIL and VOTE CENTERS

Best	Average	Worst
5 – Oregon and Washington	3 – Tennessee and Texas	1 – Alabama, Mississippi, and South Carolina

³⁹ All counties except for one conduct elections entirely by mail.
⁴⁰ Centralized voting stations are available for elderly and disabled voters.
⁴¹ Centralized voting stations are available for elderly and disabled voters.
⁴² A vote-by mail pilot project is authorized for municipal elections.

Military and Overseas Voting

Despite innovations to make voting more convenient, military and overseas voters still face significant barriers to voting because of differing state standards and insufficient time to request, receive and return a ballot. A recent report from the Pew Center on the States, *No Time to Vote: Challenges Facing Overseas Military Voters*, found that half of the states had deadlines and requirements that failed to provide Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters with adequate time to vote and return their ballots.⁴³ Our own survey revealed that fewer than half of the states make regular ballots available at least 45 days before an election, though many states do make special write-in absentee ballots available this early. In addition, only 11 states allow ballots received up to 10 days after an election to be counted—as recommended by the Carter-Baker Commission. On the positive side, nearly all states allow for some form of electronic transmission of ballot requests and a majority allows UOCAVA voters to receive ballots by fax or e-mail. However, many also allow ballots to be returned by fax/e-mail, which raises serious concerns about voter privacy and ballot security.

Barriers facing uniformed and overseas voters have received significant attention from both Congress and state legislatures since the election and substantial private funding is being made to facilitate voting by these citizens. Legislation recently passed by the U.S. House Committee on Administration would assist with the ballot return process for military voters, and over 80 bills have been introduced at the state level to improve UOCAVA voting. Many of these bills focus on internet voting as a solution, but many have raised concerns about the security of such transmissions, and we share those concerns.

Military and Overseas Voting Recommendations Revisited

- 4.4.4 The states, in coordination with the U.S. Department of Defense's Federal Voting Assistance Program, should develop a system to expedite the delivery of ballots to military and overseas civilian voters by fax, email, or overnight delivery service, but voted ballots should be returned by regular mail, and by overnight mail whenever possible. The Defense Department should give higher priority to using military aircraft returning from bases overseas to carry ballots. Voted ballots should not be returned by email or by fax as this violates the secrecy of the ballot and is vulnerable to fraud.
- 4.4.5 All ballots subject to the Uniform and Overseas Civilians Absentee Voting Act must be mailed out at least 45 days before the election (if request is received by then) or within two days of receipt after that. If the ballot is not yet set, due to litigation, a late vacancy, etc., a temporary ballot listing all settled offices and ballot issues must be mailed.
- 4.4.6 States should count the ballots of military and overseas voters up to 10 days after an election if the ballots are postmarked by Election Day.

⁴³ Pew Center on the States (January 2009). *No Time to Vote: Challenges Facing Overseas Military Voters*. Available at: http://www.pewcenteronthestates.org/uploadedFiles/NTTV_Report_Web.pdf

**TABLE IV-B:
MILITARY AND OVERSEAS VOTING: REVIEWING THE STATES**

A system to expedite the delivery of ballots to UOCAVA voters should be developed, but all ballots should be returned by mail	All ballots subject to UOCAVA must be mailed at least 45 days before the election or within 2 days of receiving and absentee ballot application	States should count the ballots of overseas and military voters up to 10 days after the election if they are post-marked by Election Day
Ballots may be transmitted to and returned by voters electronically: 24 states - AZ, CA, CO, FL, HI ⁴⁴ , ID ⁴⁵ , IN, IA, KS, LA, ME ⁴⁶ , MS, MT, NV, NJ, NM, NC, ND, OK, RI, SC, UT ⁴⁷ , WA, WV	Regular ballots sent at least 45 days before an election and special write-in ballots are available: 11 states - CT, FL, GA, IN, KS, ME, NM, OR, PA, SC, TX	Ballots counted up if received up to 10 days (or more) after an election: 11 states - AK, AR, IL, IN, MD, MA ⁴⁸ , NY, OH, UT, WA, WI
Ballots may be transmitted to voters electronically, but must be returned by mail/courier: 13 states - AK, DE, KY, MD, MN, NE, OH, OR, PA, TN, VT, VA, WI	Regular ballots sent at least 45 days before an election: 7 states - IL, KY, MI, MS ⁴⁹ , MT, NC, VA	Ballots counted if received within fewer than 10 days after an election: 6 states - GA, IA, ND, PA, TX, WV
Ballot requests may be faxed, but ballots materials are mailed: 10 states - AR, CT, GA, IL, MA, MI, MO, NH, SD, TX ⁵⁰	Regular ballots sent at least 30 days before an election and special write-in ballots are available: 15 states - AK, AZ, CO, DE, ID, IA, MO, NE, NH, OK, TN, UT, WA, WV, WI	Ballots counted if received by the close of the polls on Election Day: 29 states - AZ, CA, CO, CT, FL ⁵¹ , HI, ID, KS, KY, LA, ME, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, OK, OR, RI, SC, TN, VT, VA, WY
All ballot materials must be transmitted to and returned by voters via mail/courier: 3 states - AL, NY, WY	Regular ballots sent at least 30 days before an election: 11 states - AL, HI, MN, NY, NV, NJ, ND, OH, SD ⁵² , VT, WY	Ballots counted if received by a deadline before the close of polls Election Day: 4 states - AL, DE ⁵³ , NC, SD
	Regular ballots sent less than 30 days before an election: 6 states - AR, CA, LA, MD, MA, RI	

While a state like Indiana meets all of the other recommendations of the Carter-Baker Commission on overseas voting, it is not ranked at the top because it allows ballots to be returned electronically, which violates the secrecy of the ballot. Wisconsin comes closest to the Commission's recommendations as it allows ballots to be sent electronically to voters (but requires that they be returned by mail) and will count ballots received up to ten days after an election if they are postmarked by Election Day. However, Wisconsin does not make regular ballots available until 30 days prior to an election, though it does provide special write-in ballots up to 90 days beforehand. In the middle are states like Tennessee and Kentucky that allow ballots to be sent to voters electronically and make some form of ballot available at least 45 days before an election, but require ballots to be returned by the close of polls on Election Day to be counted. At the bottom, is Alabama, which requires even ballot requests to be made by

⁴⁴ Faxing of ballots is only allowed within 5 days of an election.

⁴⁵ Ballots may be returned by fax only in emergency circumstances.

⁴⁶ Ballots may be faxed and returned by fax only in limited circumstances.

⁴⁷ Ballots may be returned by fax only in certain circumstances

⁴⁸ For federal elections only

⁴⁹ Ballot requests must be honored within 24 hours if possible

⁵⁰ A pilot program in 2008 allowed armed services voters to receive ballots by e-mail. Armed services members may also return ballots by fax.

⁵¹ Votes for federal offices will be counted if the ballot is received within 10 days of an election.

⁵² Ballot requests must be honored within 48 hours

⁵³ Ballots returned after the deadline may be counted for federal offices only.

mail, doesn't make ballots available 45 days before an election and requires that ballots be returned before the close of polls on Election Day to be counted.

Ranking Scale⁵⁴

- 5** – Electronic transmission of ballots to voters, regular ballots available at least 45 days before an election, ballots may be returned up to 10 days or more after an election
- 4** – Electronic transmission of ballots to voters, regular or write-in ballots available at least 45 days prior to an election, ballots may be returned after an election (but less than 10 days after Election Day)
- 3** – Electronic transmission of ballots to voters, regular ballots available at least 30 days prior to an election, ballots must be returned by the close of polls
- 2** – Ballots requests may be submitted electronically, regular ballots available at least 30 days prior to an election, ballots must be returned by the close of polls
- 1** – No electronic transmissions allowed, regular ballots sent less than 30 days before an election, ballots must be returned prior to Election Day.

GRADING THE STATES: MILITARY AND OVERSEAS VOTING

Best	Average	Worst
4.5 – Wisconsin	3 – Tennessee and Kentucky	1 – Alabama

Voter Education

Voter and civic education have received much less attention in the overall election reform debate. It is also the most difficult area to track by looking through state laws and regulations because few states have mandates to provide voter education. Only a handful of states explicitly require sample ballots or voter guides to be mailed to voters prior to an election, and most states rely heavily on political parties and non-profit organizations to conduct voter registration drives and voter education. Even fewer states explicitly require outreach to high school and college students to encourage young voter participation. In addition, while most states have made significant effort to make more information available online, a pre-election report from the Pew Center on the States notes that being online isn't enough given the sometimes poor design of voter information websites and the continuing digital divide in the country, which leaves online information inaccessible to many voters.⁵⁵

This is not to say that states aren't engaging in voter outreach. The report on election preparations released by the National Association of Secretaries of State notes that all states it surveyed provide some form of information to voters via mail and many have established partnerships with businesses, non-profit organizations, and schools to encourage voter registration and participation.⁵⁶ However, these activities vary widely in their scope and effectiveness. Greater federal investment in research and grants to improve voter and civic education is needed, along with legislation at the state level to strengthen minimum standards for voter and civic education.

⁵⁴ Deductions made for states that allow ballots to be returned electronically.

⁵⁵ Pew Center on the States (October 2008). *Being Online is Not Enough: State Election Websites*. Available at: http://www.pewcenteronthestates.org/uploadedFiles/VIP_FINAL_101408_WEB.pdf

⁵⁶ National Association of Secretaries of State (September 2008). *Engaging the Energized Electorate: NASS Survey on State Preparations for the 2008 Presidential Election*, p.14. Available at: http://nass.org/index.php?option=com_docman&task=doc_download&gid=365

Felon Re-Enfranchisement

As mentioned in our pre-election assessment, felon re-enfranchisement is one of the areas of election reform that has seen the most significant progress. Twelve states allow ex-felons to vote upon release from prison and another twenty-one states restored voting rights to ex-felons once they have fulfilled all the requirements of their sentence, including parole and/or probation, as recommended by the Carter-Baker Commission. Two states, Maine and Vermont, allow felons to vote from prison. However, 12 states still require at least some felons to petition to have their voting rights restored or make some categories of felons permanently ineligible. Three other states require a waiting period after completion of the sentence for voting rights to be restored. Even with the progress that has been made, "The Sentencing Project" estimates that some 5 million people, who had been released from prison, were ineligible to vote in November 2008. Moreover, few states have active programs to make voter registration available to ex-felons and help them reintegrate into public life by participating in elections.

Voter Education and Felon Re-enfranchisement Recommendations Revisited

- 4.7.4 Local election authorities should mail written notices to voters in advance of an election advising the voter of the date and time of the election and the polling place where the voter can cast a ballot and encouraging the citizens to vote. The notice should also provide a phone number for the voter to contact the election authorities with any questions.
- 4.7.5 States should mail pamphlets to voters, and post the pamphlet material on their Web sites, to provide information about the candidates for statewide office and about ballot initiatives and referenda.
- 4.7.6 The federal government should provide matching funds for the states to encourage civic and voter education and advertisements aimed to encourage people to vote.
- 4.6.1 States should allow for restoration of voting rights to otherwise eligible citizens who have been convicted of a felony (other than for a capital crime or one which requires enrollment with an offender registry for sex crimes) once they have fully served their sentence, including any term of probation or parole.
- 4.6.2 States should provide information on voter registration to ex-felons who have become eligible to vote. In addition, each state's department of corrections should automatically notify the state election office when a felon has regained eligibility to vote.

TABLE IV-C: VOTER EDUCATION AND FELON RE-ENFRANCHISEMENT: REVIEWING THE STATES

Voter Information	States and local jurisdictions should use web sites, toll-free numbers for voter registration info and location of precincts	States should allow for restoration of voting rights to ex-felons once they have fully served their sentence
Materials mailed to every voter (and provided on website in most cases): AK, AZ, CA, CO, GA, HI, IA, NV, NJ, NM, NY, NC, OR, UT, WA	Statewide website and hotline: AL, AK, AR, CA, CO, IN, KS, LA, MD, MA, MI, MO, MN, MT, NJ, NV, NM, NY, NC, ND, OH, OR, RI, SD, TX, UT, VT, WA, WI	Felons never lose voting rights: 2 states - ME, VT
Materials provided on state website: AL, AR, DE, CT, ID, IL, IN, KS, KY, LA, ME, MI, MN, MS, NH, ND, OH ⁵⁷ , PA, RI, TN, TX, VT, VA, WV, WI, WY	State website provided: DE, GA, IA, KY, ME, NE, NH, OK, PA, SC TN, VA, WI	Voting rights restored upon release from prison: 12 states- HI, IL, IN, MA, MI, MT, NH ⁵⁸ , ND, OH, OR. PA, UT
Localities required to provide materials: CA, CO, FL, MD, MA, MO, MT, NE, NJ, NY, OK ⁵⁹ , OR, RI, VA	Information provided at the county level: AZ ⁶⁰ , FL ⁶¹ , ID, IL ⁶² , NV, NJ, WV	Voting rights restored upon completion of full sentence: AK, AR, CA, CT, CO, GA, ID, KS, IA ⁶³ , KS, LA, MD, MN, NE ⁶⁴ , NJ, NM, NY, NC, OK, RI, TX, , WV, WI
	Notifications mailed to voters: CO, HI ⁶⁵	Ex-felons must petition for voting rights to be restored: AL, KY, MS, NV, VA ⁶⁶ , WA ⁶⁷ , WY ⁶⁸
	Other: CT ⁶⁹ , MS ⁷⁰	Certain categories of felons are permanently ineligible to vote: AZ, DE, FL, MO, TN

The variety of state requirements and practices in voter education and the limitation of the scope of this research make the development of a ranking scheme for voter education problematic. However, states such as California and Alaska that explicitly require voter guides and/or sample ballots to be mailed to voters would lead any ranking systems that could be developed. As mentioned above, Maine and Vermont, which allow felons to vote from prison, are the most generous regarding voting rights for felons, though a majority of states meet the Carter-Baker Commission’s recommendations and many have relaxed their policies in recent years. At the other end of the spectrum, are the states, including Arizona and Delaware, that permanently disenfranchise certain categories of ex-felons even after they have completed all the requirements of their sentences.

⁵⁷ The Secretary of State is required to publish hand distribute information in a variety of formats.

⁵⁸ Those convicted of election crimes must petition the court for voting rights to be restored.

⁵⁹ Elections notices are also required, but the means of distribution is not specified.

