

# **ELECTION ADMINISTRATION PROFILES OF ALL FIFTY STATES**



**SUPPLEMENT TO**

***THE STATE OF ELECTIONS IN THE FIFTY STATES:  
EVALUATING THE PROCESS WHERE IT COUNTS***

**July 15, 2009**

## INTRODUCTION

In the report, *The State of Elections in the Fifty States: Evaluating the Process Where It Counts*, the Center for Democracy and Election Management analyzed the state of electoral reforms in the 50 states in relationship to five specific areas:

- Voter registration;
- Voter identification and provisional voting;
- Voting technology and audits;
- Voter access and education; and
- Election administration.

The analysis and the tables in that report were derived from data that we collected from all fifty states – election laws, administrative codes or rules, and the HAVA plan. In this “Supplemental Report,” we organized that data as “Election Profiles” for each of the fifty states. This does not include all local election decisions or the amount or purpose of the budgets of state or local elections. But it offers substantial detail for each state and narrative descriptions of election practices.

We hope you find it useful.

Dr. Robert A. Pastor, Co-Director, Center for Democracy and Election Management

Ms. Alison Prevost, Project Management, CDEM

Ms. Vassia Stoilov, Doctoral Fellow, CDEM

## ALABAMA



### Voter Registration

**Statewide Voter Registration Database** (Alabama Code of 1975 §§ 17-4-3, 17-4-30—17-4-39): Alabama implemented a centralized statewide voter registration database, developed by Election Systems and Software, under court order following a suit filed by the U.S. Department of Justice in 2006. The Governor of Alabama was given authority over the implementation, which was completed in late 2007.<sup>1</sup> The new database is overseen by the Secretary of State and managed by the State Supervisor of Voter Registration with input from an appointed Voter Registration Advisory Board and the President of the Alabama Probate Judges Association. County Boards of Registration/Registrars are required to electronically input registrations received into the statewide database and are responsible for list maintenance with guidance provided by the State Supervisor of Voter Registration. The statewide database serves as the official voter registration list for the conduct of all elections. The 2008 presidential primary was the first time the database was used for a statewide election.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (Code of Alabama 1975 §§ 17-10-2—17-10-2A): Procedures for administering and processing provisional ballots are outlined in the Alabama Administrative Code (Chapter 820-2-6) and the Secretary of State provides a provisional voting manual to ensure uniform implementation.<sup>2</sup> Provisional ballots are counted only if cast in the correct precinct. Voters can check online to verify if their provisional ballot has been counted and that information is retained in the voter history file in the statewide voter registration database. <http://www.sos.state.al.us/vb/election/provisional/checkStatus.aspx>

### Voter Identification

**Voter Identification** (Alabama Code of 1975 § 17-9-30): All voters are required to show either a photo ID (government-issued photo ID, employee ID with photo, or photo ID issued by an Alabama college, university, or technical, professional school) or copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.<sup>3</sup> A voter who does not have acceptable identification is required to vote provisionally or may vote regularly if he or she is identified as an eligible voter on the poll list by two poll officials and both official sign the voter register by the voter's name. If the voter's ballot becomes a provisional ballot due to lack of identification, the identification, including the address and telephone number of the voter, must be provided to the board of registrars no later

<sup>1</sup> See the Governor's HAVA website for more information at: <http://governor.alabama.gov/special/hava/index.aspx>

<sup>2</sup> *Provisional Voting in Alabama*, Available at: <http://sos.alabama.gov/downloads/election/hava/ProvisionalInstructionBooklet.pdf>

<sup>3</sup> A full list of acceptable non-photo identification documents is available at: <http://www.sos.alabama.gov/Elections/VoterID.aspx>

than 5:00 P.M. on the Friday following the election. Absentee voters must also submit a copy of an acceptable form of identification when they return their absentee ballot.

## **Technology**

**Voting Technology** (Alabama Code of 1975 §§ 17-2-4, 17-7-21, 17-7-23, 17-7-27; Administrative Code Chapter 307-X-1): All voting equipment in Alabama must be approved by the Secretary of State and certified by the Electronic Voting Committee using an independent testing authority according to the performance and test standards for electronic voting systems issued by the Federal Election Commission. All voting equipment must be publicly tested at least 14 days prior to an election. Alabama requires a voter-verifiable paper audit trail and all counties use optical scan voting equipment and ballot marking devices provide by ES&S.

**Audits** (Alabama Code of 1975 § 17-24-9; Administrative Code § 307-X-1-.20): A post-election audit is not required, but a probate judge may order a post-election retest of any precinct ballot counter, central ballot counter, direct recording electronic voting device or memory pack tabulator. If the retest shows a malfunction or error in the equipment or its program, the probate judge is required to order a recount as described below at county expense.

## **Voter Access and Education**

**Vote by Mail and Early Voting** (Alabama Code of 1975 § 17-11-3): Absentee voting by mail is permitted in Alabama, but only with an excuse. Early in-person absentee voting is also permitted, but an excuse is required.

**Vote Centers:** Not in use.

**Military and Overseas Voting** (Alabama Code of 1975 §§ 17-3-50, 17-11-7, 17-11-12): All voters are required to register no later than 10 days prior to an election. UOCAVA voters must request a ballot no later than 5 days prior to an election and requests may only be submitted by mail. Absentee ballots are mailed beginning 40 days prior to an election and must be returned by noon on Election Day to be counted. Ballots must also be either notarized or witnessed by two adults.

**Voter and Civic Education:** There are no explicit voter education requirements in Alabama law beyond the HAVA voter information requirements. The state HAVA plan states that the Secretary of State and local election officials use public service announcements and improved website and other free access systems, including a toll-free hotline, for voters to provide election information.<sup>4</sup>

**Reenfranchisement of Ex-Felons** (Code of Alabama § 15-22-36.1): A felon's right to vote is not restored automatically upon completion of his/her sentence or parole. Each felon must individually apply to the Board of Pardons and Paroles for a Certificate of Eligibility to Register to Vote, which can grant or deny the request based of specified criteria. Certain categories of felons are ineligible for restoration of voting rights.

---

<sup>4</sup> State of Alabama State Plan, p. 13. Available at: <http://www.sos.state.al.us/downloads/election/hava/alabama-stateplan-final.pdf>

## **Election Administration**

**Election Management** (Code of Alabama § 17-1-3): An elected Secretary of State is the chief election official in the state and provides uniform guidance for election activities. The Secretary of State is granted rule making authority for the implementation of Chapter 2 under the Alabama Administrative Procedure Act. At the local level, the judge of probate is the chief elections official of the county and serves as chair of the appointing board, which includes the county clerk and the sheriff.

State law places no restrictions on partisan political activity by election officials.

**Poll Workers and Poll Operations** (Alabama Code of 1975 §17-8-1—17-8-12): Poll workers in Alabama are appointed by county appointing boards and are required to be registered voters in the county in which they work. Poll workers are required to attend training before every election.

## **SOURCES**

Code of Alabama: <http://www.legislature.state.al.us/CodeofAlabama/1975/coatoc.htm>

Alabama Administrative Code, Office of the Secretary of State:

<http://www.alabamaadministrativecode.state.al.us/docs/sos/index.html>

State HAVA Information - <http://www.sos.state.al.us/downloads/election/hava/alabama-stateplan-final.pdf>

State Elections Website:

<http://www.alabama.gov/silverheader/Welcome.do?url=http://sos.alabama.gov/Elections/Default.aspx>

## ALASKA



### Voter Registration

**Statewide Voter Registration Database** (The Alaska Statutes 2008 §§ 15.07.125—15.07.127, 15.07.130): Alaska has had a top-down statewide, electronic voter registration database since 1985 (referred to as the Voter Registration and Election Management System or VREMS) and every election office has real-time access to the system for viewing and updating voter information.<sup>5</sup> In 2005, the state began a process of updating its database to a pc-based system and anticipates completion of this new system in 2009. The Director of Elections is responsible for voter registration list maintenance.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (Alaska Statutes 2008 §§ 15.07.90, 15.15.198, 15.20.207, 15.20.211; 6 AAC 25.541): “Questioned” or provisional voting has been in place in Alaska since the 1980s. Any voter who votes at a polling location in which his/her name does not appear on the precinct register or who fails to provide proper identification is required to vote provisionally. Procedures for questioned voting are outlined in state law. The Elections Director is required maintain a free access system to each voter voting a questioned ballot a system to check to see whether the voter's ballot was counted and, if not counted, the reason why the ballot was not counted. The director is also required to prepare and mail to questioned voter whose questioned ballot was rejected a summary of the reason that the challenge to the questioned ballot was upheld and the questioned ballot was rejected. If a voter is determined to be eligible, the questioned ballot will be counted for all offices for which the voter was eligible to vote.