⁶⁰ A statewide, toll-free hotline is also provided.

⁶¹ A statewide, toll-free hotline is also provided.

⁶² A statewide, toll-free hotline is also provided.

⁶³ Ex-felons convicted after July 4, 2005 must have their case individually reviewed by the Governor.

⁶⁴ Ex-felons become eligible to vote two years after fully completing their sentence.

⁶⁵ A statewide, toll-free hotline is also provided.

⁶⁶ Ex-felons become eligible to petition three years after fully completing their sentence

⁶⁷ Ex-felons convicted before July 1, 1984 must petition to have voting rights restored. Others are eligible after fully completing their sentence.

⁶⁸ Ex-felons become eligible to petition five years after fully completing their sentence

⁶⁹ State website links to the League of Women Voters polling place locator

⁷⁰ Toll-free state and local hotlines are provided

V. Election Administration

Elections in the United States are still mostly managed by partisan elected officials who, regardless of personal integrity and dedication, are accused of partisanship whenever a very close election tilts in their party's direction. Even in a state like Minnesota that has showed leadership in many areas of election reform, the pressure of a close election and drawn out recount process and the fact that some of the decisions have been made by a partisan elected official have led some to question the fairness of the process. On the positive side, several states have adopted and many states have had long-standing prohibitions against partisan activity by state and local election officials/employees. Still, Wisconsin remains the only state with independent and nonpartisan election management at the state level. Also, while HAVA indicated a preference for the states to centralize the electoral process, local election officials retain significant authority.

Overall, elections in thirty-five states are overseen by an elected, partisan chief election official (Secretary of State or Lieutenant Governor), though in a few of these, bipartisan state election boards or commissions provide assistance. Responsibility for elections in Rhode Island is shared between an elected Secretary of State and a bipartisan, appointed elections commission. Another seven states have bipartisan election commissions or boards and the remainder have an appointed (in most cases by the Governor or Secretary of State) chief election official. Fewer than half of the states place any restriction on the partisan political activity of these and/or local election officials.

At the local level there is even greater diversity in election management with a variety of appointed and election local officials having responsibility over different aspects of elections. Most states require certification and/or ongoing training programs for these local officials to help ensure uniform application of state election laws, but some of these are limited to a few hours of training biennially or to election year conferences. Statewide election procedures or election law manual is provided to local election officials by the state election authority in nearly two-fifths of states, but these manuals can be limited in scope as well. The use of differing voting technologies from county to county in many states also contributes to difficulties in standardizing practices statewide.

Despite improvements, election management in the United States remains what the Carter-Baker Commission called a "combustible mixture of partisan suspicion and irregularities" born of a decentralized system and differing state laws. Because of this the Center for Democracy and Election Management remains a strong proponent of independent, nonpartisan election administration, which has become the international standard. CDEM has developed model legislation to be implemented by the states and it has been considered in Georgia, Florida, Maryland, and New Mexico. To encourage states to move in this direction, federal legislation banning partisan political activity by election officials, such as that introduced by Representative Davis (D-CA), should be passed. In addition, the chief election official of every state should develop, make public, and annually update a comprehensive election manual to provide guidance to local election officials on which poll worker training should be based.

Election Management Recommendations Revisited

6.1.1	To undertake the new responsibilities recommended by this report and to build confidence in the administration of elections, Congress and the states should reconstitute election management institutions on a nonpartisan basis to make them more independent and effective.
6.1.3	States should prohibit senior election officials from serving or assisting political campaigns in a partisan way, other than their own campaigns in states where they are elected.
6.1.4	States should take additional actions to build confidence in the administration of elections by making existing election bodies as nonpartisan as possible within the constraints of each state's constitution. Among the ways this might be accomplished would be if the individuals who serve as the state's chief elections officer were chosen based on their capability, integrity, and nonpartisanship.
6.1.5	Each state's chief elections officer should, to the extent reasonably possible, ensure uniformity of voting procedures throughout the state, as with provisional ballots.

**TABLE V-A:
ELECTION MANAGEMENT: REVIEWING THE STATES**

Election management institutions should be nonpartisan.	States should prohibit senior election officials from political campaigns	State election officers should ensure uniform voting procedures in the state.
Elections are overseen by a nonpartisan, independent election board and its director is the chief election official: WI	Restrictions for state AND local officials: 10 states - DE, KY, LA, MD, NY, NC, RI, SC, TN, VA	Statewide manual provided and local election official training required: 12 states - CO, ID, KS, MI, MS, NM, NC, OK, OR, VT, WV, WI
A bipartisan election board/commission oversees elections ⁷¹ : 7 states - HI, IL, MD, NY, NC, SC, VA	Restrictions for state officials only: 8 states - AK, CO, GA, HI, IL, OH, WV, WI	Statewide manual and guidance provided: 8 states - AZ, FL, IL, NH, NY, ND, UT, WY
An appointed official is the chief election official: 6 states - DE, FL, NJ, PA, TN ⁷² , TX	Restrictions for local officials only: 5 states - AR, NE, MO, OK, TX	State guidance provided and local election official training required: 17 states - AR, CT, GA, IN, IA, KY, ME, MD, MN, MT, NE, NV, OH, SC, TN, VA, WA
An elected, partisan state officer is the chief election official and is assisted by a bipartisan election board: 8 states - AR, GA, IN, KY, OK, RI ⁷³ , SD, WV	No statutory restrictions: 27 states - AL, AZ, CA, CT, FL, GA, ID, IN, IA, KS, ME, MA, MI, MN, MS, MT, NV, NH, NJ, NM, ND, OR, PA, SD, UT, VT, WA	State guidance/standards provided: 13 states - AL, AK, CA, DE, HI, LA, MA, MO, NJ, PA, RI, SD, TX
An elected, partisan state official is the chief election official: 28 states- AL, AK, AZ, CA, CO, CT, ID, IA, KS, LA, ME, MA, MI, MN, MS, MO, MT, NE, NV, NH, NM, ND, OH, OR, UT, VT, WA, WY		

⁷¹ In most cases, the board or commission appoints a director who serves as the chief election official.

⁷² Assisted by a bipartisan election commission

⁷³ Election responsibilities in RI are split between the Secretary of State and bipartisan election board.

Wisconsin is the only state in which elections are managed by a nonpartisan, independent election board. That qualifies it for the highest ranking. Close behind is North Carolina, which has a bipartisan, independent election commission, places restrictions on the political activities of election officials, and provides statewide election manuals and training. In the middle of the rankings are Colorado and West Virginia, which have partisan, elected secretaries of state, but place restrictions on their political activity and provide statewide election manuals and training for local officials. At the bottom are states with elected, partisan chief election officials that place no restrictions on partisan political activity and provide limited guidance on election procedures from the state level, such as Massachusetts and Alabama.

- 5 – Nonpartisan, independent election administration; restrictions on political activities of election officials;
- 4 – Bipartisan, independent election administration; restrictions on political activities of election officials; statewide manual AND training provided.
- 3 - Appointed chief election official; restrictions on political activities of election officials; statewide manual OR training provided.
- 2 – Elected, partisan chief election official; no restrictions on political activity; statewide manual and/or training provided.
- 1 – Elected, partisan chief election official; no restrictions on political activity; limited state guidance

GRADING THE STATES: ELECTION MANAGEMENT

Best	Average	Worst
5 – Wisconsin	2.5– Colorado and West Virginia	1 – Alabama and Massachusetts

Poll Workers

The recruitment and training of poll workers remains a serious problem in most states. Restrictive eligibility requirements and long hours discourage potential Election Day workers. Only Idaho allows citizens (other than youth) who are not registered in the state to serve as poll workers, and many states still require that poll workers be registered voters in the precinct in which they will serve. Moreover, fewer than half of the states allow half-day shifts as recommended by the Carter-Baker Commission, though in many cases local authorities have the discretion to allow part-day work.

One positive development is that a majority of states have adopted laws to allow high school students to serve in polling places, but college students remain limited in their ability to participate by requirements in most states that poll workers be registered to vote in the state. The EAC’s Student Poll Worker Program has brought many new workers into the polling place, but as the Center for Democracy and Election Management discovered in trying to place students in Washington, D.C. polling places, local jurisdictions sometimes do a poor job training and communicating with the students.

Training varies widely from state to state with a few requiring no training and only a handful offering substantial training. Only Alabama, Arizona, Connecticut, Indiana, Louisiana, Montana, Mississippi and Rhode Island offer an advanced training or certification program for poll workers, and Alabama and Louisiana are the only states that explicitly link extra training to additional pay. Moreover, few states require any form of evaluating poll worker performance.

Effective administration of elections requires that poll workers have the capability and training needed to carry out complex procedures correctly, the skills to handle increasingly sophisticated voting technology, and clear guidance from state and local election officials on the correct procedures for each stage of the electoral process. As a volunteer workforce that represents the front line of election management, greater investments in training, recruitment and support for poll workers are needed. Moreover, additional flexibility in poll worker requirements (i.e. allowing college students to serve regardless of registration status and allowing registered voters to serve anywhere within a state) would enlarge the pool of poll workers and help create an electorate better educated about how our elections are conducted.

Poll Worker Recommendations Revisited

<p>6.2.1 States and local jurisdictions should allocate sufficient funds to pay poll workers at a level that would attract more technologically sophisticated and competent workers. Part-time workers should also be recruited for the beginning and the end of Election Day. States should amend their laws to allow shifts for part of the day for poll workers on Election Day.</p> <p>6.2.2 States and local jurisdictions should implement supplemental training and recognition programs for poll workers.</p> <p>6.2.4 Because some jurisdictions have large majorities of one party, which makes it hard to attract poll workers from other parties, local jurisdictions should allow poll workers from outside the jurisdiction.</p>

**TABLE V-B:
POLL WORKERS: REVIEWING THE STATES**

States should amend their laws to allow shifts for part of the day	Training requirements	High school students allowed to serve
Half-day shifts allowed: 10 states - AR, CT, KS, LA, MO, NE, NJ, NM, TX, VA,	Regular and supplemental training required or available: 7 states - AL, AZ, CT, IN, LA, MS, RI	Allowed: 33 states - AK, CA, CO, CT, DE, FL, ID, IL, IN, IA, KS, KY, LA, MD, MI, MN, MS, NE, NV, NH, NJ, NC, ND, OH, PA, RI, SC, TN, UT, VT, WV, WI, WY
No provision in state law ⁷⁴ : 39 states - AL, AK, AZ, CA, CO, DE, FL, GA, HI, ID, IL, IN, IA, KY, ME, MD, MA, MI, MN, MS, MT, NV, NH, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, UT, VT, WA, WV, WI, WY	Regular training of all poll workers required: 34 states - AK, CA, CO, DE, FL, GA, IL, KS, KY, MD, MI, MN, MO, MT ⁷⁵ , NE, NV, NH, NJ, NM, NY, NC, ND, OK, PA, SC, SD, TN, TX, VT, VA ⁷⁶ , WV, WI, WY	Allowed as volunteers: 2 states - AR, MO
	Training required of some poll workers: 3 states - AR, ID, IA	Not specified in law: 15 states - AL, AZ, GA, HI, MA, ME, MT, NM, NY, OK, SD, TX, VA, WA
	Training requirements not specified: 5 states- HI ⁷⁷ , MA, WA, UT, ME	

⁷⁴ Some local jurisdictions may allow half-day shifts, but they are not explicitly authorized in state law, which was the focus of this research.

⁷⁵ Poll workers may participate and be certified under the state's election official training program.

⁷⁶ Specific training requirements are determined by local election boards.

⁷⁷ Training is at the discretion of the county clerk.

Louisiana has a very good program of training and testing poll workers. It also offers incentives for additional training, allows half-day shifts, and permits high school students to serve as poll workers. In the middle are a number of states, such as California, Colorado and North Dakota, that don't allow half-day shifts, but require regular training and allow high school students to serve. At the bottom is Massachusetts, which does not allow half-day shifts or high school student poll workers and its training requirements are not specified in law.

- 5** – Half-day shifts allowed, supplemental training provided, high school students allowed to serve
- 4** – Half-day shifts allowed, regular training required, high school students allowed to serve
- 3** – Half-day shifts not authorized, supplemental training provided, high school students allowed to serve
- 2** - Half-day shifts not authorized, regular training required, high school students allowed to serve
- 1** - Half-day shifts not authorized, training requirements not specified, high school students not authorized to serve

GRADING THE STATES: ELECTION MANAGEMENT

Best	Average	Worst
5 – Louisiana	2.5 – California, Colorado, North Dakota and several others.	1 - Massachusetts

VI. Moving Forward

The picture that emerges from the data we have presented is one of a decentralized electoral system that, although undergoing significant change and improvement over the past eight years, falls short of the vision of modern electoral system that Americans deserve. The pillars of such a system are:

- a universal and up-to-date registration list, accessible to the public;
- a uniform voter identification system that increases, not impedes, participation while assuring ballot integrity;
- measures to enhance ballot integrity and voter access;
- a voter-verifiable paper audit trail and improved security of voting systems; and
- electoral institutions that are impartial, professional, and independent.

The Federal government has done very little to advance this agenda since the passage of the Help American Vote Act. Most of the work has been done by the states, as it should be since the States are principally responsible for elections, but the “reforms” of the states have been uneven with some steps forward; other steps, backwards; and some, sideways.

The original Carter-Baker Commission report offered a total of 87 recommendations for reforming elections in the United States. While each of these recommendations remains important, our report on the “state of the states” leads us to stress the following recommendations at both the federal and state levels:

Federal

- 1) All voter registration databases should be top-down with the states – not the communities - responsible for list maintenance in accordance with a uniform set of standards. The National Academy of Science will be issuing a report soon on voter registration list maintenance and database interoperability, and one hopes that it will provide the formula for both.
- 2) A federal compromise is needed to bridge the divide on voter identification so that it can achieve the necessary balance between access and integrity. One hopes that the momentum in favor of universal voter registration and a modern system might address this issue in an effective manner. Alternatively, if there is movement toward a biometric ID card for reasons related to security, immigration, voting, or privacy, then that would solve the voter ID issue.
- 3) Congress should pass a law requiring a voter verifiable paper audit trail and establishing minimum standards for auditing the machines. In addition, Congress should mandate a system for inviting international and domestic nonpartisan election observers, and States should be asked to review election procedures at least annually.
- 4) A new federal grant program should be established to encourage the development of a broader voter education program beyond the Help America Vote Act College Poll Worker

Program and Parent/Student Mock Election Program. Additionally, greater federal funding is needed to ensure that UOCAVA voters are able to vote.