### Voter Identification

**Voter Identification** (Alaska Statutes § 15.15.225): Every voter is required to show one of the following forms of identification before being allowed to vote: an official voter registration card, driver's license, state identification card, current and valid photo identification, birth certificate, passport, or hunting or fishing license; or an original or a copy of a current utility bill, bank statement, paycheck, government check, or other government document that shows the name and current address of the voter. An election official may waive the identification requirement if the election official knows the identity of the voter. A voter who cannot exhibit a required form of identification is required to vote a questioned ballot.

---

<sup>5</sup> State of Alaska HAVA State Plan – 2008 Updated, p.4 Available at: <http://www.elections.alaska.gov/hava/2008HAVAStatePlan.pdf>

## **Technology**

**Voting Technology** (Alaska Statutes §§ 15.15.032, 15.20.900, 15.20.910; 6 AAC 25.045): The Director of Elections is responsible for adopting regulations for the testing of voting machines, which must be conducted by the state ballot counting review board. Final approval for voting systems is given by the director and DREs must produce a paper record of each electronically generated ballot. Alaska utilizes paper ballots (hand count for smaller jurisdictions), optical scan and direct recording electronic (DRE) machines with a voter verified paper auditable trail. As of 2008, there were 149 hand count precincts, 290 optical scan precincts and every precinct had a touch-screen machine with VVPAT to facilitate voting for people with disabilities. Touch-screen machines are also used in early voting locations. In 2007, the government of Alaska contracted with the University of Alaska to evaluate the security of its voting systems and the state is in the process of updating software and procedures in response to the university team's recommendations.<sup>6</sup>

**Audits** (Alaska Statutes § 15.15.430): Alaska statutes require a review of the precinct registers, tallies, and ballots cast; a review of absentee and questioned ballots as prescribed by law; and, a hand count verification procedure for one randomly selected precinct in each election district (accounting for at least 5% of the vote). All federal and state legislative offices are subject to the hand count review unless a race was uncontested. A discrepancy of more than one percent between the results of the hand count under and the count certified by the election board triggers a district-wide hand recount of ballots.

## **Voter Access and Education**

**Vote by Mail and Early Voting** (Alaska Statutes §§ 15.20.010, 15.20.061, 15.20.064, 15.20.066, 15.20.800; 6 AAC 25.650). Alaska allows for no-excuse absentee voting and early or in-person absentee voting beginning 15 days prior to Election Day. In addition, elections other than the general, party primary, or municipal elections may be held by mail at the discretion of the Election Director.

**Vote Centers:** Not in use

**Military and Overseas Voting** (Alaska Statutes §§ 15.05.011, 15.07.070, 15.20.066, 15.20.081, 15.20.082): UOCAVA voters must register 30 days prior to an election. Ballots can be requested by mail (received than 10 days before the election) or fax (not later than 5pm Alaska time on the day before the election). Regular absentee ballots are mailed approximately 22 days before the election and may also be faxed beginning 15 days prior to an election. The state also provides special absentee ballots to military and overseas absentee voters 60 days before the date of the election to ensure that the voters receive a ballot in time to vote in any given election. Ballots postmarked on or before Election Day and received up to 15 days after Election Day will be counted.

**Voter and Civic Education** (Alaska Statutes §§ 15.58.010-.020, 15.58.080): In addition to the HAVA voter information requirements, state law mandates that a *Primary Voter Pamphlet* and a *Official Election Pamphlet*, specific to each of the four voting regions, is mailed to every household with a registered voter. Both contain general information regarding the election and ballot measures and the *Official Election Pamphlet* contains additional information about candidates and Election Day procedures, including sample ballots and precinct locations.

---

<sup>6</sup> *Ibid*, pp.6, 10-12.

According to its 2008 HAVA Plan Update, the state has also undertaken increased outreach efforts and made new online and toll-free telephone resources available to voters.

**Re-enfranchisement of Ex-Felons** (Alaska Statutes § 15.58.010): A felon may have his/her voting rights restored upon unconditional discharge by the commissioner of corrections (completion of full sentence including parole and probation).

### **Election Administration**

**Election Management** (Alaska Statutes §§ 15.10.105, 15.10.120, 6 AAC 25.033): The elected Lieutenant Governor is the Chief State Election Official and appoints a Director of Elections who oversees day-to-day operations of the Elections Division. The Elections Division is divided into four geographic regions managed by Elections Supervisors who are appointed by the Elections Director. At the local level, elections are run by precinct election boards, appointed by Elections Supervisors.

To ensure “nonpartisan nature, integrity, credibility, and impartiality of the administration of elections” all full-time Election Division staff members are prohibited from participating in partisan political activity (including making political donations), running for elected office, or campaigning for or against any candidate or ballot measure. Persons with family members who are candidates for any elected office also may not serve as elections officials.

**Poll Workers and Poll Operations** (Alaska Statutes §§ 15.10.120, 15.10.107, 6 AAC 25.033, 6 AAC 25.035): Poll workers/officials need to be registered voters of Alaska. The exception to this rule is youth aged 16 and older who participate in the Youth Ambassador Program, which allows students to serve on local election boards. All election officials are required to attend training before each primary election in even-numbered years. Training standards and manuals are set by the Elections Director to ensure uniformity of polling operations. Candidates and close relatives of candidates are prohibited from serving as poll workers.

### **SOURCES**

Alaska Statutes: <http://www.legis.state.ak.us/cgi-bin/folioisa.dll/stattx08?>

Alaska Administrative Code (AAC): <http://www.legis.state.ak.us/cgi-bin/folioisa.dll/aac?>

State HAVA Information: <http://www.elections.alaska.gov/hava/hava.php>

State Elections Website: <http://www.elections.alaska.gov/>

## ARIZONA



### Voter Registration

**Statewide Voter Registration Database** (Arizona Revised Statutes § 16-168): Arizona has undertaken a three step process to create and upgrade its statewide voter registration database (VRAZ). The first phase allowing all counties to upload data to a central database was completed in 2004. The second phase, upgrading county registration systems was completed in 2007. The final phase will be completed over the next few years and will link all of the counties' voter registration systems to a centralized, statewide database maintained by the Secretary of State's office and upgrade Maricopa and Pima Counties' systems so that they can interact with the statewide database. The database works on a bottom-up model: forms maintained and entered at the county level are daily uploaded to the statewide database. However, Arizona also offers online voter registration in which registration files are uploaded directly into the statewide database. County recorders can view this statewide list for the purposes of comparing and synchronizing records.<sup>7</sup>

**Voter Registration Data Exchanges/Interoperability:** No statutory requirement, but has conducted data exchanges with other states.<sup>8</sup>

### Provisional Voting

**Provisional Ballots** (Arizona Revised Statutes §16-584): Procedures for provisional voting are outlined in state law and included in the law and election procedures manual produced by the Secretary of State. Provisional ballots are only counted if cast within the correct precinct. County recorders are required to provide online verification of whether a voter's ballot was verified and counted and, if not counted, the reason for not counting the ballot voter's provisional ballot.

### Voter Identification

**Voter Identification** (Arizona Revised Statutes §16-579, §16-166): All voters are required to show either a valid government or tribal photo ID or two forms of non-photo identification that bear the name and address of the voter.<sup>9</sup> A voter who fails to show proper identification must vote provisionally. For a provisional ballot to be counted proof of identification must be received by the County Recorder's office by 5:00 p.m. on the fifth business day after a general election that includes an election for a federal office or 5:00 p.m. on the third business day after any

---

<sup>7</sup> See *Program Summary, Secretary of State, Help America Vote Act*. Available at: <http://www.azleg.gov/jlbc/pssoshelp.pdf>

<sup>8</sup> 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>

<sup>9</sup> Acceptable non-photo identification documents include: a utility bill of the elector that is dated within 90 days of the date of the election, a bank or credit union statement that is dated within 90 days of the date of the election, Valid Arizona Vehicle Registration, Indian census card, Property tax statement of the elector's residence, Tribal enrollment card or other form of tribal identification, Vehicle insurance card, Recorder's Certificate, Valid United States federal, state, or local government issued identification, including a voter registration card issued by the County Recorder

other election for the provisional ballot to be processed and counted. In addition, Arizona requires proof of citizenship for voter registration.

## **Technology**

**Voting Technology** (Arizona Revised Statutes §§16-442.01, 16-446): Arizona law requires all voting systems to be certified by a federally accredited lab and to provide a paper document or ballot that visually indicates the voter's selections. The law and election procedures manual produced by the Secretary of State also stipulate specific security protocols and pre-election testing requirements (§16-449). Each polling place is required to have at least one optical scan unit and at least one direct recording electronic system or other Accessible Voting System equipped for voters with disabilities for each polling place that is certified by the Secretary of State for use by voters with disabilities. Voting systems currently in use in Arizona are: Premier Election Solutions AccuVote-TSX DRE and AccuVoteOS optical scan machines, Sequoia AVC Edge II with VeriVote Printer/VVPAT, and ES&S Model 100 Optical Scan Tabulators and AutoMARK ballot marking systems.

**Audits** (Arizona Revised Statutes §§16-602, 16-663): A post-election hand count audit is required for each countywide Primary, General, and Presidential Preference Election. Each county is required to (1) conduct a hand count at the central counting center of at least two percent of the precincts in that county or two precincts, whichever is greater; (2) conduct a manual audit of early ballots equal to one percent of the total number of early ballots cast or 5,000 early ballots, whichever is less, and (3) in the event of a recount, conduct a hand count of at least five percent of the precincts for the recounted race in that county. Precincts to be audited are randomly selected by lot. Audit size is increased if discrepancies are found.

## **Voter Access and Education**

**Vote by Mail and Early Voting** (Arizona Revised Statutes §§16-409, 16-541, 16-544, 16-548): Early voting is allowed for every statewide election and no excuse is required for requesting an early ballot, which may be voted by mail or in person or may be dropped off at any polling place in a voter's county by 7pm on Election Day. County Recorders may also establish on-site early voting locations. For general and primary elections, starts 33 days before Election Day and ends 5pm the Friday before Election Day. For the presidential preference election, early voting begins 26 days before the election. Any voter may request to be placed on a permanent early voting list. In addition, Arizona provides that localities may conduct all mail elections for local issues, but in doing so must submit reports to the state legislature on turnout, costs, and any problems arising from all mail voting.

**Vote Centers:** Not in use

**Military and Overseas Voting** (Arizona Revised Statutes §§16-543, 16-543.01, 16-543.02): UOCAVA voters are exempt from the voter registration deadline and may submit a request for an absentee ballot through Election Day. Requests may be made by telephone, internet or fax and Arizona has created a centralized website where voted early ballots may be returned via the internet (ballots are then forwarded to the appropriated county recorder for processing). UOCAVA voters who cannot vote a regular or official early ballot because normal mail delivery is impossible may request a special write-in early ballot for presidential electors, United States Senator and Representative in Congress. Such special ballots are available 46 days before the presidential preference election, 60 days before the primary election, and 50 days before the

general election. All ballots received by 7pm on Election Day (assuming the UOCAVA voter meets registration requirements) will be counted.

**Voter and Civic Education** (Arizona Revised Statutes §§16-406, 16-513, 16-956, 19-123): In addition to the voter information requirements of HAVA, Arizona law requires the Citizens Clean Election Commission to develop, publish, and mail to every household containing a registered voter a document, for each primary and general election, with space of a predefined size for each candidate to convey a message of his/her choosing. In the case of ballot measures, the Secretary of State is required to mail a publicity pamphlet with the full text of the measure or proposed amendment, arguments for and against the amendment, and a legislative analysis and fiscal impact of the proposed measure. A statewide, toll-free voter information hotline and online voter registration check/polling place locator are also provided.<sup>10</sup>

**Reenfranchisement of Ex-Felons** (Arizona Revised Statutes §§13-905, 13-910, 13-912, 16-1011): In Arizona, first-time felons can have their voting rights restored automatically once they have completed their sentence, finished probation and paid any fine or restitution. Persons convicted of counterfeiting election returns do not have their right to vote automatically restored. With the exception of those convicted of counterfeiting election returns, no court action is necessary for the person's rights to be restored and the person may register to vote, except that a person convicted of two or more felonies does not have his/her rights automatically restored and must petition the superior court to have voting rights restored.

### **Election Administration**

**Election Management** (Arizona Revised Statutes §§16-142): An elected Secretary of State or the secretary's designee is the chief state election officer. At the local level, elections are overseen by county boards of supervisors (or election directors designated by the board) or county recorders. County recorders are responsible for voter registration. Prior to each election the Secretary of State is required to produce an Election Procedures Manual to ensure uniform voting procedures throughout the state.

Arizona law places no restrictions on partisan political activity by election officials.

**Poll Workers and Poll Operations** (Arizona Revised Statutes §§16-407, 16-452, 16-531, 16-532 & 16-535): The boards of supervisors or other election authorities are required to appoint for each election precinct one inspector, one marshal, two judges and not less than two clerks of election. All election personnel are required to be qualified electors and registered to vote in the state of Arizona, with the exception of youth poll workers, who may serve as clerks if they are citizens at least 16 years of age and have received training. No candidate, or the spouse, child or parent of a candidate for any office on the ballot, except precinct committeemen, may serve on an election board and election boards must be evenly divided between the two political parties receiving the highest number of votes in the last general election.

All workers are required to receive training within 45 days of an election, unless a worker has been certified as a premium election board worker, having received additional training and testing. Uniform procedures for early voting and voting, for producing, distributing, collecting, counting, tabulating and storing ballots and testing/security of voting equipment are established

---

<sup>10</sup> National Association of Secretaries of State (September 2008). *Engaging the Energized Electorate: NASS Survey on State Preparations for the 2008 Presidential Election*, p.95. Available at: [http://nass.org/index.php?option=com\\_docman&task=doc\\_download&gid=365](http://nass.org/index.php?option=com_docman&task=doc_download&gid=365)

by the Secretary of State and a comprehensive manual is made available to all recorders, boards of supervisors and election boards no later than 30 days prior to the election.

### **SOURCES**

Arizona Revised Statutes: <http://www.azleg.gov/ArizonaRevisedStatutes.asp>

State HAVA Information: <http://www.azsos.gov/hava/>

State Elections Website: <http://www.azsos.gov/election/>

## ARKANSAS



### Voter Registration

**Statewide Voter Registration Database** (Constitution of the State Of Arkansas of 1874. Amend 51 §7): Arkansas implemented a statewide voter registration database in 1996, but used HAVA funds in 2005 to upgrade to a new, top-down system created by Election Systems & Software (ES&S). The Network of Voters in Arkansas or NOVA became fully operational in January 2006 and allows all Arkansas counties to process voter registrations through one centralized, web-based system. NOVA allows Arkansas's county election officials to share information with each other, the Division of Motor Vehicles, the Department of Health and the Arkansas Department of Community Correction to better enable them to maintain accurate election rolls.<sup>11</sup> Voter registration list maintenance is conducted by county clerks, who serve as permanent registrars.