- 5) The U.S. Election Assistance Commission should be reconstituted on a nonpartisan basis and given greater authority and funds to develop and encourage uniform guidelines and best practices for the states.

State

- 1) Election management institutions at the state level should be reconstituted on a nonpartisan basis along the lines of the model legislation the Center for Democracy and Election Management has proposed.⁷⁸ As an interim step toward this goal, states should enact legislation that prohibits their senior election officials from serving or assisting political campaigns other than their own.
- 2) Chief election officials in every state should compile a statewide election law and procedures manual that serves as the basis for the training of local election officials and poll workers. In addition, states (and localities) should implement additional poll worker training programs and should allow individuals from outside the jurisdiction to serve as poll workers to ensure a sufficient number on Election Day.
- 3) All states should implement independent testing protocols for voting equipment based on federal standards. Public pre-election testing, nonpartisan election observation, post-election audits, and election year performance reviews should be implemented to ensure the accuracy of vote counts and identify areas of election administration in need of improvement.
- 4) Statewide voter education standards are needed to encourage voter participation and provide more information on choices. Such standards should include the mailing of election notices and voter guides to all voters and an affirmative role for the government in voter registration.

In implementing these recommendations, some current state practices can serve as models. The centralization of voter registration data and database maintenance that has occurred in Kentucky and Alabama could be a model for others. The voting technology testing protocols undertaken in California and Ohio can strengthen the federal guidelines and standards for independent testing agencies, and Minnesota's auditing process provides a good foundation for federal audit standards. Wisconsin's nonpartisan Government Accountability Board remains the best at the current time, as is Alaska's distribution of voter guides and sample ballots to voters. No state can be considered a model on voter identification.

Election reform is neither easy nor inexpensive, and it cannot succeed if we only provide funds on a one-time basis or become complacent. We need to view the administration of elections as a continuing challenge. The federal government needs to encourage greater uniformity of standards, and states need to begin by establishing independent election commissions that are nonpartisan, independent, and professional. We need to act quickly. The state profiles that follow highlight the extent of this challenge.

⁷⁸ Summary and draft legislation available at: <http://www1.american.edu/ia/cdem/usp/npl.cfm>

APPENDIX I - COMMISSION ON FEDERAL ELECTION REFORM: CHRONOLOGY OF ACTIVITIES

- March 24, 2005 Former President Jimmy Carter and former Secretary of State James A. Baker, III, announce that they will co-chair a Commission on Federal Election Reform (Carter-Baker Commission) to examine the state of America's federal elections and recommend improvements. The Commission is organized by the Center for Democracy and Election Management of American University.
- April 18, 2005 Commission holds its first hearing at American University (Washington, DC). The agenda and proceedings are available at: <http://www1.american.edu/ia/cfer/hearings0418.htm>
- June 30, 2005 Commission holds hearing at the James A. Baker III Institute for Public Policy at Rice University (Houston, Texas). The agenda and proceedings of the hearing are available at: <http://www1.american.edu/ia/cfer/hearings.htm>
- September 19, 2005 Commission issues its report "Building Confidence in U.S. Elections Report of the Commission on Federal Election Reform," which provides 87 recommendations on how to improve the U.S. election system. The report is available at: http://www1.american.edu/ia/cfer/report/full_report.pdf
- June 12, 2007 CDEM releases a progress report on the status of implementation of the Carter-Baker commission recommendations entitled "Carter-Baker Commission on Federal Election Reform: Status of the Recommendations" during a conference focusing on nonpartisan election administration, one of the recommendations of the Carter-Baker Commission. The report is available at: http://www1.american.edu/ia/cdem/usp/np/cbc_progress_2007_06_12.pdf
- October 9, 2008 CDEM organizes the conference "Looking Beyond Election Day: The Future of Election Reform" and releases a report entitled "Pre-Election Assessment: Progress on Carter-Baker Commission Recommendations," which offers a pre-election assessment of the progress made in election reform since the Carter-Baker Commission on Federal Election reform released its recommendations. The report is available at: <http://www1.american.edu/ia/cdem/pdfs/Pre-Election%20Assessment%20-%20Final%20-%2010-13-08Revised.pdf>
- January 9, 2008 CDEM releases a working paper, "Voter IDs Are Not the Problem: A Survey of Three States," which provides the results of a survey of registered voters in Indiana, Maryland, and Mississippi that

explores the extent to which ID requirements pose a problem to registered voters. The report is available at:
<http://www1.american.edu/ia/cdem/pdfs/VoterIDFinalReport1-9-08.pdf>

July 15, 2009

CDEM releases the report “The State of Elections In The Fifty States: Evaluating the Process Where It Counts.” The report is available at: <http://www1.american.edu/cdem/index.cfm>

APPENDIX II – STATE-BY-STATE ANALYSES

Table A. VOTER REGISTRATION DATABASES

Carter-Baker Commission Recommendations	States should establish unified top-down voter registration systems	Voter registration databases should be interoperable between states	Uniform state procedures for voter registration list maintenance at the state level
Alabama	Top-down	No provision	County registrars/boards of registration conduct list maintenance with guidance from the state Supervisor of Voter Registration provides to, which
Alaska	Top-down	No provision	The statewide Director of Elections is responsible for list maintenance.
Arizona	Bottom-up	No statutory requirement, but has conducted data exchanges with selected states.	List maintenance is conducted by county recorders with guidance from the Secretary of State.
Arkansas	Top-down	No statutory requirement, but has conducted data exchanges with selected states.	List maintenance is conducted by permanent registrars (county clerks) according to provisions outlined in the state constitution.
California	Bottom-up	No provision	List maintenance is conducted jointly by county election officials and the Secretary of State, but local election officials are responsible for updating records.
Colorado	Top-down	No statutory requirement, but has conducted data exchanges with selected states.	List maintenance is jointly conducted by the Secretary of State and county clerks and recorders.
Connecticut	Top-down	No provision	List maintenance is conducted by local registrars with guidance from the Secretary of State.
Delaware	Top-down	No provision	List maintenance is jointly conducted by the Commissioner of Elections and county Departments of Elections
Florida	Top-down	No provision	List maintenance is jointly conducted by the Bureau of Voter Registration Services and county officials.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	States should establish unified top-down voter registration systems	Voter registration databases should be interoperable between states	Uniform state procedures for voter registration list maintenance at the state level
Georgia	Top-down	No provision	List maintenance is jointly conducted by the Secretary of State and county boards of registrars.
Hawaii	Top-down	No provision	List maintenance is conducted by county clerks.
Idaho	Top-down	No provision	List maintenance is conducted by county clerks in coordination with the Secretary of State.
Illinois	Bottom-up	No provision	List maintenance is conducted by local election authorities with guidance from the State Board of Elections.
Indiana	Top-down	Dept. of Health authorized to seek info on out of state deaths of IN residents.	List maintenance is conducted by county voter registration offices with guidance from the co-directors of the Elections Division.
Iowa	Top-down	No statutory requirement, but has conducted data exchanges with selected states.	List maintenance is done by Secretary of State and county with guidance from the state voter registration commission.
Kansas	Top-down	No statutory requirement, but has conducted data exchanges with selected states.	List maintenance is conducted jointly by county election officials and the Secretary of State
Kentucky	Top-down	No statutory requirement, but has data exchanges with selected states.	List maintenance is conducted at the state level by the State Board of Elections
Louisiana	Top-down	State law gives the secretary authority to enter agreements with other states. Has conducted exchanges with selected states.	List maintenance is conducted by parish registrars according to a manual provided by the Secretary of State

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	States should establish unified top-down voter registration systems	Voter registration databases should be interoperable between states	Uniform state procedures for voter registration list maintenance at the state level
Maine	Top-down	No provision	List maintenance is conducted by municipal registrars with guidance from the Secretary of State.
Maryland	Top-down	No provision.	List maintenance is conducted by local election boards
Massachusetts	Top-down	No provision.	List maintenance is jointly conducted by municipalities and the Secretary of the Commonwealth
Michigan	Top-down	No provision	List maintenance is conducted by local election officials with guidance from the Division of Elections in the Department of State
Minnesota	Top-down	No provision, but has conducted data exchanges with selected states.	List maintenance is jointly conducted by county auditors and the secretary, but county auditors are responsible for final changes to the list
Mississippi	Top-down	No provision	List maintenance is conducted by county registrars/commissioners according to a manual provided by the Secretary of State.
Missouri	Top-down	No provision, but has conducted data exchanges with selected states.	List maintenance is done by the Secretary of State and local election officials according to procedures prescribed by the secretary.
Montana	Top-down	No provision.	List maintenance is conducted by county officials according to rules prescribed by the Secretary of State.
Nebraska	Top-down	No provision, but has conducted data exchanges with selected states.	List maintenance is conducted by county elections officials with guidance and training by the Secretary of State

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	States should establish unified top-down voter registration systems	Voter registration databases should be interoperable between states	Uniform state procedures for voter registration list maintenance at the state level
Nevada	Top-down	No provision.	List maintenance is conducted by county elections officials.
New Hampshire	Top-down	No provision.	List maintenance is conducted by county election officials according to guidelines provided by the Secretary of State
New Jersey	Top-down	No provision	List maintenance is conducted by county commissioners of registration.
New Mexico	Top-down	No provision	List maintenance is conducted by county clerks with guidance provided by the Secretary of State
New York	Bottom-up	No provision	List maintenance is conducted by local election boards with guidance from the state board.
North Carolina	Top-down	No provision.	List maintenance is conducted by county boards of election under guidelines provided by the State Board.
North Dakota	North Dakota does not have voter registration and is thus exempt from HAVA requirements. However, state law requires the development of a central voter file.	No provision.	Updating the central voter file is the responsibility of county auditors after each election.
Ohio	Bottom-up	No provision.	List maintenance is conducted by county boards of election according to regulations promulgated by the Secretary of State.
Oklahoma	Top-down ⁷⁹	No provision.	List maintenance is conducted by county boards of election according to rules provided by the State Election Board.

⁷⁹ Recent upgrades have made the full statewide database accessible to all counties.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	States should establish unified top-down voter registration systems	Voter registration databases should be interoperable between states	Uniform state procedures for voter registration list maintenance at the state level
Oregon	Top-down	No provision.	List maintenance is conducted by county clerks.
Pennsylvania	Top-down	No provision	List maintenance is conducted by county commissions with guidance from the secretary of the commonwealth
Rhode Island	Top-down	No provision	List maintenance is conducted jointly by state and local officials, but local boards retain responsibility for final changes.
South Carolina	Top-down	No provision, but has conducted data exchanges with selected states.	List maintenances is conducted by the State Election Commission with assistance in verification provided by county officials.
South Dakota	Bottom-up	No provision, but has conducted data exchanges with selected states.	List maintenance is conducted by county auditors according to rules promulgated by the Secretary of State.
Tennessee	Bottom-up	Law encourages the state coordinator to enter into cooperative agreements with other states. Exchanges have occurred with Kentucky and South Carolina.	List maintenance is conducted by county election officials.
Texas	Hybrid ⁸⁰	No provision	List maintenance is conducted by county election officials.
Utah	Top-down	No provision	List maintenance is conducted by county clerks according to rules adopted by the Lt. Governor.

⁸⁰ Some counties are connected to the statewide database in “real-time” and other are “offline” and provide daily updates to the system.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	States should establish unified top-down voter registration systems	Voter registration databases should be interoperable between states	Uniform state procedures for voter registration list maintenance at the state level
Vermont	Top-down	No provision, but the Secretary of State has indicated interest in cross-checks with other New England states	List maintenance is jointly conducted by the Secretary of State and local election officials.
Virginia	Top-down	State law authorizes the State Board to furnish information from the voter registration system to the Chief Election Officers of other states	List maintenance is jointly conducted by the State Board of Elections and local registrars.
Washington	Bottom-up	State law gives the Secretary of State the authority to enter into agreements with other states.	List maintenance is conducted jointly by the Secretary of State and county auditors.
West Virginia	Top-down	No provision	List maintenance is conducted jointly by the Secretary of State and county clerks.
Wisconsin	Top-down	No provision ⁸¹	List maintenance is conducted by the state Government Accountability Board.
Wyoming	Top-down	No provision	List maintenance conducted by county election officials.

⁸¹ No requirement for data exchanges, but the Government Accountability Board is required to check with other states for the registration and voting status of anyone who presents an ID from another state when voting.