**Voter Registration Data Exchanges/Interoperability:** No statutory requirement, but has conducted data exchanges with other states.<sup>12</sup>

### Provisional Voting

**Provisional Ballots** (Arkansas Code §7-5-308, Arkansas Administrative Rule 108.00.07-005 § 909): Procedures for provisional voting are outlined in state law and administrative rules. The Secretary of State is required to maintain a toll-free telephone number, Internet website, or other free access system by which voters can determine whether their provisional ballots were counted. Provisional ballots are only counted if cast in the correct precinct.

### Voter Identification

**Voter Identification** (Arkansas Code § 7-5-305, Arkansas Administrative Rule 108.00.07-005 §§ 901, 908): Election officials/poll workers are required to ask ALL voters for either a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. However, only first-time voters who register by mail without providing identification when registering are required to show ID (HAVA minimum requirement) and must vote a provisional ballot if they fail to do so. All other registered voters are not required to show ID, but election officials are required to note on the precinct voter registration list those who do not for possible investigation of fraud. Those who vote provisionally because of failure to provide ID are allowed an administrative hearing to demonstrate their eligibility.

### Technology

---

<sup>11</sup> See HAVA overview at: <http://www.votenually.org/hava.html>

<sup>12</sup> Sean Greene. *op.cit.*

**Voting Technology** (Arkansas Code §§ 7-5-301, 7-5-503, 7-5-504, 7-5-515, 7-5-606, 7-5-611): All voting equipment must be approved by the State Board of Elections Commissioners, qualified by the National Association of State Election Directors or an authorized federal agency, and selected by the Secretary of State in order to be used in any election. All systems must produce a voter-verifiable paper audit trail and must be publicly tested before any election. A full list of voting systems in use in Arkansas is available at: [http://www.votenually.org/voting\\_machines\\_ar.html](http://www.votenually.org/voting_machines_ar.html)

**Audits:** No requirement.

### **Voter Access and Education**

**Vote by Mail and Early Voting:** (Arkansas Code §7-5-402, §7-5-418): No excuse is required to vote absentee in Arkansas and early voting is available either 7 or 15 days prior to an election at county clerk's offices or other locations designated by the county board of election commissioners.

**Military and Overseas Voting** (Arkansas Code §§ 7-5-403, 7-5-406, 7-5-411): Members of uniformed services and other citizens residing outside the United States are not required to register to vote to be eligible to request an absentee ballot. Ballots may be requested by mail or fax no later than 7 days before an election. Ballots are mailed beginning 25 days before an election and must be postmarked by Election Day and received no later than 10 days after an election to be counted.

**Voter and Civic Education** (Arkansas Code §7-1-110, §7-5-202): State law requires public notice of elections and the provision of an online mechanism for voters to retrieve polling place and ballot information. According to Arkansas' state HAVA plan, the Secretary of State's office also produces voter education guides, videos, and public service announcements prior to elections and participates in the National Student/Parent Mock Election Program.<sup>13</sup> A statewide, toll-free voter information hotline and online voter registration check and polling place locator are also provided.<sup>14</sup>

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (Constitution of The State Of Arkansas Of 1874 Amend 51 § 11): A person may have his/her voting rights restored once he/she has been discharged from probation or parole, has paid all probation or parole fees, or has satisfied all terms of imprisonment, and paid all applicable court costs, fines, or restitution.

### **Election Administration**

**Election Management** (Constitution of The State Of Arkansas Of 1874, Amend. 51 §5, Arkansas Code §§ 7-4-101, 7-4-102, 7-4-105, 7-4-107, 7-4-109; Arkansas Administrative Rule 108.00.07-003 §701): The chief election official of the state is the elected Secretary of State and elections are managed at the state level by the bipartisan State Board of Elections Commissioners (7 members chosen by state parties, state legislature and the governor),

---

<sup>13</sup> *Implementation Plan for the Help America Vote Act (HAVA)*, pp.11-12. Available at: <http://www.votenually.org/Arkansas-State-Plan-2004.pdf>

<sup>14</sup> National Association of Secretaries of State (September 2008). *Engaging the Energized Electorate: NASS Survey on State Preparations for the 2008 Presidential Election*, p.95. Available at: [http://nass.org/index.php?option=com\\_docman&task=doc\\_download&gid=365](http://nass.org/index.php?option=com_docman&task=doc_download&gid=365)

chaired by the Secretary of State. The State Board of Election Commissioners is responsible for conducting statewide training for election officers and county election commissioners to ensure uniform application of election laws. At the local level elections are overseen by bipartisan County Boards of Election Commissioners (3 members).

Local election officials are prohibited from being paid employees of any political party or any person running for office on that county's ballot, from being employed by a company that has any business dealings with the board, from being a candidate for elected office while serving on the board, and from holding any federal, state, or local office or employment.

**Poll Workers and Poll Operations** (Arkansas Code §7-4-107, §7-4-112, §7-4-116, §7-4-117, Arkansas Administrative Rule 108.00.07-002): Election officials/Poll workers are required to be registered voters in the state and those who reside in the precinct are given preference. Each polling site is required to have a minimum of two election clerks, one election judge and one election sheriff. However, only two poll workers for each precinct are required to attend training, which is coordinated by the State Board of Election Commissioners. Training materials are developed and standardized by the State Board of Election Commissioners. Half-day shifts are allowed so long as the minimum staffing requirements are met throughout the day. The state has implemented special programs to encourage high school and college students to serve as poll workers, but if they are not registered voters in the state (because of age or out-of-state registration) they can only serve as volunteer (unpaid) election pages.

## **SOURCES**

Arkansas Code:

<http://www.arkleg.state.ar.us/SearchCenter/Pages/ArkansasCodeSearchResultPage.aspx>

Arkansas Administrative Rules:

[http://www.sosweb.state.ar.us/rules\\_and\\_regs/index.php/rules/search](http://www.sosweb.state.ar.us/rules_and_regs/index.php/rules/search)

Secretary of State website: <http://www.sosweb.state.ar.us/elections.html>

Arkansas State HAVA Plan: <http://www.votenaturally.org/Arkansas-State-Plan-2004.pdf>

## CALIFORNIA



### Voter Registration

**Statewide Voter Registration Database** (Election Code §§ 2168, 2200-2226; California Code of Regulations Title 2 § 20108-20108.80): California currently utilizes a bottom-up voter registration system (Calvoter) through which counties submit daily updates to a central state database. The official voter registration list is maintained at the state level, but changes to voter registration files must be made at the county level and then uploaded into the state database. This modified system was established pursuant to HAVA, but California is in the process of developing a new centralized voter registration database (VoteCal) to be implemented by 2009. However a vendor for the project has not yet been selected.<sup>15</sup> Voter registration list maintenance is conducted jointly by the Secretary of State and county elections officials, but local election officials are responsible for updating the files.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (California Election Code §§ 14310--14312): Provisional voting procedures are outlined in state law. If an otherwise eligible voter casts a provisional ballot outside his/her precinct, his/her votes will count for all offices for which he/she was eligible to vote in the precinct in which he/she is registered. Counties are required to provide a free access system (phone or internet) through which a provisional voter may determine if his/her ballot has been counted and, if not, the reason why it was not counted. The code specifies that the regulations are to be liberally construed in favor of the provisional voter.

### Voter Identification

**Voter Identification** (California Code of Regulations § 20107): California maintains the minimum voter identification requirements established by HAVA. The code specifies that the requirements are to be liberally construed to give voters every opportunity to cast a regular ballot —“Any doubt as to the sufficiency of proof or a document presented shall be resolved in favor of permitting the voter or new registrant to cast a regular ballot.” A wide range of photo and non-photo identification is deemed acceptable for the purpose of meeting the HAVA requirement.<sup>16</sup> If a voter casts a provisional ballot due to failure to provide identification, the voter’s signature is matched against the signature provided on the voter registration form and the vote is counted if the signatures match.

---

<sup>15</sup> See [http://www.sos.ca.gov/elections/hava\\_voteal.htm](http://www.sos.ca.gov/elections/hava_voteal.htm) for more information.

<sup>16</sup> Examples of photo identification include, but are not limited to, the following current and valid documents: a driver's license or identification card of any state; passport; employee identification card; identification card provided by a commercial establishment; credit or debit card; military identification card; student identification card; health club identification card; insurance plan identification card; or public housing identification card. Acceptable non-photo identification must include the name and address of the individual presenting it and be dated since the date of the last general election/

## **Technology**

**Voting Technology** (California Election Code §§ 19100-19255): The Secretary of State is given significant discretion to adopt regulations regarding the study and use of voting systems, but all voting machines are required to provide an accessible, voter-verifiable paper audit trail, be certified by the Secretary of State and to have received federal qualification. At least once every two years voting equipment must be inspected to determine its accuracy, but the Secretary of State also has the discretion to review voting systems periodically and withdraw approval from any voting system deemed to be defective, obsolete, or otherwise unacceptable. The Secretary of State is also required to conduct random audits of the software installed on voting systems. In 2007, Secretary of State Bowen conducted a “Top to Bottom Review” of voting systems in California, which led to the decertification of some voting systems and the development of new certification standards for all voting equipment. Complete information on voting systems in California is available at: [http://www.sos.ca.gov/elections/elections\\_vs.htm](http://www.sos.ca.gov/elections/elections_vs.htm)

**Audits** (California Election Code § 15360; California Code of Regulations §§ 20120-20128): California law mandates a post election audit (manual tally of paper ballots) of 1 percent of the precincts or at least one whole precinct in a county, chosen at random. If any race is not included in this initial group of precincts, an additional precinct including that race is included in the audit. The manual tally process is required to be public.

## **Voter Access and Education**

**Vote by Mail and Early Voting** (California Election Code §§ 3001, 3003, 3018, 3020, 3200-3206, 4000): All registered voters are eligible to apply to vote by mail beginning 29 days before the election. Vote by mail applications must be received no later than 7 days prior to Election Day and voted ballots must be received by the county elections office by the time of poll closing on Election Day. Any voter may also request to be put on a permanent vote-by-mail list to receive a mail ballot for every election. In person early voting is also available at county elections offices and satellite locations. In certain circumstances, local, consolidated, or special elections may be conducted entirely by mail.

**Military and Overseas Voting** (California Election Code §§ 2102, 3001, 3103, 3103.5, 3104, 3300-3311): UOCAVA voters must register no later than 15 days before an election and must request a ballot no later than 7 days prior to the election. This request can be made by mail or fax. Regular ballots are mailed beginning 29 days prior to an election and special write-in ballots are available 60 days before a federal election. Ballots may be faxed to voters upon request. All ballots must be returned by the close of the polls (8pm) on Election Day and overseas and military voters have the option of faxing voted ballots.

**Voter and Civic Education** (California Election Code §§ 2105, 9081-9096, 13300, 13306, 13307; California Code of Regulations §§ 20000-20006): In addition to the HAVA voter information requirements, state law requires the Secretary of State to prepare a “ballot pamphlet” or voter guide for registered voters no later than 21 days before a statewide elections. This nonpartisan guide has details on ballot measures and some candidates, including text of proposed laws, statements from supporters and opponents of ballot measures, impartial analyses of those ballot measures and potential costs to taxpayers, and other useful election information. The Secretary of State is also required to make copies of the voter guides available to all public libraries, public high schools, and public universities. The Secretary of State also maintains a voter information website and a toll-free voter hotline in several different

languages and the Secretary's office serves as a "clearinghouse" for the coordination of voter education.<sup>17</sup>

In addition, at least 29 prior to an election, county election officials are required to mail sample ballots and polling place notices to all qualified voters. A voter information pamphlet should accompany the sample ballot and include information on local candidates and local measures (if there are any), the specific location of a voter's polling place, instructions on how voters with disabilities are able to vote privately and independently, and an application for a vote-by-mail ballot. State law also requires counties to develop outreach programs to identify qualified electors who are not registered voters, and to register those persons to vote.

**Reenfranchisement of Ex-Felons** (Election Code EC §§ 321, 2000, 2101, and Cal. Const. Article II §2): A felon's right to vote is restored upon release from prison and completion of parole.

**Vote Centers:** Not in use

### **Election Administration**

**Election Management** (California Constitution Art. 5, § 11; California Election Code §§ 10, 320, 2168, 14101, 26802; California Code of Regulations § 12172.5.): An elected Secretary of State is the chief elections official of California, with authority to promulgate regulations to establish uniform statewide standards for election procedures, voting technology, and poll worker training. As part of this responsibility the Secretary provides HAVA compliance manual and an election officer' digest.<sup>18</sup> At the local level elections are overseen by county clerks/registrars. There are no statutory restrictions on partisan political activity by election officials.

**Poll Workers and Poll Operations** (California Election Code §§12300-12327, California Code of Regulations §19844.7): Poll workers/election officers/precinct board members are required to be registered voters in California, with the exception of student poll workers (up to 5 per precinct), who are at least U.S. citizens at least 16 years of age. All poll workers are required to attend training based on uniform standards established by the Secretary of State. Such standards and training are to be based on input from a statewide taskforce and must address voters' rights, election challenge procedures, voting system operations, opening and closing procedures, provisional voting and cultural competency. Government Code section 19844.7 allows state employees to take time off, without loss of pay, to serve as poll workers on Election Day.

### **SOURCES**

California Constitution: <http://www.leginfo.ca.gov/const-toc.html>

California Election Code: <http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=elec&codebody=&hits=20>

California Code of Regulations: <http://ccr.oal.ca.gov/linkedslice/default.asp?SP=CCR-1000&Action=Welcome>

State Elections Websites: <http://www.sos.ca.gov/elections/> and <http://vote.sos.ca.gov/>

California HAVA Information: <http://www.sos.ca.gov/elections/hava.htm>

<sup>17</sup> *My Vote Counts: The California Plan for Voting in the 21st Century*, pp.19-21. Available at: [http://www.sos.ca.gov/elections/HAVA\\_finalplan\\_12-03.pdf](http://www.sos.ca.gov/elections/HAVA_finalplan_12-03.pdf)

<sup>18</sup> See [http://www.sos.ca.gov/elections/hava/compliance\\_manual/hava\\_cm\\_entire.pdf](http://www.sos.ca.gov/elections/hava/compliance_manual/hava_cm_entire.pdf) and [http://www.sos.ca.gov/elections/e\\_officersdigest\\_2008.pdf](http://www.sos.ca.gov/elections/e_officersdigest_2008.pdf)

## COLORADO



### Voter Registration

**Statewide Voter Registration Database** (Colorado Revised Statutes §§ 1-2-301, 1-2-302; 8 CCR 1505-1, Rule 49): Although state law mandated the development of a centralized, statewide voter registration database by January 1, 2006, Colorado's new database did not become operable until 2008. The Statewide Colorado Voter Registration and Election (SCORE) II Program is a top-down system maintained by the Secretary of State, but counties retain the responsibility for entering and updating voter registration records and list maintenance is conducted jointly by the Secretary of State and county clerks and recorders.<sup>19</sup> Additional information on the statewide database is available at:

<http://www.elections.colorado.gov/DDefault.aspx?tid=1018>

**Voter Registration Data Exchanges/Interoperability:** No explicit requirement, but the state has participated in limited data exchanges.<sup>20</sup>

### Provisional Voting

**Provisional Ballots** (Colorado Revised Statutes §§1-8.5-108, 1-8.5-109; 8 CCR 1505-1, Rule 26): Provisional voting procedures are outlined in state law and the Colorado Code of Regulations. Provisional ballots are counted (votes for federal offices for which the elector is eligible to vote and the elector's votes for statewide offices and statewide ballot issues and ballot questions) if cast within the correct county. Ballots cast outside of the county in which the voter is registered will not be counted unless the voter moved within 29 days of an election.

### Voter Identification

**Voter Identification** (Colorado Revised Statutes §§1-1-104(19.5), 1-7-201; 8 CCR 1505-1, Rule 30): Colorado law requires all voters to provide some form of identification to cast a regular ballot at the polling place. Photo and non-photo ID are acceptable. First-time mail-in voters who did not submit adequate identification with their voter registration application must also provide a copy of one of the acceptable forms of ID with their mail-in ballot. Voters failing to provide required ID can vote provisionally.