APPENDIX II – STATE-BY-STATE ANALYSES

Table B: VOTER IDENTIFICATION AND PROVISIONAL VOTING

Carter-Baker Commission Recommendations	States should require voters to use the REAL ID Card for voting and provide free photo ID to non-drivers for free. ⁸²	States should establish uniform standards for the verification and counting of provisional ballots	Counting of provisional ballots
Alabama	All voters are required to show ID – photo and non-photo ID are accepted. Voters without ID may vote a regular ballot if identified by two poll workers or must vote provisionally.	Procedures are outlined in state law and administrative code	Counted if cast in the correct precinct
Alaska	All voters are required to show ID – photo and non-photo ID are accepted. Voters without ID may vote a regular ballot if identified by a poll worker or otherwise must vote provisionally.	Procedures are outlined in state law	Votes for offices for which the voter is determined to be eligible will be counted
Arizona	All voters are required to show either a valid government or tribal photo ID or two forms of non-photo ID. Voters without ID must vote provisionally.	Procedures are outlined in state law and included in an election law manual provided by the Secretary of State	Counted if cast in the correct precinct
Arkansas	Poll workers are required to ask all voters for ID (photo and non-photo ID are accepted), but only first-time voters without ID must vote provisionally.	Procedures are outlined in state law and administrative code	Counted if cast in the correct precinct
California	HAVA minimum. Voters without ID must vote provisionally.	Procedures are outlined in state law	All votes for offices which the voter is deemed eligible are counted if the ballot is cast in the correct county
Colorado	All voters are required to show ID – photo and non-photo ID are accepted. Voters without ID must vote provisionally.	Procedures are outlined in state law and administrative code	Votes for statewide and federal offices for which the voter is deemed eligible are counted if the ballot is cast in the correct county

⁸² No state has met this recommendation as the implementation of REAL ID has been delayed and none of the states that have adopted mandatory photo ID requirements have followed the recommendation for transitioning to the new ID system. Thus, the data reflects only current identification requirements in each state.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	States should require voters to use the REAL ID Card for voting and provide free photo ID to non-drivers.	States should establish uniform standards for the verification and counting of provisional ballots	Counting of provisional ballots
Connecticut	All voters are required to show ID (photo and non-photo ID accepted). Voters without ID (except first-time HAVA voters who must vote provisionally) may sign an oath attesting to their identity to vote a regular ballot.	Procedures are outlined in state law and in a poll worker manual provided by the Secretary of State	Counted if cast in the correct precinct
Delaware	All voters are required to show ID (photo and non-photo accepted) or sign an affidavit to vote a regular ballot	Procedures are outlined in state law and directives provided by the Commissioner of Elections	Counted if cast in the correct precinct
Florida	All voters are required to present photo ID. Voters without ID must vote provisionally.	Procedures are outlined in state law and administrative code and are included in a polling place procedures manual provided by the Secretary of State	Counted if cast in the correct precinct
Georgia	All voters are required to present government-issued photo ID. Voters without ID must vote provisionally.	Procedures are outlined in state law and administrative code	Votes for offices for which the voter is determined to be eligible will be counted
Hawaii	All voters are required to present photo ID with a signature, if requested to do so. Consequences for voters without ID not specified.	Procedures not established in statute. Fact sheet provided on state election website	Counted if cast in the correct precinct
Idaho	HAVA minimum, but voters who wish to register and vote on Election Day must present photo ID and proof of residency.	Idaho allows Election Day registration and is thus exempt from provisional voting requirements	Not applicable because Idaho is exempt from provisional voting requirements
Illinois	HAVA minimum, but voters who wish to vote early must present government-issued photo ID.	Procedures are outlined in state law	Counted if cast in the correct precinct
Indiana	All voters are required to present government-issued photo ID. Voters without ID must vote provisionally.	Procedures are outlined in state law and included in handbook provided by the Secretary of State to poll workers	Counted if cast in the correct precinct

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	States should require voters to use the REAL ID Card for voting and provide free photo ID to non-drivers.	States should establish uniform standards for the verification and counting of provisional ballots	Counting of provisional ballots
Iowa	HAVA minimum, but voters who wish to register and vote and Election Day must provide photo ID and proof of residence	Procedures outlined in state law and a elections manual provided by the Secretary of State to county auditors and poll workers	Counted if cast in the correct precinct
Kansas	HAVA minimum	Procedures outline in state law, regulations and in the Kansas Election Standards manual provided by the secretary	All votes for offices which the voter is deemed eligible are counted if the ballot is cast in the correct county
Kentucky	All voters are required to present ID – photo and non-photo ID accepted. ⁸³ Voters without ID must vote provisionally.	Procedures outlined in state regulations and included in poll worker training	Counted if cast in the correct precinct
Louisiana	All voters are required to show photo ID. Voters who do not have photo ID are allowed to present non-photo ID and sign an affidavit in order to voter a regular ballot.	Procedures are outlined in state law	All votes for federal offices which the voter is deemed eligible are counted if the ballot is cast in the correct parish
Maine	HAVA minimum	Allows Election Day registration and is thus exempt from provisional voting requirements	Not applicable because Maine is exempt from provisional voting requirements
Maryland	HAVA minimum	Procedures are outlined in state law and administrative code and included in the poll worker manual provided by the State Board of Elections	Counted if cast in the correct precinct
Massachusetts	HAVA minimum	Procedures are outlined in state law and in an “Election Day Legal Summary” provided by the secretary of the commonwealth to local officials	Counted if cast in the correct precinct
Michigan	All voters are required to present photo ID. Voters without ID may sign an affidavit and vote a regular ballot.	Procedures outlined in state law and administrative directives	Counted if cast in the correct precinct

⁸³An acceptable form of identification is for a poll worker to confirm the identity of a person by personal acquaintance.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	States should require voters to use the REAL ID Card for voting and provide free photo ID to non-drivers.	States should establish uniform standards for the verification and counting of provisional ballots	Counting of provisional ballots
Minnesota	HAVA minimum, but voters wishing to register and vote on Election Day must provide proof of residence.	Minnesota allows Election Day registration and is thus exempt from provisional voting requirements	Not applicable because Minnesota is exempt from provisional voting requirements
Mississippi	HAVA minimum	Procedures are outlined in state law and included in a uniform statewide poll worker manual	Not specified in state law or code
Missouri	All voters are required to present ID – photo and non-photo ID are accepted. Voters without ID must vote provisionally.	Procedures outlined in state law and administrative code	Counted if cast in the correct precinct
Montana	All voters are required to present ID – photo and non-photo ID are accepted. Voters without ID may sign a “Polling Place Elector ID” document and vote a regular ballot, but otherwise must vote provisionally.	Procedures outlined in state law and administrative code and included in statewide poll worker manual provided by the Secretary of State	Counted if cast in the correct precinct
Nebraska	HAVA minimum	Procedures outlined in state law	Counted if cast in the correct precinct
Nevada	HAVA minimum	Procedures outlined in state law and included in poll worker training	Counted if cast in the correct precinct
New Hampshire	HAVA minimum	Allows Election Day registration and is thus exempt from provisional voting requirements	Not applicable because New Hampshire is exempt from provisional voting requirements
New Jersey	HAVA minimum	Procedures outlined in state law and instructions for provisional voting are mailed to every poll worker and included in poll worker training	Votes for offices for which the voter is determined to be eligible will be counted if the ballot is cast in the correct county
New Mexico	All voters are required to present ID – photo ID, non-photo ID, and verbal or written statement by voter are acceptable.	Procedures outlined in state law and administrative code	Votes for offices for which the voter is determined to be eligible will be counted if the ballot is cast in the correct county

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	States should require voters to use the REAL ID Card for voting and provide free photo ID to non-drivers.	States should establish uniform standards for the verification and counting of provisional ballots	Counting of provisional ballots
New York	HAVA minimum	Procedures outlined in state law and included in poll worker training	Counted if cast in the correct precinct
North Carolina	HAVA minimum, but voters who register and vote and one-stop early voting locations must present ID demonstrating proof of residence.	Procedures outlined in state law and administrative code	All votes for offices which the voter is deemed eligible are counted if the ballot is cast in the correct county
North Dakota	All voters must present a form of ID that includes the voter's address and date of birth. Voters without ID may either be vouched for by a poll worker or execute an affidavit to vote a regular ballot.	Does not require voter registration and is thus exempt from provisional voting requirements	Not applicable because North Dakota is exempt from provisional voting requirements
Ohio	All voters are required to present ID – photo and non-photo ID are accepted. Voters without ID must vote provisionally.	Procedures outlined in state law and directives from the Secretary of State	Counted if cast in the correct precinct
Oklahoma	HAVA minimum	Procedures outlined in state law and administrative code	Counted if cast in the correct precinct
Oregon	HAVA minimum	Procedures outlined in law and in the vote by mail manual provided by the Secretary of State	Votes for offices for which the voter is determined to be eligible will be counted
Pennsylvania	All first-time voters are required to present ID – photo and non-photo ID accepted. Voters without ID must vote provisionally.	Procedures outlined in state law and training provided by the secretary of the commonwealth.	All votes for offices which the voter is deemed eligible are counted if the ballot is cast in the correct county
Rhode Island	HAVA minimum	Procedures outlined in rules promulgated by the State Board of Elections and included in poll working training	All votes for federal offices which the voter is deemed eligible are counted if the ballot is cast in the correct jurisdiction (community)

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	States should require voters to use the REAL ID Card for voting and provide free photo ID to non-drivers.	States should establish uniform standards for the verification and counting of provisional ballots	Counting of provisional ballots
South Carolina	All voters are required to present a driver's license, a non-driver's ID or their voter registration card. Voters without ID must vote provisionally.	Procedures outlined in state law and in the Poll Manager Manual provided by the State Election Commission	Counted if cast in the correct precinct.
South Dakota	All voters are required to present photo ID. Voters without ID may complete an affidavit and vote a regular ballot.	Procedures outlined in state law and included in local official and poll worker training	Counted if cast in the correct precinct.
Tennessee	HAVA minimum (ID must have signature or voters must sign affidavit so that signature may be matched). Other voters must provide evidence of signature.	Procedures outlined in state law	Counted if cast in the correct precinct.
Texas	All voters are required to present their voter registration certificate. Voters without the certificate must present another form of ID and sign an affidavit to vote a regular ballot.	Procedures outlined in state law and administrative code and included in poll worker training	Counted if cast in the correct precinct.
Utah	All voters are required to present ID – photo and non-photo ID accepted. Voters without ID are required to vote provisionally.	Procedures outlined in state law	Counted if cast in the correct precinct
Vermont	HAVA minimum	Procedures outlined in state law and included in the Elections Manual updated biennially by the Secretary of State	Votes for federal offices are counted if the ballot is cast in the correct town/city
Virginia	All voters are required to present ID (photo and non-photo accepted). Voters without ID may sign an affidavit to vote a regular ballot.	Procedures outlined in state law and administrative code	Counted if cast in the correct precinct.
Washington	All voters are required to present ID – photo and non-photo ID accepted. Voters without ID are required to vote provisionally.	Procedures are outlined in state law and administrative code	All votes for offices for which the voter is eligible will be counted.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	States should require voters to use the REAL ID Card for voting and provide free photo ID to non-drivers.	States should establish uniform standards for the verification and counting of provisional ballots	Counting of provisional ballots
West Virginia	HAVA minimum	Procedures are outlined in state law and a canvassing manual provided by the Secretary of State	Counted if cast in the correct precinct. ⁸⁴
Wisconsin	HAVA minimum, except that voters who wish to register and vote on Election Day must provide proof of residency.	Wisconsin allows Election Day registration and is thus exempt from provisional ballot requirements. The state provides provisional voting for voters without proof of identify/residency.	Provisional ballots counted on if the person provides required ID at the office of the municipal clerk before 4pm on the day after the election.
Wyoming	HAVA minimum, but voters wishing to register and vote on Election Day must provide ID to satisfy registration requirements.	Wyoming allows Election Day registration and is thus exempt from provisional ballot requirements. The state provides provisional voting for voters without proof of identify and challenged voters.	Counted if cast in the correct precinct. Provisional voters have until the close of business on the day following an election to demonstrate eligibility to the county clerk.

⁸⁴ Exceptions are made for poll workers working outside of their precinct and people with disabilities – counted if cast in the correct county.

APPENDIX II – STATE-BY-STATE ANALYSES

Table C. VOTING TECHNOLOGY AND AUDITS

Carter-Baker Commission Recommendations	All voting machines should be equipped with a voter verifiable paper audit trail (VVPAT) and be fully accessible to voters with disabilities	Independent Testing Authorities (ITA) should be responsible for certifying the security of voting systems	State and local election authorities should publicly test (audit) all types of voting machines before, during and after Election Day.
Alabama	VVPAT required	ITA certification according to FEC standards required	Pre-election public testing required. Post-election audit not mandatory, but a machine retest can be required by the probate judge.
Alaska	VVPAT required	State certification required according to standards adopted by the Director of Elections	Pre-election public testing is done by the state ballot review board. A post-election audit is required.
Arizona	VVPAT required	ITA certification required	Pre-election testing and a post-election audit are required.
Arkansas	VVPAT required	Voting equipment must be qualified by NASED or an authorized federal agency.	Pre-election public testing required. No post-election audit requirement.
California	VVPAT required	Secretary of State adopts regulations for certification, but DRE systems purchased after January 1, 2005, must be federally qualified.	Pre-election testing not specified. A post-election audit is required.
Colorado	VVPAT required	ITA certification required	Local election officials are required conduct pre-election a hardware and a public logic and accuracy tests, and a postelection audit
Connecticut	VVPAT required	State certification required, but must meet EAC standards	Pre-election public testing required. No post-election audit requirement.
Delaware	No VVPAT requirement. Paperless DRE machines in use statewide	NASED or EAC certification required	No testing requirements specified.
Florida	VVPAT required	State certification required—standards adopted by the Department of State	Pre-election testing is required. A post-election audit is required, but only after certification of election results.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	All voting machines should be equipped with a voter verifiable paper audit trail (VVPAT) and be fully accessible to voters with disabilities	Independent Testing Authorities (ITA) should be responsible for certifying the security of voting systems	State and local election authorities should publicly test (audit) all types of voting machines before, during and after Election Day.
Georgia	No VVPAT requirement	ITA (or Agent designated by the Secretary of State) certification required according to EAC standards	Pre-election public testing required. No post-election audit requirement
Hawaii	VVPAT required	The chief election officer is responsible for approving voting systems.	Regular inspection and testing is required. A post-election, pre-certification audit is required.
Idaho	VVPAT required	ITA or EAC (FEC) certification required	Pre-election testing is required. No post-election audit requirement
Illinois	VVPAT required	ITA certification according to FEC/EAC standards required	Pre-election testing and a post-election audit are required.
Indiana	No VVPAT requirement	ITA certification according to FEC standards required	Pre-election public testing is required. No post-election audit requirement
Iowa	VVPAT required	ITA certification according to FEC standards required	Pre-election public testing is required. No post-election audit requirement
Kansas	No VVPAT requirement	ITA certification according to EAC and NIST standards required	Pre- and post-election testing is required. No post-election audit requirement
Kentucky	No VVPAT requirement	Certification by the State Board of Elections according to FEC standards required	Pre-election public testing and a post-election manual recount (audit) are required.
Louisiana	No VVPAT requirement	ITA certification according to FEC standards required	Pre-election testing is required. No post-election audit requirement
Maine	VVPAT required	Certification by Secretary of State and Attorney General required. Independent testing may be required.	Pre-election testing is required. No post-election audit requirement
Maryland	VVPAT required by 2010 General Election	EAC approved ITA certification required according to EAC standards	Pre-election testing is required. No post-election audit requirement

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	All voting machines should be equipped with a voter verifiable paper audit trail (VVPAT) and be fully accessible to voters with disabilities	Independent Testing Authorities (ITA) should be responsible for certifying the security of voting systems	State and local election authorities should publicly test (audit) all types of voting machines before, during and after Election Day.
Massachusetts	Not VVPAT requirement in law, but all machines are optical scan using a paper ballot.	ITA certification according to FEC standards required	Pre-election testing is required. No post-election audit requirement
Michigan	VVPAT required	ITA certification required	Pre-election testing is required. No post-election audit requirement
Minnesota	VVPAT required.	ITA certification required according to EAC standards	Pre-election public testing and post-election audit required
Mississippi	Voting equipment purchased after 2005 must provide a VVPAT. ⁸⁵	Approval by the Secretary of State is required and systems must meet FEC standards	Pre-election testing is required. No post-election audit requirement, but local election officials must report on residual vote counts.
Missouri	VVPAT required	ITA certification according to FEC standards required	Pre-election public testing and post-election audit required
Montana	VVPAT required	Secretary of State must approve all systems and sets certification standards	Pre-election public testing (of a certain % of machines) and post-election audit required
Nebraska	Not required by law, but all machines are optical scan using a paper ballot.	Secretary of State must approve all systems and sets certification standards.	Pre-election testing not specified in law. No post-election audit requirement
Nevada	VVPAT required	Secretary of State must approve all systems, which must meet FEC standards.	Pre-election public testing and post-election audit required.
New Hampshire	Paper ballots required for all elections	Certification process established by the State Ballot Law Commission	Pre-election testing not specified in law. No post-election audit requirement
New Jersey	Law requiring VVPAT was suspended due to insufficient funds	Certification process established by the Secretary of State	Pre-election public testing and post-election audit required, but the audit is contingent upon machines having a VVPAT

⁸⁵ Existing machines without VVPAT may still be used.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	All voting machines should be equipped with a voter verifiable paper audit trail (VVPAT) and be fully accessible to voters with disabilities	Independent Testing Authorities (ITA) should be responsible for certifying the security of voting systems	State and local election authorities should publicly test (audit) all types of voting machines before, during and after Election Day.
New Mexico	VVPAT required	ITA certification according to federal standards required	Pre-election public testing and post-election audit required
New York	VVPAT required, but not yet implemented	Certification to EAC 2005 guidelines required (conducted by the state board of elections)	Pre-election public testing and post-election audit required
North Carolina	VVPAT required.	ITA certification according to current federal standards required	Pre-election public testing and post-election audit required.
North Dakota	No VVPAT requirement in law, but optical scan technology was adopted as the uniform statewide voting system	ITA certification according to EAC standards required.	Pre-election public testing is required and a post-election logic and accuracy test of one precinct in each county is also required.
Ohio	VVPAT required.	ITA certification according to FEC standards	Pre-election public testing is required. No post-election audit requirement, but the Secretary of State piloted an audit program in 2008.
Oklahoma	No VVPAT requirement in law, but Oklahoma is committed to optical scan technology	The Secretary of the State Board of Elections is responsible for establishing certification guidelines.	Pre-election testing is required. No post-election audit requirement
Oregon	VVPAT required.	Certification by Secretary of State according to FEC standards (2002)	Pre-election public testing and post-election testing and audit required
Pennsylvania	No VVPAT requirement.	ITA certification required according to FEC standards (2002)	Pre-election public testing and post-election audit (statistical recount) required
Rhode Island	VVAPT (“physical ballot”) required.	ITA certification required according to federal standards	Pre-election testing required. No post-election audit requirement
South Carolina	No VVPAT requirement	ITA (accredited by the EAC) certification required according to federal standards	Pre-election testing not specified in law. No post-election audit requirement

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	All voting machines should be equipped with a voter verifiable paper audit trail (VVPAT) and be fully accessible to voters with disabilities	Independent Testing Authorities (ITA) should be responsible for certifying the security of voting systems	State and local election authorities should publicly test (audit) all types of voting machines before, during and after Election Day.
South Dakota	No VVPAT required, but paper ballots and optical scan technology in use statewide.	ITA certification according to 2002 EAC standards required	Pre-election testing is required. No post-election audit requirement
Tennessee	As of the 2010 general election, all voting systems must be precinct-based optical scan	EAC certification required.	Pre-election public testing and post-election audit required (beginning with the 2010 general election)
Texas	No VVPAT requirement	Certification by a National Recognized Test Laboratory according to FEC standards required	Pre-election testing, daily audits during early voting, and post-election manual count are required.
Utah	VVPAT required.	ITA (NASED approved) certification required according to FEC standards	Pre-election testing not specified in law. No post-election audit requirement
Vermont	VVPAT required.	Certification standards set by the Secretary of State.	Pre-election testing required. No post-election audit requirement, but the Secretary of State is authority to conduct a random audit of any polling place.
Virginia	VVPAT required for all equipment purchased after July 1, 2007 ⁸⁶	ITA and State Board certification required.	Pre-election testing is required. Pilot post-election audits are authorized.
Washington	VVPAT required (machine countable and human readable paper record)	Certification by EAC approved test laboratory according the 2002 FEC standards required.	Pre-election public testing and post-election audit required.
West Virginia	VVPAT required	ITA certification according to current federal standards required	Pre-election public testing and post-election audit required.
Wisconsin	VVPAT required.	ITA certification according to current federal standards required	Pre-election public testing and post-election audit required.
Wyoming	Not required by law, but all systems in use provide a VVPAT	Certification standards set by the Secretary of State.	Pre-election testing required. No post-election audit requirement

⁸⁶ Existing machines without VVPAT may still be used.

APPENDIX II – STATE-BY-STATE ANALYSES

Table D-1: ACCESS AND EDUCATION: EARLY VOTING, VOTE BY MAIL AND VOTE CENTERS

Carter-Baker Commission Recommendations	Early voting and vote-by-mail	States should modify current law to allow experimentation with vote centers
Alabama	Absentee voting by mail and in-person absentee voting allowed with an excuse.	Not in use
Alaska	No-excuse absentee voting by mail and in-person absentee voting are allowed. Certain elections may be held by mail.	Not in use
Arizona	No-excuse absentee voting by mail and early in-person voting are allowed. Local elections may be conducted entirely by mail.	Not in use
Arkansas	No-excuse absentee voting by mail and early voting are allowed.	Not in use
California	No-excuse absentee voting by mail, in-person absentee voting and permanent absentee are allowed. Certain local elections may be conducted entirely by mail.	Not in use
Colorado	No-excuse absentee voting, early voting and permanent absentee voting are allowed in Colorado. Certain local elections may be conducted entirely by mail.	Counties are allowed to use vote centers.
Connecticut	Absentee voting by mail an in-person absentee voting allowed with an excuse.	Not in use
Delaware	Absentee voting by mail an in-person absentee voting allowed with an excuse.	Not in use
Florida	No-excuse absentee voting by mail and early in-person voting are allowed. Certain local elections may be conducted entirely by mail.	Not in use
Georgia	No-excuse absentee and in-person early voting are allowed.	Not in use
Hawaii	No-excuse absentee voting, in-person absentee voting and permanent absentee voting are allowed. Certain elections may be conducted by mail.	Not in use
Idaho	No-excuse absentee voting by mail and early in-person voting are allowed. Precincts with fewer than 125 voters may be designated as vote-by-mail precincts.	Not in use
Illinois	No-excuse absentee voting by mail and in-person early voting are allowed.	Clustered voting zones precincts are allowed in certain circumstances

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	Early voting and vote-by-mail	States should modify current law to allow experimentation with vote centers
Indiana	An excuse is required to vote absentee by mail, but no excuse is required for early in-person absentee voting.	State law authorizes the secretary to conduct voting center pilots through 2010.
Iowa	No-excuse absentee voting by mail and in-person early voting are allowed.	Allowed for city, school and special elections.
Kansas	No-excuse “advance voting” in person or by mail is allowed.	Allowed for elections on special questions with approval of the secretary.
Kentucky	An excuse is required for absentee voting by mail, but no excuse is required for early in-person voting.	Not in use
Louisiana	An excuse is required for absentee voting by mail, but no excuse is required for early in-person voting.	Not in use
Maine	No-excuse absentee voting by mail and in-person absentee voting are allowed and Maine has piloted other forms of early voting.	Not in use
Maryland	No-excuse absentee voting by mail and late in-person absentee voting are allowed.	Not in use
Massachusetts	Absentee voting by mail an in-person absentee voting allowed with an excuse.	Not in use
Michigan	Absentee voting by mail an in-person absentee voting allowed with an excuse.	Not in use
Minnesota	Absentee voting by mail an in-person absentee voting allowed with an excuse.	Not in use
Mississippi	Absentee voting by mail an in-person absentee voting allowed with an excuse.	Not in use
Missouri	Absentee voting by mail an in-person absentee voting allowed with an excuse. Nonpartisan local elections may be conducted by mail.	Central voting places in each county required for voters with disabilities and other authorized voters.
Montana	No-excuse absentee voting by mail and in-person absentee voting are allowed. Voters may request to be placed on permanent absentee status	Not in use

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	Early voting and vote-by-mail	States should modify current law to allow experimentation with vote centers
Nebraska	No-excuse absentee voting by mail and in-person absentee voting are allowed. Elections may be conducted entirely by mail in certain circumstances	Not in use
Nevada	No-excuse absentee voting by mail and in-person absentee voting are allowed. Precincts with less than 200 voters may conduct mail elections	Centralized voting stations may be established for elderly and disabled voters.
New Hampshire	Absentee voting by mail an in-person absentee voting allowed with an excuse.	Not in use
New Jersey	No-excuse absentee voting by mail and in-person absentee voting are allowed. Municipalities with fewer than 500 voters may conduct mail elections	Not in use
New Mexico	No-excuse absentee voting by mail and in-person early voting are allowed. Certain local elections may be conducted by mail.	Not in use.
New York	Absentee voting by mail an in-person absentee voting allowed with an excuse.	Not in use
North Carolina	No-excuse absentee voting by mail and in-person absentee voting are allowed.	Not in use
North Dakota	No-excuse absentee voting by mail and in-person absentee voting are allowed. Counties are allowed to conduct local elections by mail.	Not in use
Ohio	No-excuse absentee voting by mail and in-person absentee voting are allowed.	Not in use
Oklahoma	No-excuse absentee voting by mail and in-person absentee voting are allowed.	Not in use
Oregon	Elections are conducted entirely by mail.	Centralized ballot drop locations are available for vote by mail and in-person voting.
Pennsylvania	Absentee voting by mail an in-person absentee voting allowed with an excuse.	Not in use
Rhode Island	Absentee voting by mail an in-person absentee voting allowed with an excuse.	Not in use
South Carolina	Absentee voting by mail an in-person absentee voting allowed with an excuse.	Not in use

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	Early voting and vote-by-mail	States should modify current law to allow experimentation with vote centers
South Dakota	No-excuse absentee voting by mail and in-person absentee voting are allowed.	Not in use
Tennessee	An excuse is required for absentee voting by mail, but no excuse is required for early in-person voting.	Pilot projects are allowed for the 2009 municipal elections.
Texas	An excuse is required for absentee voting by mail, but no excuse is required for early in-person voting.	Pilot projects conducted in 2006 and 2008 and additional pilots are under consideration.
Utah	No-excuse absentee voting by mail and in-person absentee voting are allowed.	Counties may combine polling places if they provide notice to voters and maintain at least two polling places
Vermont	No-excuse absentee voting by mail and in-person absentee voting are allowed.	Not in use
Virginia	Absentee voting by mail and in-person absentee voting allowed with an excuse.	Not in use
Washington	All counties in Washington except Pierce conduct elections by mail, but must make in-person voting locations available also.	In-person voting locations function as vote centers in all counties that use vote-by-mail.
West Virginia	An excuse is required for absentee voting by mail, but no excuse is required for early in-person voting. A vote-by mail pilot exists for municipal elections.	Not in use
Wisconsin	No-excuse absentee voting by mail and in-person absentee voting are allowed.	Not in use
Wyoming	No-excuse absentee voting by mail and in-person early voting are allowed.	Not in use

APPENDIX II – STATE-BY-STATE ANALYSES

D-2: ACCESS AND EDUCATION: MILITARY AND OVERSEAS VOTING

Carter-Baker Commission Recommendations	A system to expedite the delivery of ballots to UOCAVA voters should be developed, but all ballots should be returned by mail	All ballots subject to UOCAVA must be mailed at least 45 days before the election or within 2 days of receiving and absentee ballot application	States should count the ballots of overseas and military voters up to 10 days after the election if they are post-marked by Election Day
Alabama	All materials are transmitted by mail	Ballots are mailed beginning 40 days prior to an election.	Ballots must be returned by noon on Election Day to be counted.
Alaska	Ballot materials may be faxed, but must be returned by mail	Regular ballots are mailed 22 days prior to an election. Special write-in ballots are available 60 days prior to an election.	Ballots postmarked on or before Election Day and received up to 15 days after the election will be counted.
Arizona	Ballots materials may be faxed/e-mailed and may be returned by fax/e-mail	Regular ballots are mailed approximately 33 days before an election. Special write-in ballots are available 50 days before a general election.	Ballots must be returned by the close of the polls on Election Day to be counted.
Arkansas	Ballot requests may be faxed, but ballots are mailed to voters	Ballots are mailed beginning 25 days before an election.	Ballots postmarked on or before Election Day and received up to 10 days after the election will be counted.
California	Ballot materials may be faxed to voters and may be returned by fax	Ballots must be mailed with 24 hours of a request. Regular ballots are mailed 29 days prior to an election. Special write-in ballots are available 60 days prior to an election.	Ballots must be returned by the close of the polls on Election Day to be counted.
Colorado	Ballots may be faxed and returned by fax or email utilizing the Federal Voting Assistance Program	Regular ballots are mailed beginning 30 days prior to an election. Special write-in ballots are available 57 days prior to an election	Ballots must be returned by the close of the polls on Election Day to be counted.
Connecticut	Ballot requests may be faxed, but ballots are mailed to voters	Regular ballots are mailed 45 days before a general election. Special write-in ballots are available 90 days prior to an election.	Ballots must be returned by the close of the polls on Election Day to be counted.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	A system to expedite the delivery of ballots to UOCAVA voters (by fax, e-mail, or overnight delivery service) should be developed, but all ballots should be returned by mail	All ballots subject to UOCAVA must be mailed at least 45 days before the election or within 2 days of receiving and absentee ballot application	States should count the ballots of overseas and military voters up to 10 days after the election if they are post-marked by Election Day
Delaware	Ballot materials may be faxed, but must be returned by mail	Regular ballots are mailed beginning 30 days prior to an election. Special write-in ballots are available 90 days prior to an election.	Ballots must be returned by the noon the day before the election to be fully counted. ⁸⁷
Florida	Ballot materials may be faxed to voters and may be returned by fax	Regular ballots are mailed 45 days prior to a general election. Special write-in ballots are available at least 90 days prior to an election.	Ballots must be received by the close of polls on Election Day to be fully counted. ⁸⁸
Georgia	Ballot requests may be faxed, but ballots are mailed to voters	Regular ballots are mailed 45 days prior to a general election. Special write-in ballots are available immediately upon request.	Ballots must be postmarked by Election Day and received no later than 3 days after an election to be counted.
Hawaii	Ballots may be faxed to voters within five days of an election if a regular ballot has not been received. Such ballots and a FWAB may be returned by fax.	Ballots are mailed 35 days before an election.	Ballots must be returned by the close of the polls on Election Day to be counted.
Idaho	Ballots may be faxed and may be returned by fax in emergency circumstances	Ballots are mailed 35-40 days before a general election.	Ballots must be returned by the close of the polls on Election Day to be counted.
Illinois	Ballot requests may be faxed, but ballots are mailed to voters ⁸⁹	Ballots are mailed 60 days prior to federal elections and 45 days prior to other elections.	Ballots postmarked before Election Day will be counted if received within the 14 th day after the election.
Indiana	Ballot materials may be faxed/e-mailed to voters and may be returned by fax/e-mail	Regular allots are mailed 45 days before a general election. Special write-in ballots are available in June before a general election.	Ballots postmarked on or before Election Day and received up to 10 days after the election will be counted. ⁹⁰

⁸⁷ Ballots returned after this deadline but by the close of the polls on Election Day will be counted for federal offices only.