### Technology

**Voting Technology** (Colorado Revised Statutes §§1-5-601—1-5-802, 1-7-507—1-7-514; 8 CCR 1505-1, Rules 11, 35-37, 45): Colorado requires that all voting systems provide a voter-verifiable paper audit trail and the VVPAT record is considered an official record of the election.

---

<sup>19</sup> *State of Colorado Help America Vote Act Revised State Plan, Updated March 6, 2008*, pp. 17-22. Available at: [http://www.elections.colorado.gov/WWW/default/HAVA/HAVA\\_state\\_plan\\_final\\_version.pdf](http://www.elections.colorado.gov/WWW/default/HAVA/HAVA_state_plan_final_version.pdf)

<sup>20</sup> Sean Greene *op.cit.*

Following a court order in 2006 that mandated a re-testing of voting equipment certified in 2006, the Secretary of State developed a new five step certification program and security protocols for voting equipment. The final authority to certify an electronic voting equipment rests with the Secretary of State and no county may purchase or lease equipment not certified by the Secretary of State. Voting systems must be certified by an independent testing authority according to FEC/EAC standards. In addition to state testing and certification, local election officials are required conduct at least three tests on all electronic and electromagnetic voting equipment, including a hardware test, a public logic and accuracy test, and a postelection test or audit. Colorado's 64 counties currently use electronic voting equipment from one of four vendors - Hart Intercivic, Diebold Election Systems, Sequoia Voting Systems, and Election Systems and Software (ES&S).

**Audits** (Colorado Revised Statutes § 1-7-514, 8 CCR 1505-1, Rule 11.5.4): County election officials are required to conduct a post-election audit of a random selection of five (5) percent of precinct scanner based voting equipment, at least one Central Count Scanner/vote center, and five (5) percent of Direct Record Electronic (DRE) voting devices. The Secretary of State shall randomly select a minimum of two (2) races per device to be manually verified to ensure that each office, issue, and question on the ballot is audited

### **Voter Access and Education**

**Vote by Mail and Early Voting** (Colorado Revised Statutes §§ 1-8-202, 1-8-104.5, 1-5-101, 1-7.5-104): Early voting is conducted beginning 15 days before General or other November election and 10 days before a Primary or Special Legislative Election and ending the Friday before Election Day. County clerks are to provide at least 1 early voting location and be open during regular business hours, but the county can vote to expand both the locations and hours of early voting. Any voter may utilize a mail-in/absentee ballot without excuse and voters may apply for permanent mail-in voter status. In addition, subject to the approval of and rules specified by the Secretary of State, certain local elections in Colorado may be conducted entirely by mail.

**Military and Overseas Voting** (Colorado Revised Statutes §§ 1-2-208, 1-2-209, 1-2-209.5, 1-8-103.3, 1-8-103.5, 1-8-116; 8 CCR 1505-1, Rule 25): UOCAVA voters must register no later than the twenty-ninth day before the election. Ballot requests may be submitted by mail, fax or e-mail no later than the close of business on the Friday immediately preceding the election or, to receive a mail-in ballot by mail, no later than the close of business on the seventh day before the election. County recorders are required to respond to ballot requests within 72 hours of receiving them. Regular ballots are available beginning 30 days prior to an election and special write-in ballots are available 57 days before the election. UOCAVA voters may return their ballots by mail, fax or e-mail and county recorders are required to have a dedicated fax line to receive UOCAVA ballots. Colorado utilizes the Electronic Transmission Service provided by the Federal Voting Assistance Program (FVAP) of the U.S. Department of Defense for the return of ballots by e-mail.

**Voter and Civic Education** (Colorado Revised Statutes §§ 1-2-401—1-2-403, 1-5-206, 1-7-906, 1-40-124.5, 1-40-125; 8 CCR 1505-1, Rule 6; Colorado Constitution Article V, §1(7.5)): In addition to the HAVA's voter information requirements, county election officials are required to mail voter information cards to registered voters that include the elector's precinct number, polling location and a returnable portion that allows the elector to request designation as a permanent mail-in voter. Other information may also be included on the voter information card. In addition, in an election in which there are ballot issues/measures, the county clerk is required

to send a ballot information booklet, prepared the nonpartisan research staff of the general assembly, containing information about and analysis of the proposed ballot initiative. Colorado law also authorizes high school principals to serve as deputy registrars in order to encourage voting by eligible students.

The HAVA state plan outlines additional voter education efforts undertaken by the Secretary of State including radio, print and advertising public information pieces to students, alumni, and attendees of local university sporting events.<sup>21</sup> Voter information/polling place locator is also provided on the Secretary of State's website and a statewide, toll-free voter information hotline is available.<sup>22</sup>

**Vote Centers** (Colorado Revised Statutes §1-5-102.7): Counties are allowed to utilize consolidated precincts or vote centers provided that there is at least one vote center for every 10,000 voters and that each voter has a secure electronic connection to the computerized registration book maintained by the county clerk to prevent double voting.

**Re-enfranchisement of Ex-Felons** (Colorado Constitution Art. VII, § 10): Voting rights are restored upon completion of term of imprisonment and parole.

### **Election Administration**

**Election Management** (Colorado Revised Statutes §§1-1-107, 1-1-108, 1-1-110, 1-1-301 1-1-302, 1-1.5-104): An elected Secretary of State is the chief election official in Colorado and responsible for promulgating rules to ensure the uniform administration and enforcement of election laws. At the county level, the county clerk or recorder is designated as the chief election official and is responsible for processing voter registration. At the end of each legislative session, the Secretary of State is required to provide county election officials an updated manual of election laws and regulations. In addition, local election officials are required to complete a certification program on federal and state electoral procedures designed by the Secretary of State.

The Secretary of State is prohibited from serving as chairperson in the campaign of any candidate for federal or statewide office.

**Poll Workers** (Colorado Revised Statutes §§1-6-101—1-6-122): Poll workers (election judges), with the exception of student poll workers, are required to be registered voters in the state of Colorado and to attend a training session prior to each election in which they serve. Election judges for partisan elections are nominated by local party leaders and selected by local election officials. Each precinct's election judges must be divided evenly between the two parties. Election judges may not be candidates for office nor relatives (to the second degree) of a candidate and may never have been convicted of an election-related crime. Students who are citizens and at least 16 years of age may serve as student election judges (no more than two per precinct). State employees may also take administrative leave with pay to serve as election judges.

---

<sup>21</sup> *State of Colorado Help America Vote Act Revised State Plan*, p.25.

<sup>22</sup> National Association of Secretaries of State (September 2008). *Engaging the Energized Electorate: NASS Survey on State Preparations for the 2008 Presidential Election*, p.95. Available at: [http://nass.org/index.php?option=com\\_docman&task=doc\\_download&gid=365](http://nass.org/index.php?option=com_docman&task=doc_download&gid=365)

## **SOURCES**

Colorado Constitution: <http://www.colorado.gov/dpa/doit/archives/constitution/index.html>

Colorado Revised Statutes: <http://www.michie.com/colorado/>

Colorado Code of Regulations (CCR): <http://www.sos.state.co.us/CCR/Welcome.do>

Colorado HAVA Information: <http://www.elections.colorado.gov/DDefault.aspx?tid=80>

State Elections Website: <http://www.elections.colorado.gov/>

## CONNECTICUT



### Voter Registration

**Statewide Voter Registration Database** (General Statutes of Connecticut §§ 9-32, 9-50b, 9-65; Secretary of State Regulations § 9-32): Connecticut established a top-down statewide, centralized voter registration system in 2003, which is maintained by the Secretary of State. Registrars of voters input voter registration data directly into the central database in real time. After each election or primary, registrars are required to update the system and indicate eligible voters on the official registry list for such election or primary voted and, if so, if they voted in person or by absentee ballot. General list maintenance is also performed by local registrars under guidance from the Secretary of State.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (General Statutes of Connecticut § 9-232): Provisional voting procedures are outlined in state law and in a statewide poll worker manual provided by the Secretary of State.<sup>23</sup> Provisional ballots are counted if cast in the correct election district/precinct.