⁸⁸ Ballots postmarked by Election Day and received up to 10 days after the election will be counted for federal offices only.

⁸⁹ Certain local jurisdictions may fax ballots to UOCAVA voters.

⁹⁰ Ballots that are returned from within the U.S. must be received in time to be delivered to precincts by noon on Election Day.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	A system to expedite the delivery of ballots to UOCAVA voters (by fax, e-mail, or overnight delivery service) should be developed, but all ballots should be returned by mail	All ballots subject to UOCAVA must be mailed at least 45 days before the election or within 2 days of receiving and absentee ballot application	States should count the ballots of overseas and military voters up to 10 days after the election if they are post-marked by Election Day
Iowa	Ballots may be faxed/e-mailed and may be returned by fax/e-mail using the FVAP secure transmission program	Regular ballots are mailed 40 days prior to an election and special write-in ballots are available 90 days before an election.	Ballots must be postmarked by Election Day and received by no later than noon on the Monday following the election to be counted.
Kansas	Ballots may be sent and returned by fax and in limited circumstances by e-mail	Regular ballots are mailed 45 days prior to an election and special write-in ballots are available is regular ballots are not available in time.	Ballots must be received by the close of the polls on Election Day to be counted.
Kentucky	Ballots may be faxed to voters using the FVAP program, but ballots must be returned by mail	Ballots are mailed beginning 50 days prior to an election.	Ballots must be returned by the close of the polls on Election Day to be counted
Louisiana	Ballot materials may be faxed to voters and may be returned by fax	Regular ballots are mailed beginning 20 days prior to an election. Special write-in ballots are available earlier.	Ballots must be returned by the close of the polls on Election Day to be counted
Maine	Ballot requests may be faxed, but ballot materials may only be faxed and returned by fax under limited circumstances	Regular ballots are available 45 days before an election. Special write-in ballots are available 3 months before an election.	Ballots must be returned by the close of the polls on Election Day to be counted
Maryland	Ballots may be faxed, but must be returned by mail	Ballots are available 20-30 days before an election.	Ballots postmarked on or before Election Day and received up to 10 days after the election will be counted
Massachusetts	Ballot requests may be faxed, but ballot materials are mailed	Ballots are available 21 days before a general election.	Ballots sent from overseas and postmarked on or before Election Day and received up to 10 days after the election will be counted ⁹¹
Michigan	Ballot requests may be faxed, but ballot materials are mailed	Ballots are available 45 days before an election.	Ballots must be returned by the close of the polls on Election Day to be counted
Minnesota	Ballots may be faxed, but must be returned by mail.	Ballots are available beginning 30 days prior to an election.	Ballots must be returned by the close of the polls on Election Day to be counted

⁹¹This applies to federal elections only. Ballots mailed from within the U.S. must be received by the close of polls on Election Day.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	A system to expedite the delivery of ballots to UOCAVA voters (by fax, e-mail, or overnight delivery service) should be developed, but all ballots should be returned by mail	All ballots subject to UOCAVA must be mailed at least 45 days before the election or within 2 days of receiving and absentee ballot application	States should count the ballots of overseas and military voters up to 10 days after the election if they are post-marked by Election Day
Mississippi	Ballot materials may be faxed to voters and may be returned by fax.	Ballot requests must be honored within 24 hours, if possible. Ballots are available 45 days prior to election.	Ballots must be returned by the close of the polls on Election Day to be counted
Missouri	Ballot requests may be faxed, but ballots are mailed and must be returned by mail. ⁹²	Regular ballots are mailed beginning the 6 th Tuesday prior to an election. Special write-in ballots are available 80 days before an election.	Ballots must be returned by the close of the polls on Election Day to be counted
Montana	Ballots may be faxed to voters and returned by fax.	Ballots are mailed 30 days prior to a primary and 45 days prior to a federal election.	Ballots must be returned by the close of the polls on Election Day to be counted
Nebraska	Ballots may be faxed to voters, but must be returned by mail.	Regular ballots are available 40 days prior to an election. Special write-in ballots are available 60 days prior to an election.	Ballots must be returned by the close of the polls on Election Day to be counted
Nevada	Ballots may be faxed to voters and returned by fax.	Ballots are mailed beginning 40 days prior to an election.	Ballots must be returned by the close of the polls on Election Day to be counted
New Hampshire	Ballot requests may be faxed, but ballots are mailed and must be returned by mail	Regular ballots are available 30 days before an election. Special write-in ballots earlier.	Ballots must be returned by the close of the polls on Election Day to be counted
New Jersey	Ballots may be faxed to voters and returned by fax.	Ballots are mailed beginning 40 days prior to an election.	Ballots must be returned by the close of the polls on Election Day to be counted
New Mexico	Ballots may be faxed to voters and returned by fax.	Regular ballots are mailed 45 days prior to a general election. Special write-in ballots are available at least 90 days prior to an election.	Ballots must be returned by the close of the polls on Election Day to be counted

⁹² Special proclamation by the Secretary of State is required to allow electronic transmission of ballots.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	A system to expedite the delivery of ballots to UOCAVA voters (by fax, e-mail, or overnight delivery service) should be developed, but all ballots should be returned by mail	All ballots subject to UOCAVA must be mailed at least 45 days before the election or within 2 days of receiving and absentee ballot application	States should count the ballots of overseas and military voters up to 10 days after the election if they are post-marked by Election Day
New York	No electronic transmissions are allowed.	Ballots are mailed 32 days prior to an election.	Ballots must be postmarked by election day and received within 7 or 13 days after a general election day to be counted. ⁹³
North Carolina	Ballots may be faxed to voters and returned by fax.	Ballots are mailed beginning 50 days before an election.	Ballots must be received by 5pm on the day before the election to be counted. ⁹⁴
North Dakota	Ballots may be faxed/e-mailed to voters and returned by fax/e-mail if certain security requirements are met.	Ballots are mailed beginning 40 days prior to an election.	Ballots must be postmarked by the day before the election and received within two days after an election to be counted.
Ohio	Ballots may be faxed to voters, but must be returned by mail.	Ballots are mailed no later than 35 days before a general election.	Ballots postmarked on or before Election Day and received up to 10 days after the election will be counted. ⁹⁵
Oklahoma	Ballots may be faxed to voters and returned by fax.	Regular ballots are mailed 30 days prior to an election and special write-in ballots are available 90 days before an election.	Ballots must be returned by the close of the polls on Election Day to be counted.
Oregon	Ballots may be faxed to voters, but must be returned by mail.	Regular ballots are mailed no later than 45 days before an election and special write-in ballots are also available.	Ballots must be returned by 8pm on Election Day to be counted.
Pennsylvania	Ballots may be electronically transmitted to voters, but must be returned by mail. ⁹⁶	Regular ballots are mailed beginning 45 days before an election and special write-in ballots are available 70 days before an election.	Ballots must be postmarked by 5pm the day before the election and received no later than 7 days after an election to be counted.

⁹³ Ballots from military voters are counted if received no later than 13 days after a general election. Ballots from other overseas voters must be received no later than 7 days after Election Day to be counted.

⁹⁴ Ballots received by the close of the polls on Election Day will be counted for President/Vice President only.

⁹⁵ For presidential primary elections, ballots from overseas may be counted if received up to 20 days after the election.

⁹⁶ 33 counties utilize the program offered by FVAP to send ballots electronically.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	A system to expedite the delivery of ballots to UOCAVA voters (by fax, e-mail, or overnight delivery service) should be developed, but all ballots should be returned by mail	All ballots subject to UOCAVA must be mailed at least 45 days before the election or within 2 days of receiving and absentee ballot application	States should count the ballots of overseas and military voters up to 10 days after the election if they are post-marked by Election Day
Rhode Island	Ballots may be faxed to voters and returned by fax.	Regular ballots are available 21 days prior to an election and special write-in ballots are available 45 days before an election.	Ballots must be returned by the close of the polls on Election Day to be counted.
South Carolina	Ballots may be sent and returned electronically.	Regular ballots are available 45 days before an election a special write-in ballots are available 90 days before an election.	Ballots must be returned by the close of the polls on Election Day to be counted.
South Dakota	Ballot requests may be faxed, but ballots are mailed and must be returned by mail	Ballots requests must be honored within 48 hours. Regular ballots are available beginning six weeks prior to a general election.	Ballots must be received in time to be delivered to the voter’s home precinct by the close of poll on Election Day.
Tennessee	Ballot requests may be faxed, but ballots are mailed and must be returned by mail	Ballots are available at least 30 days prior to an election and special write-in ballots are available 45 days before an election.	Ballots must be returned by the close of the polls on Election Day to be counted.
Texas	Ballot requests may be faxed, but ballots are mailed and must be returned by mail ⁹⁷	Regular ballots are mailed beginning 45 days before an election and special write-in ballots are available as early as 180 days before an election.	Ballots must be postmarked by Election Day and received no later than the 5 th day after the election to be counted.
Utah	Ballots may be faxed to voters and may be returned by fax in certain circumstances.	Regular ballots are available no later than 30 days prior to an election and special write-in ballots are available 90 days before a general election.	Ballots must be postmarked the day before Election Day and received no later than 14 days after a general election to be counted.
Vermont	Ballots may be faxed to voters, but must be returned by mail.	Ballots are available beginning 30 days prior to an election.	Ballots must be returned by the close of the polls on Election Day to be counted.
Virginia	Ballots may be faxed/e-mailed, but must be returned by mail.	Ballots are available at least 45 days prior to an election.	Ballots must be returned by the close of the polls on Election Day to be counted.

⁹⁷ Texas implemented a pilot program in 2008 which allowed armed services voters to receive ballots via e-mail. Active-duty military members and their spouses/dependants may return ballots by fax.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	A system to expedite the delivery of ballots to UOCAVA voters (by fax, e-mail, or overnight delivery service) should be developed, but all ballots should be returned by mail	All ballots subject to UOCAVA must be mailed at least 45 days before the election or within 2 days of receiving and absentee ballot application	States should count the ballots of overseas and military voters up to 10 days after the election if they are post-marked by Election Day
Washington	Ballots may be faxed/e-mailed and may be returned by fax.	Regular ballots are available at least 30 days prior to an election and special write-in ballots are available 90 days before a general election.	Ballots must be post marked by Election Day and received prior to certification of the election to be counted. ⁹⁸
West Virginia	Ballots may be sent and returned using the FVAP electronic transmission system	Regular ballots are available 42 days prior to an election and special write-in ballots are also available.	Ballots must be received no later than the beginning of the official canvass (5 days after a general election) to be counted.
Wisconsin	Ballots may be faxed to voters, but must be returned by mail.	Regular ballots are available 30 days prior to an election and special write-in ballots are available to military voters 90 days before a general election.	Ballots must be post marked by Election Day and received within 7 days of a primary and 10 days of a general election to be counted.
Wyoming	All materials are transmitted by mail.	Ballots are available beginning 40 days prior to an election.	Ballots must be returned by the close of the polls on election day to be counted

⁹⁸ 15 days after primary and special elections and 21 days after a general election