### Voter Identification

**Voter Identification** (General Statutes of Connecticut § 9-261): All voters are required to show identification (Social Security card or any preprinted form of ID if it displays elector's name and either the elector's address, signature or photograph) or to sign an oath attesting to their identity to cast a regular ballot. First-time voters who registered by mail are subject to the HAVA minimum requirement and must vote provisionally if they do not present acceptable ID.

### Technology

**Voting Technology** (General Statutes of Connecticut §§ 9-240a, 9-241, 9-242, 9-242b, 9-242c; Secretary of the State Regulations §§ 9-241-1 to 9-241-36, 9-242-1 to 9-242-39): Following HAVA's mandated upgrade of voting technology, Connecticut established a Voting Technology Standards Board to provide standards and recommendations for the adoption of new voting systems to replace the states lever machines. The Board's report led to the statewide adoption of optical scan voting technology (LHS Associates AccuVote OS) in 2006-2007 and the use of IVS machines for accessible voting. State law requires the machines to be tested prior to each election and certified according to EAC standards and a process established by the Secretary of State. As allowed in law, the Secretary of State has contracted with the University of Connecticut's Department of Computer Science and Engineering to provide certification and

---

<sup>23</sup> See *Connecticut Poll Worker Manual*. Available at: [http://www.sots.ct.gov/sots/lib/sots/electionservices/training\\_info/ct\\_poll\\_worker\\_manual.pdf](http://www.sots.ct.gov/sots/lib/sots/electionservices/training_info/ct_poll_worker_manual.pdf)

acceptance testing of voting technology. State law also stipulates that should the state ever choose to utilize DRE voting technology, the machines must provide a voter-verifiable paper audit trail.

**Audits** (General Statutes of Connecticut § 9-320f): Connecticut law mandates a post-election manual audit of no less than ten percent of the voting districts, randomly selected. At least three offices must be audited for each election and the results are reviewed by the University of Connecticut for any discrepancies. The Secretary of State has the discretion to expand the scope of the audit when there are differences between the manual and machine counts.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (General Statutes of Connecticut § 9-140) Absentee voting by mail and early in-person absentee voting are allowed from 31 days prior to an election, but an excuse is required. Clerks are required to send out absentee ballots within 24 hours of receiving a completed application.

**Military and Overseas Voting** (General Statutes of Connecticut §§ 9-25, 9-140, 9-153a, 9-153d, 9-153e, 9-158b-e): UOCAVA voters have until 5pm on the on the last week day before any regular election to register to vote and request a ballot. Voters may apply for an absentee ballot by fax, provided they return the original completed application by mail or with a completed absentee ballot (if the original application is not received by the close of the polls on Election Day, the ballot will not be counted). Absentee ballots for voters absent due to military contingencies are made available beginning 90 days before an election. If the ballot has not yet been printed, the registrar/town clerk may mail a blank absentee ballot which allows the voter to write-in choices for each office and ballot issue. Ballots to other UOCAVA voters are sent out beginning 45 days before an election. All ballots must be received by the close of polls on Election Day to be counted.

**Voter and Civic Education** (General Statutes of Connecticut § 9-4a, 9-23q): In addition to HAVA's voter information requirements, by the first of October for every year in which there is a state election, the Secretary of State is required to prepare a voter guide and publish the guide on the internet. The Secretary is also required to conduct an annual student voter registration drive.

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (General Statutes of Connecticut § 9-46a): Voting rights are restored to persons convicted of felonies upon release from prison, completion of parole, and payment of all associated fines. The Commissioner of Correction and the Office of Adult Probation are required to establish procedures to inform felons and probationers of their eligibility to vote.

### **Election Administration**

**Election Management** (General Statutes of Connecticut §§ 9-3, 9-4, 9-4b, 9-6, 9-7a, 9-7b, 9-192a): An elected Secretary of State is the Commissioner of Elections (chief election officer) for Connecticut with responsibility to promulgate regulations to ensure uniform conduct of elections. The Secretary of State is also responsible for managing an elections training unit to coordinate all local election official and poll working training. At the local level, elections are overseen by town clerks and registrars of voters. Local election officials are required to participate in two

conferences per year called by the Secretary of State and must receive certification through the training program developed by a state committee. Election violations/complaints are address by the State Elections Enforcement Commission, a bipartisan board appointed by the Governor and State Legislature.

State law places no restrictions on partisan political activity by elections officials.

**Poll Workers** (General Statutes of Connecticut §§ 9-5, 9-229, 9-235d, 9-249, 9-258a): Each polling place is headed by an appointed moderator, who must complete a certification program provided by the Secretary of State. The Secretary of State is also required to provide moderators with instructional materials before each election. All election officials/poll workers must be registered Connecticut voters and must attend training prior to serving. Sixteen and seventeen year old citizens may also serve as election officials. Half day shifts are.

## **SOURCES**

General Statutes of Connecticut: <http://www.cga.ct.gov/2008/sup/title9.htm>

Connecticut Regulations:

[http://www.sots.ct.gov/sots/cwp/view.asp?a=3184&q=392272&SOTSNav\\_GID=1849#regulations](http://www.sots.ct.gov/sots/cwp/view.asp?a=3184&q=392272&SOTSNav_GID=1849#regulations)

State HAVA Information:

[http://www.ct.gov/sots/cwp/view.asp?a=3179&q=392226&SOTSNav\\_GID=1849](http://www.ct.gov/sots/cwp/view.asp?a=3179&q=392226&SOTSNav_GID=1849)

State Elections Website: <http://www.ct.gov/sots/cwp/view.asp?a=3&q=415810>

## DELAWARE



### Voter Registration

**Statewide Voter Registration Database** (Delaware Code Title 15, §§ 101, 306, 1704-1707): Delaware has had a centralized, statewide voter registration database since the early 1990s and it is administered and maintained by the Commissioner of Elections. The database is part of an overall Statewide Election Management System used to maintain voter registration records, to manage absentee voting, maintain election officer information, maintain polling place information, structure elections and for other purposes. All election officials have immediate access to the data once it is entered at the county level.<sup>24</sup> List maintenance is jointly conducted by the Commissioner of Elections and county Departments of Elections.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (Delaware Code Title 15, § 4948): Procedures for provisional voting are outlined in state law and informational materials on provisional voting are provided by the Commissioner of Elections.<sup>25</sup> Provisional ballots are counted if cast in the correct precinct. A web portal and a toll-free phone number are provided for provisional voters to check the status of their ballots 30 days after an election.

### Voter Identification

**Voter Identification** (Delaware Code Title 15, § 4937; online voter guide): Identification is required of all voters and the following types are acceptable: a photo ID, utility bill, paycheck or any other government document with your name and address on it. If a voter does not have proof of identity with him/her, the voter may sign an affidavit of affirmation and vote a regular ballot unless his/her identity is challenged.

### Technology

**Voting Technology** (Delaware Code Title 15, §§ 302, 5001, 5001A): The State Elections Commissioner is responsible for acquiring all voting systems used in the Delaware. Voting systems are required to meet NASED or EAC certification standards/guidelines, but state law does not require a voter-verifiable paper audit trail. Delaware has been using paperless Danaher Controls ELECTronic 1242 DRE machines since the mid 1990s, recently upgraded to meet HAVA accessibility requirements. Additional testing requirements are not specified by law.

---

<sup>24</sup> *State of Delaware State Plan, Help America Vote Act, Revised 09/21/2005*, p. 8. Available at: [http://hava.delaware.gov/docs/HAVA%20RSP\\_2005.pdf](http://hava.delaware.gov/docs/HAVA%20RSP_2005.pdf)

<sup>25</sup> *Ibid.*, p. 7.