APPENDIX II – STATE-BY-STATE ANALYSES

D-3: ACCESS AND EDUCATION - VOTER EDUCATION AND FELON RE-ENFRANCHISEMENT

Carter-Baker Commission Recommendations	Voter Information	States and local jurisdictions should use web sites, toll-free numbers for voter registration info and location of precincts	States should allow for restoration of voting rights to ex-felons once they have fully served their sentence
Alabama	Information provided on state website, but not required by law.	Toll-free voter information hotline and website provided.	Individual petition required to restore voting rights and certain categories of felons are ineligible for voting rights restoration.
Alaska	State law requires the Election Director to mail a <i>Primary Voter Pamphlet</i> and an <i>Official Election Pamphlet</i> to every household with a registered voter. Also available online.	Toll-free voter information hotline and website provided.	Voting rights restored upon unconditional discharge by the commissioner of corrections.
Arizona	The Clean Election Commission is required to mail a candidate information pamphlet to every voter and the Secretary of State is required to mail information on ballot initiatives.	Statewide website is not provided, but some counties provide online polling place lookup. A statewide toll-free hotline is also provided.	Voting rights are generally restored upon completion of sentence, including probation and parole, but repeat offenders must petition to have rights restored. Certain felons may be permanently ineligible.
Arkansas	Public notice (newspaper) of elections is required. Information provided on state website, but not required by law.	Voter information website is required and a toll-free hotline is provided.	Voting rights restored upon completion of sentence, including probation and parole.
California	State law requires the Secretary of State to mail a “ballot pamphlet” or voter guide to every voter. County election officials are also required to mail sample ballots and polling place notices to voters.	Statewide toll-free voter information hotline provided. Polling place and registration information available at the county level.	Voting rights are restored upon release from prison and completion of parole.
Colorado	State law requires counties to mail ballot information booklets when ballot measures are to be voted on. Voter information available on state website.	Voter notification cards with polling place information are mailed to all voters and voters can check registration and poll location on state website or through a toll-free hotline.	Voting rights are restored upon release from prison and completion of parole.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	Voter Information	States and local jurisdictions should use web sites, toll-free numbers for voter registration info and location of precincts	States should allow for restoration of voting rights to ex-felons once they have fully served their sentence
Connecticut	Voter guide required to be published on the internet.	State website links to League of Women Voters polling place finder.	Voting rights are restored upon release from prison, completion of parole and payment of all fines.
Delaware	Information provided on state website, but not required by law.	Polling place maps and registration look-up available on state website.	Ex-felons are generally eligible to vote five years after completing their sentences and paying all related fines. Certain categories of felons are permanently ineligible.
Florida	County supervisors of elections are required to produce a voter guide to be made available online. Sample ballots must also be made available.	Required to be available on the county supervisor's website if a website is maintained. Annual voter registration programs in high schools/colleges are required. Toll-free hotline also provided.	Florida utilizes a three-tiered system to restore voting rights. Only non-violent ex-felons have voting rights automatically restored upon completion of sentence, including probation and parole.
Georgia	Statewide coordinator of voter education is responsible for mailing voter instructions and updating the secretary's website.	Polling place locator provided on state website. Voter Education Coordinator program conducts other outreach.	Voting rights restored upon completion of sentence, including probation and parole.
Hawaii	The chief election officer is responsible for producing a voter information pamphlet.	Voter notification cards are mailed to all voters. Polling place maps are available on state website. Toll-free hotline also provided.	Voting rights are restored upon release from prison.
Idaho	Sample ballots must be available for every election and a voter pamphlet for ballot initiatives or referenda.	Voter guides are posted on state and county election websites. Voters can check registration and poll location on state website.	Voting rights restored upon completion of sentence, including probation and parole.
Illinois	The State Board of Elections is required to post a voting guide on its website	Voter guide and links to local election offices provided on state website. Toll-free hotline also provided.	Voting rights are restored upon release from prison.
Indiana	Voter guide and educational materials made available online, but not required by law.	Voters can check registration and poll location on state website. Toll-free hotline also provided.	Voting rights are restored upon release from prison.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	Voter Information	States and local jurisdictions should use web sites, toll-free numbers for voter registration info and location of precincts	States should allow for restoration of voting rights to ex-felons once they have fully served their sentence
Iowa	Voter guides are mailed to all households prior to each election and made available on the internet, but are not required by law.	Voters can check registration and poll location on state website.	Voting rights restored to ex-felons who completed their sentence, including probation and parole as of July 4, 2005. Restoration for others determined by the Governor.
Kansas	Information provided on state website, but not required by law.	Voters can check registration and poll location on state website. Toll-free hotline also provided.	Voting rights restored upon completion of sentence, including probation and parole.
Kentucky	Voter guide and sample ballots provided on State Board of Elections website, but are not required by law.	Voters can check registration and poll location on state website.	Executive pardon required for voting rights to be restored.
Louisiana	Voter guide and sample ballots provided on state website. Statewide voter education standards set by Sec. of State.	Voters can check registration and poll location on state website. Toll-free hotline also provided.	Voting rights restored upon completion of sentence, including probation and parole.
Maine	Voter information and sample ballot must be published in newspapers. Voter guide made available on website.	Voters can check poll location on state website.	Felons may vote from prison.
Maryland	Local election boards are required to provide voter information notices and sample ballots by mail or mass communication.	Toll-free hotlines are available and voters can check registration and poll location on state website.	Voting rights restored upon completion of sentence, including probation and parole.
Massachusetts	Local election officials are required to mail informational statements on ballot initiatives.	Voters can check poll location on state website. Toll-free hotline also provided.	Voting rights are restored upon release from prison.
Michigan	Voter information guide available online, but not required by law.	Voters can check registration and poll location on state website. Toll-free hotline also provided	Voting rights are restored upon release from prison.
Minnesota	Voter information guide available online, but not required by law	Toll-free hotlines are available and voters can check registration and poll location on state website.	Voting rights restored upon complete discharge of sentence, including probation and parole.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	Voter Information	States and local jurisdictions should use web sites, toll-free numbers for voter registration info and location of precincts	States should allow for restoration of voting rights to ex-felons once they have fully served their sentence
Mississippi	Voter guide and sample ballot available online, but not required by law.	Toll-free state and local hotlines available.	Certain categories of felons are not disqualified from voting, but the voting rights of others may only be restored by a 2/3 vote of both houses of the state legislature.
Missouri	Election notices and sample ballots must be published and available in local election offices.	Voters can check registration and poll location on state website. Toll-free hotline also provided.	Voting rights are generally restored upon completion of sentence, including probation and parole, but those convicted of election offenses are ineligible.
Montana	Election notices are broadcast/published and a voter pamphlet on ballot initiatives is required. Sample ballots may be made available upon request.	Toll-free voter information hotline and voters can check registration and poll location on state website	Voting rights are restored upon release from prison.
Nebraska	Election notices and sample ballots are published and are available in county election offices.	Voters can check registration and poll location on state website.	Voting rights restored two years after completion of sentence, including probation and parole.
Nevada	Sample ballots are mailed prior to the start of early voting. Election guide available online.	Voter information websites are required at the state and county level to check registration and polling place location.	Voting rights of non-violent felons are restored upon completion of sentence, including parole. Person convicted of a violent felony and second-time offenders must petition the court.
New Hampshire	Election notices must be published and voter guides are required when a constitutional amendment is on the ballot.	Poll locations are available on state website	Voting rights are restored upon release from prison, except that those convicted of certain election crimes must petition the state Supreme Court.
New Jersey	Election notices must be made available by local election officials. Sample ballots are mailed to all registered voters and include polling place information.	Voter information websites are required at the state and county level. Toll-free hotline also provided.	Voting rights restored after completion of sentence, including probation and parole

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	Voter Information	States and local jurisdictions should use web sites, toll-free numbers for voter registration info and location of precincts	States should allow for restoration of voting rights to ex-felons once they have fully served their sentence
New Mexico	Election notices must be mailed to all voters. Voter guide and sample ballots available online.	Voters can check registration and poll location on state website. Toll-free hotline also provided.	Voting rights restored after completion of sentence, including probation and parole
New York	Election notices must be mailed to all voters. Local boards are encouraged to mail sample ballots and informational websites.	Voters can check registration and poll location on state website. Toll-free hotline also provided.	Voting rights restored after completion of sentence, including parole.
North Carolina	The State Board is required to mail a voter guide to all voters. Voter information also online.	Voters can check registration and poll location on state website and a toll-free hotline/help desk is also available.	Voting rights restored after completion of sentence, including probation and parole.
North Dakota	Information provided on state website, but not required by law.	Voters can check poll location on state website. Toll-free hotline also provided.	Voting rights are restored upon release from prison.
Ohio	Secretary of State is required to publish and distribute voter information in a wide variety of formats.	Voters can check registration and poll location on state website. Toll-free hotline also provided.	Voting rights are restored upon release from prison.
Oklahoma	Election notices are required, but means of distribution are not specified. Sample ballots must be available in all county elections offices.	Voters can check poll location on state website.	Voting rights restored after completion of sentence, including probation and parole.
Oregon	The Secretary of State is required to send a voter pamphlet to all voters and counties include voting information in vote by mail materials sent to voters. Information is also available online.	Voters can check registration information on state website. Toll-free hotline also provided.	Voting rights are restored upon release from prison
Pennsylvania	Secretary of Commonwealth is required to publish information on ballot initiatives. Voter guide available online.	Voters can check registration and poll location on state website.	Voting rights are restored upon release from prison.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	Voter Information	States and local jurisdictions should use web sites, toll-free numbers for voter registration info and location of precincts	States should allow for restoration of voting rights to ex-felons once they have fully served their sentence
Rhode Island	State and local boards are required to provide information on ballot initiatives. Other voter information available online	Voters can check registration and poll location on state website.	Voting rights are restored upon release from prison.
South Carolina	Information provided on state website, but not required by law.	Voters can check registration and poll location on state website.	Voting rights restored after completion of sentence, including probation and parole.
South Dakota	Newspaper publication of election notices, sample ballots, initiative information required. Information booklets are also published by the Secretary of State.	Voters can check registration and poll location on state website. Toll-free hotline also provided.	Voting rights are restored upon complete discharge of the sentence, including parole.
Tennessee	Newspaper publication of election notices and sample ballots required. Voter information available online.	Voters can check registration and poll location on state website.	Ex-felons must petition the Board of Parole and Probation to have voting rights restored, but some are permanently ineligible.
Texas	Newspaper publication of election notices and ballot initiative information required. Voter information available online.	Voters can check registration and poll location on state website. Voter rights hotline is also required.	Voting rights restored after completion of sentence, including probation and parole.
Utah	Newspaper publication of election notices and sample ballots required. Voter pamphlet on ballot initiatives must be mailed to all voters. Statewide voter information website also required.	Voters can check registration and poll location on state website. Toll-free hotline also provided.	Voting rights are restored upon release from prison.
Vermont	Notices must be publicly posted and sample ballots available upon request. Voter information and sample ballots available online.	Toll-free hotline is provided. Poll locations are available on state website.	Felons may vote from prison.
Virginia	Voter information must be available online and at local elections offices. Sample ballots are available online.	Voters can check registration, poll location and absentee ballot status on state website. Toll-free hotline also provided.	Ex-felons may petition to have voting rights restored three years after completion of sentence, including probation and parole.

APPENDIX II – STATE-BY-STATE ANALYSES

Carter-Baker Commission Recommendations	Voter Information	States and local jurisdictions should use web sites, toll-free numbers for voter registration info and location of precincts	States should allow for restoration of voting rights to ex-felons once they have fully served their sentence
Washington	State pamphlet with information on voting procedures, candidates and ballot measures must be mailed to all voters	Website and toll-free hotline required.	Voting rights of ex-felons convicted after July 1, 1984 are restored after completion of sentence, including probation and parole. Those convicted before that date must petition for restoration.
West Virginia	Newspaper publication of election notices and sample ballots required. Voter information available online.	Toll-free hotline provided and voters can check registration and poll location on state website	Voting rights restored after completion of sentence, including probation and parole.
Wisconsin	Newspaper publication of election notices and sample ballots required. Information available online	Toll-free hotline required and voters can check registration and poll location on state website	Voting rights restored after completion of sentence, including probation and parole.
Wyoming	Newspaper publication of election notices, sample ballots and other election information required. Secretary must make available a voter pamphlet on any ballot initiatives. Information available online.	Poll locations are available on state website.	Ex-felons must petition to have voting rights restored and are not eligible until 5 years after they have completed their sentence.

Table E-1: ELECTION ADMINISTRATION - ELECTION MANAGEMENT

Carter-Baker Commission Recommendations	Election management institutions should be reconstituted on a nonpartisan basis.	States should prohibit senior election officials from serving on or assisting with political campaigns in a partisan manner	State chief election officers should ensure uniformity of voting procedures throughout the state.
Alabama	An elected (partisan) Secretary of State is the chief election official	No statutory restrictions.	Guidance provided by Secretary of State.
Alaska	An elected lieutenant governor (partisan) is the chief elections official and he/she appoints the Director of Elections.	All full-time members of the Elections Division staff are prohibited from participating in partisan political activity.	General supervision provided by the Director of Elections.
Arizona	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions.	Prior to each election the Secretary of State produces and distributes an Election Procedures Manual to ensure uniformity.
Arkansas	An elected Secretary of State (partisan) is the chief election official and chair of the bipartisan State Board of Election Commissioners.	Certain restrictions on partisan activity are placed local, but not state election officials.	Training is provided to local election officials by the State Board of Election Commissioners to ensure uniformity.
California	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions.	Guidance provided by Secretary of State.
Colorado	An elected Secretary of State (partisan) is the chief election official.	The Secretary of State is prohibited from serving as the chairperson of a campaign for any candidate.	Guidance provided by the Secretary of State through election law manual and mandatory certification program.
Connecticut	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions.	Guidance provided by Secretary of State and local officials must complete a certification program.
Delaware	An appointed Commissioner of Elections is the chief election official.	The Commissioner of elections, county election board members and employees thereof are prohibited from certain partisan political activities.	Standards are set by the Commissioner of Elections.
Florida	A Secretary of State, appointed by the governor and approved by the senate is the chief election official in Florida.	No statutory restrictions.	Guidance and a poll procedures manual provided by the Secretary of State

Carter-Baker Commission Recommendations	Election management institutions should be reconstituted on a nonpartisan basis.	States should prohibit senior election officials from serving on or assisting with political campaigns in a partisan manner	State chief election officers should ensure uniformity of voting procedures throughout the state.
Georgia	An elected Secretary of State (partisan) is the chief election official. Assisted by an appointed, bipartisan State Board of Elections.	Secretary of State is prohibited from serving in any fiduciary capacity for the campaign of any candidate	Guidance provided by secretary and the State Board of Elections. Annual training of local officials is required.
Hawaii	The chief election officer is appointed by the bipartisan State Elections Commission, which is appointed by the state legislature.	The chief election officer, employees of the office of elections, and members of the Elections Commission are prohibited from certain partisan political activities.	Uniform procedures are established by the chief elections officer in consultation with county clerks.
Idaho	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions.	Guidance and poll worker manuals provided by secretary. Annual training of local officials is required.
Illinois	A bipartisan State Board of Elections oversees elections and appoints an Executive Director who serves as the chief election official	All Board employees are prohibited from engaging in any partisan political activity.	Guidance and an election manual provided by the State Board of Elections.
Indiana	An elected Secretary of State (partisan) is the chief election official. Assisted by a bipartisan, appointed Elections Commission	No statutory restrictions.	Guidance provided by the secretary and Elections Commission. Annual training of local officials is required.
Iowa	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions.	Guidance provided by the secretary and state law authorizes a continuing education program for local election officials
Kansas	An elected Secretary of State (partisan) is the chief election official	No statutory restrictions.	Kansas Election Standards manual provided by secretary. Annual training of local officials is required.
Kentucky	An elected Secretary of State (partisan) is the chief election official and chair of the State Board of Elections (bipartisan independent agency)	Members of state and county boards of elections are prohibited from being candidates for public office.	Guidance provided by the secretary and State Board Regular training provided to local officials.

Carter-Baker Commission Recommendations	Election management institutions should be reconstituted on a nonpartisan basis.	States should prohibit senior election officials from serving on or assisting with political campaigns in a partisan manner	State chief election officers should ensure uniformity of voting procedures throughout the state.
Louisiana	An elected Secretary of State (partisan) is the chief election official.	The secretary, all members of the elections division, and registrars are prohibited from certain partisan political activities.	Guidance provided by the secretary.
Maine	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions.	Guidance provided by the secretary. Mandatory training of local election officials every two years.
Maryland	A bipartisan, appointed state election board oversees elections and appoints the State Administrator of Elections who is the chief election official.	All board members and employees are prohibited from being candidates or from serving in a management role in political campaigns.	Guidance provided by the State Election Board. Annual training of local election boards is required.
Massachusetts	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions.	Guidance provided by the secretary
Michigan	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions.	Guidance and training standards/manual provided by the secretary. Training of local officials required before general elections.
Minnesota	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions.	Guidance and training provided by the secretary
Mississippi	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions.	Guidance and training standards/manual provided by the secretary. Annual training of local election boards is required.
Missouri	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions. ⁹⁹	Guidance provided by the secretary.
Montana	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions	Guidance provided by the secretary and training of local election officials is required once every two years.

⁹⁹ Some restrictions are placed on certain local election officials.

Carter-Baker Commission Recommendations	Election management institutions should be reconstituted on a nonpartisan basis.	States should prohibit senior election officials from serving on or assisting with political campaigns in a partisan manner	State chief election officers should ensure uniformity of voting procedures throughout the state.
Nebraska	An elected Secretary of State (partisan) is the chief election official.	Certain restrictions on partisan activity are placed local, but not state election officials.	Guidance provided by the secretary and training of local election officials is required biennially.
Nevada	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions	Guidance provided by the secretary and a centralized election official training program has been developed.
New Hampshire	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions ¹⁰⁰	Guidance provided by the secretary and an election procedures manual produced every two years.
New Jersey	An appointed Secretary of State is the chief election official.	No statutory restrictions ¹⁰¹	Guidance provided by the secretary.
New Mexico	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions	Guidance provided by the secretary who produces a manual on election code and conducts training for local officials prior to statewide elections
New York	A bipartisan, appointed State Board of Elections oversees elections.	State and local commissioners are prohibited from running or holding other public office.	Guidance provided by the State Board of Elections, which produces manuals for local boards and for poll workers.
North Carolina	Elections are overseen by a bipartisan, independent State Board of Elections.	State and local board members may not hold any office in a political party or organization or serve as a manager/treasurer for any candidate.	Guidance and manual of election laws provided by State Board and local elections officials are required to participate in a certification program.
North Dakota	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions	Guidance and manual of election procedures provided by the secretary. Election year training of local officials is required.

¹⁰⁰ Members of the Ballot Law Commission, which oversees voting system certification and election complaints, are prohibited from making political contributions.

¹⁰¹ Local election officials may not be candidates for public office.

Carter-Baker Commission Recommendations	Election management institutions should be reconstituted on a nonpartisan basis.	States should prohibit senior election officials from serving on or assisting with political campaigns in a partisan manner	State chief election officers should ensure uniformity of voting procedures throughout the state.
Ohio	An elected Secretary of State (partisan) is the chief election official.	The Secretary of State and the attorney general are prohibited from serving on political campaigns other than their own	Guidance provided by secretary and training of local elections officials is mandatory (once every 4 years).
Oklahoma	The Secretary of the State Election Board is the chief election official and is assisted by the bipartisan Board (appointed by the governor).	No statutory restrictions on state officials ¹⁰²	Guidance and election law digest provided by the State Board. Mandatory training of local election officials every two years.
Oregon	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions	Guidance provided by the secretary through annual election law conferences and an election law digest.
Pennsylvania	An appointed Secretary of the Commonwealth is the chief elections officer.	No statutory restrictions	Guidance provided by secretary and counties were required to develop local HAVA plans.
Rhode Island	Authority over elections is shared between an elected Secretary of State and an independent State Board of Elections appointed by the Governor.	State and local board members are prohibited from holding or running for public office	Guidance provided by the secretary and the State Board.
South Carolina	Elections are overseen by a bipartisan, appointed State Elections Commission. The executive director is the state chief election official.	State and local commissioners are prohibited from campaign involvement and from making political contributions.	Guidance and certification provided by the State Commission. Annual training of local officials required.
South Dakota	Elections are overseen by a bipartisan State Election Board of which the Secretary of State serves as the chair.	No statutory restrictions.	Guidance provided by the secretary.

¹⁰² Members of county election boards are prohibited from becoming candidates from public office or from overseeing elections in which a relative is a candidate.

Carter-Baker Commission Recommendations	Election management institutions should be reconstituted on a nonpartisan basis.	States should prohibit senior election officials from serving on or assisting with political campaigns in a partisan manner	State chief election officers should ensure uniformity of voting procedures throughout the state.
Tennessee	The chief election official is the State Coordinator of Elections appointed by the Secretary of State and is assisted by the bipartisan, appointed State Election Commission (SEC)	Members of the state and county elections commissions are prohibited from being candidates or from serving in a management role in a political campaign.	Guidance provided by the State Coordinator and State Election Commission. Annual training of local officials is required and the SEC provides a certification program.
Texas	An appointed Secretary of State is the chief election official.	No restrictions on state officials, but county election officials are prohibited from being candidate and holding office in a political party.	Guidance provided by the Secretary of State
Utah	An elected (partisan) Lt. Governor is the chief election official.	No statutory restrictions	Guidance and manual of election code provided by the Lt. Governor to local election officials.
Vermont	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions	Guidance and an election procedures manual provided by the secretary. Local officials are required to attend training at least once every two years.
Virginia	Elections are overseen by a bipartisan, appointed State Board of Elections.	State and local electoral board members are prohibited from being candidates, from serving in political party leadership and from working for a political campaign.	Guidance provided by the state Board. At least one member of every local board must attend an annual training provided by the state board.
Washington	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions	Guidance provided by the Secretary of State who maintains training and certification programs for local election officials and an elections information clearinghouse
West Virginia	An elected Secretary of State (partisan) is the chief election official and is assisted by a bipartisan, appointed State Election Commission .	Members of the State Elections Commission are prohibited from being candidates or serving on political party committees	Guidance and election law manual provided by the Secretary of State. Local elections officials must attend training very two years.

Carter-Baker Commission Recommendations	Election management institutions should be reconstituted on a nonpartisan basis.	States should prohibit senior election officials from serving on or assisting with political campaigns in a partisan manner	State chief election officers should ensure uniformity of voting procedures throughout the state.
Wisconsin	Elections are overseen by a nonpartisan, appointed Government Accountability Board, with the Elections Director serving as the chief election official.	Members of the Board of prohibited from partisan political activities and employees are required to be nonpartisan.	Guidance and election law and procedure manuals provided by the Board. Certification and on-going training is required of local election officials.
Wyoming	An elected Secretary of State (partisan) is the chief election official.	No statutory restrictions	Guidance and copies of the election code provided by the Secretary of State.

Table E-2: ELECTION ADMINISTRATION - POLL WORKERS

Carter-Baker Commission Recommendations	States should amend their laws to allows shifts for part of the day	Training requirements
Alabama	No provision in state law	Training required prior to every election. Additional pay available for certified poll workers.
Alaska	No provision in state law	Training required prior to every primary election in even numbered years. Standards and manuals are provided by the Elections Director. High school students who are at least 16 may serve as poll workers.
Arizona	No provision in state law	Training is required prior to every election unless a poll worker has been certified as a premium election board worker after completing additional training.
Arkansas	Half-day shifts allowed	Only two poll workers per precinct are required to attend training. College and high school students are allowed to serve as volunteers.
California	No provision in state law	Training is required and the state organized a statewide taskforce to implement uniform standards. High school students who are at least 16 may serve as poll workers.
Colorado	No provision in state law	Training is required prior to each election. High school students who are at least 16 may serve as poll workers.
Connecticut	Half-day shifts allowed	Moderators must complete a certification program. All other poll workers must attend training prior to each election. High school students who are at least 16 may serve as poll workers
Delaware	No provision in state law	Training is required according to uniform materials developed by the Election Commissioner. High school students who are at least 16 may serve as poll workers.
Florida	No provision in state law	All poll workers must attend at least 2 hours (3 for clerks) of training prior to an election. High school students who are at least 16 may serve as poll workers.
Georgia	No provision in state law	All poll workers are required to attend training.
Hawaii	No provision in state law	Training is “periodic” and at the discretion of the county clerk.

Carter-Baker Commission Recommendations	States should amend their laws to allows shifts for part of the day	States and local jurisdictions should implement supplemental training and recognition programs for poll workers.
Idaho	No provision in state law	Training is required for poll workers in precincts where voting machines are used. High school students who are at least 17 may serve as poll workers.
Illinois	No provision in state law	Poll workers are required to attend at least 4 hours of training and pass an examination. High school and college students may serve as poll workers.
Indiana	No provision in state law	Training is required and the state has created a Certified Election Poll Worker Program. High school students who are at least 16 may serve as poll workers
Iowa	No provision in state law	Training is required for all new poll workers and at least two workers per precinct. High school students who are at least 17 may serve as poll workers.
Kansas	Half day shifts are allowed	Training required for all poll workers according to a program designed by the secretary. High school students who are at least 16 may serve as poll workers.
Kentucky	No provision in state law	Training is required and those who fail to attend are banned from serving for 5 years. High school students who are at least 17 may serve as poll workers.
Louisiana	Half day shifts are allowed	All poll workers must attend training and pass an exam provided by the secretary. A tiered training system is used in which poll workers who have received more training are paid more. High school students who are at least 17 may serve as poll workers.
Maine	No provision in state law	Training requirements not specified in state law
Maryland	No provision in state law	Training required according to statewide standards. High school students who are at least 17 may serve as poll workers.
Massachusetts	No provision in state law	Training requirements not specified in state law

Carter-Baker Commission Recommendations	States should amend their laws to allows shifts for part of the day	States and local jurisdictions should implement supplemental training and recognition programs for poll workers.
Michigan	No provision in state law	Training and an examination is required at least once every two years according to standards established by the Secretary of State. High school students who are at least 16 may serve as poll workers
Minnesota	No provision in state law	Training required at least once every two years according to guidelines established by the Secretary of State. High school students who are at least 16 may serve as poll workers
Mississippi	No provision in state law	Annual training required and additional 8 hour training required once every 4 years (available online). High school students who are at least 16 may serve as poll workers, but are limited in the duties they can perform
Missouri	Half day shifts are allowed	Training required according to statewide standards prescribed by the Secretary of State. High school students who are at least 15 may serve as unpaid poll workers
Montana	Half day shifts are allowed	Training is required unless the poll worker has been certified under the state's election official training program (every two years)
Nebraska	Half day shifts are allowed.	Poll workers are appointed in a manner similar to jury duty. Training is required according to standards set by the Secretary of State. High school students who are at least 16 may serve as poll workers.
Nevada	No provision in state law	Training required according to materials developed in coordination with the Secretary of State. High school students who are at least 16 may serve as poll workers
New Hampshire	No provision in state law	Training required according to statewide standards/manual prescribed by the Secretary of State. High school students who are at least 17 may serve as poll workers
New Jersey	Half day shifts are allowed	Training required according to statewide standards/manual prescribed by the Secretary of State. High school students who are at least 16 may serve as poll workers
New Mexico	Half day shifts are allowed	Training required according to statewide standards/manual prescribed by the Secretary of State

Carter-Baker Commission Recommendations	States should amend their laws to allow shifts for part of the day	States and local jurisdictions should implement supplemental training and recognition programs for poll workers.
New York	No provision in state law	Training required according to statewide standards/manual prescribed by the State Board of Elections. Online training is available.
North Carolina	No provision in state law	Training and certification required according to statewide standards established by the State Board of Elections. High school students who are at least 17 may serve as poll workers.
North Dakota	No provision in state law	Training required according to statewide standards/manual prescribed by the Secretary of State. Online training available. High school students who are at least 16 may serve as poll workers.
Ohio	No provision in state law	Training is required at least once every 3 years – more frequently for presiding judges – according to a program prescribed by the Secretary of State. Online training is available. High school students who are at least 17 may serve as poll workers.
Oklahoma	No provision in state law	Training is required at least once every two years according to materials provided by the State Board of Elections.
Oregon¹⁰³	N/A	N/A
Pennsylvania	No provision in state law	Training is required prior to every election and some training materials are available online. High school students who are at least 17 may serve as poll workers.
Rhode Island	No provision in state law	Training required and a certification program is available, completion of which offers additional compensation. High school students who are at least 16 may serve as poll workers.
South Carolina	No provision in state law	Training required with materials provided by the State Commission and online training is available. High school students who are at least 16 may serve as poll workers.
South Dakota	No provision in state law	Training required prior to each election.

¹⁰³ Since Oregon conducts its elections by mail, traditional poll workers are not used.

Carter-Baker Commission Recommendations	States should amend their laws to allows shifts for part of the day	States and local jurisdictions should implement supplemental training and recognition programs for poll workers.
Tennessee	No provision in state law	Training required prior to each election according to standards set by the state coordinator of elections. High school students who are at least 17 may serve as poll workers.
Texas	Half-day shifts allowed	Training and testing required according to curriculum provided by the Secretary of State. Online training is available.
Utah	No provision in state law	Training requirements not specified in law, but is required according to state HAVA plan. High school students who are at least 17 may serve as poll workers.
Vermont	No provision in state law	Training required every two years and online training videos are available. High school students who are at least 16 may serve as poll workers
Virginia	Half-day shifts allowed	Training is required but organized by local boards of election.
Washington¹⁰⁴	No provision in state law	Training is the responsibility of local election officials
West Virginia	No provision in state law	Training requirements not specified – determined by the Secretary of State. High school students who are at least 16 may serve as volunteer election trainees.
Wisconsin	No provision in state law.	Training required at least once every two years according Board guidelines. Chief inspectors are required to be certified by the Board and received at least 6 hours of training every two years.
Wyoming	No provision in state law.	Training required prior to every election according to curriculum standards established by the Secretary of State. High school students who are at least 16 may serve as poll workers

¹⁰⁴ As Washington mostly conducts elections by mail, few traditional poll workers are utilized.