**Audits:** Not required.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (Delaware Code Title 15, § 5503): Absentee voting by mail and in-person absentee voting are allowed with an excuse beginning as soon as ballots are available (~45 days prior to a general election and ~35 days prior to a primary election) and continuing until noon the day before the election. No other forms of early voting or vote-by mail are utilized.

**Military and Overseas Voting** (Delaware Code Title 15, §§ 1902, 5518, 5520, 5525): UOCAVA voters must register to vote by the third Monday (21 days) prior to any election. Registration and absentee ballot applications may be submitted electronically or by fax and must be received no later than 4 days before the day of the election. Regular absentee ballots may be delivered to UOCAVA voters electronically, but must be returned by mail. In addition to accepting the Federal Write-in Absentee Ballot, Delaware makes available a special write-in absentee ballot beginning 90 days before an election for those UOCAVA voters unable to vote by regular absentee ballot or in person. All absentee ballots must be received by the appropriate County Department of Elections no later than Noon the day before the election to be fully counted. Ballots received after the deadline, but before the close of polls on Election Day will be counted for Federal offices only.

**Voter and Civic Education** (HAVA State Plan): No specific voter education program is mandated by Delaware law, except for a requirement that public notice of an election be given 5 days prior to the Election Day. The Delaware HAVA plan stipulates that the Department of Elections maintains a staff employee who is an Educator/Trainer who has: helped create programs to educate the public, candidates, elected officials and other stakeholders in the electoral process and methods of voting; and, disseminated instructions on voter identification requirements and provided other training as appropriate to organized groups involved in mail registration campaigns; initiated development of educational curriculum to be used in Delaware schools as part of the social studies curriculum to be integrated into the Student/Parent Mock Election project.<sup>26</sup> Online voter registration check/polling place locators are provided.<sup>27</sup>

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (Delaware Constitution, Article V, §2, Delaware Code Title 15, §§ 6101-6107): Felons, with the exception of those convicted of murder or manslaughter, sexual offenses, and bribery/abuse of office, are eligible to vote five years after completing their sentences and paying all related fines.

### **Election Administration**

**Election Management** (Delaware Code Title 15, §§ 201-204, 219, 301): In Delaware, the chief elections officer is the Commissioner of Elections who is appointed by the Governor and confirmed by the Senate. The Commissioner's Office is the lead agency for the Department of Elections which consists of the Commissioner's Office and a Department of Elections office located in each county. The Commissioner of Elections sets standards and operating

---

<sup>26</sup> *Ibid.* p.10.

<sup>27</sup> National Association of Secretaries of State (September 2008). *Engaging the Energized Electorate: NASS Survey on State Preparations for the 2008 Presidential Election*, p.95. Available at: [http://nass.org/index.php?option=com\\_docman&task=doc\\_download&gid=365](http://nass.org/index.php?option=com_docman&task=doc_download&gid=365)

procedures to ensure uniformity throughout the state. The county elections offices are overseen by bipartisan county election boards appointed by the Governor and confirmed by the Senate.

The Commissioner of Elections, county election board members and employees thereof are prohibited from being candidates for elective office or for an elected or appointed position in a political party and from actively participating in political activities or campaigns.

**Poll Workers** (Delaware Code Title 15, §§ 4701, 4741): Poll workers/election officials are required to be registered voters in Delaware, with the exception of 16 and 17 year olds who must be citizens and residents of Delaware. Persons nominated by political parties are given preference in appointment and each precinct/election district must maintain partisan balance (between the two principal political parties) among its poll workers. Poll workers are trained by County Departments of Elections based on uniform training standards materials developed by the Commissioner's Office.

### **SOURCES:**

Delaware Constitution: <http://www.state.de.us/facts/constit/welcome.htm>

Delaware Code: <http://delcode.delaware.gov/title15/index.shtml>

State HAVA Information: <http://hava.delaware.gov/hava.shtml>

State Elections Website: <http://elections.delaware.gov/default.shtml>

## FLORIDA



### Voter Registration

**Statewide Voter Registration Database** (Florida Statutes Title IX §§ 97.105, 98.015, 98.035, 98.065, 98.075, 98.093): Florida has a top-down, centralized voter registration database, the Florida Voter Registration System (FVRS), which was implemented in early 2006. Florida's 67 counties continue to utilize their existing registration systems which have been modified to interface in real time with the FVRS. The system is managed by the Bureau of Voter Registration within the Elections Division of the Department of State. List maintenance is jointly conducted by the Bureau of Voter Registration Services and county election supervisors.<sup>28</sup>

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (Florida Statutes Title IX § 101.048, Florida Administrative Code § 1S-2.037): The Secretary of State has adopted uniform rules for the implementation of provisional balloting, which are included in polling place procedures manuals. Provisional ballots are counted if cast in the correct precinct.

### Voter Identification

**Voter Identification** (Florida Statutes Title IX §§ 101.043, 101.048): All voters are required to present current and valid photo ID of one of the following types: Florida driver's license, Florida identification card issued by the Department of Highway Safety and Motor Vehicles, United States passport, Debit or credit card, Military identification, Student identification, Retirement center identification, Neighborhood association identification, or Public assistance identification. If the photo ID does not contain a signature, an additional form of identification with the voter's signature is required. If a voter does not have proper identification, he/she is required to vote provisionally and the ballot will be counted if the voter's signature matches that provided on his/her voter registration application.

### Technology

**Voting Technology** (Florida Statutes Title IX §§ 101.015, 101.017, 101.294, 101.5605, 101.5606, 101.5612, 101.595; Florida Administrative Code §§ 1S-2.015, 1S-5.001): Voting systems, with the exception of voting system accessibility requirements for individuals with disabilities, are required to utilize "marksense" or optical scan ballots, which provides a paper trail for the purposes of the audit requirements listed below.<sup>29</sup> The Division of Elections of the Department of State has adopted uniform rules for the purchase, use, and sale of voting

<sup>28</sup> HAVA Plan Update 2006. 27-30; [http://election.dos.state.fl.us/HAVA/pdf/2006\\_STATE\\_HAVA\\_PLAN\\_ENGLISH.pdf](http://election.dos.state.fl.us/HAVA/pdf/2006_STATE_HAVA_PLAN_ENGLISH.pdf)

<sup>29</sup> By 2012, all voting systems are required to be "marksense" or optical scan ballots.

equipment in the state and no voting equipment may be used unless it has been certified by the Department of State. All testing of voting technology is required to be public and may occur at any time at the discretion of the Department of State. The Bureau of Voting System Certification was created within the Elections Division of the Department of State to conduct voting system testing and to update voting standards as needed to address technological changes. In addition, the Department of State has adopted minimum security standards and procedures for the use of voting systems and prior to each election county supervisors must submit security plans for approval by the Department of State.

County elections supervisors must conduct pre-election public testing of all voting equipment not more than 10 days prior to the commencement of early voting. Also, no later than December 15 of each general election year, the supervisor of elections in each county is required to submit a performance evaluation report of voting systems, including total number of overvotes and undervotes for the race that appears first on the ballot so that the Department of State can prepare a public report on the performance of each type of voting system. A full listing of voting machines used by Florida counties is available at: [http://election.dos.state.fl.us/voting-systems/pdf/VS\\_Web\\_Display\\_10-9-08.pdf](http://election.dos.state.fl.us/voting-systems/pdf/VS_Web_Display_10-9-08.pdf).

**Audits** (Florida Statutes Title IX § 101.591; Florida Administrative Code § 1S-5.026): Following the certification of the elections, Florida law requires a public manual audit of one randomly selected race in at least once percent of precincts chosen at random (or at least once precinct). Specific audit procedures have been adopted by the Department of State and counties are required to submit detailed audit reports 15 days after completing the audit.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (Florida Statutes Title IX §§ 101.6102, 101.657; Florida Administrative Code § 1S-2.022): No-excuse absentee and early voting is permitted under Florida law. Early voting begins 15 days before and ends 2 days before an election and counties are required to post daily reports of early voting turnout. Referenda elections in counties, municipalities, cities, school districts and special districts may be conducted by mail pursuant to regulations provided by the Department of State.

**Military and Overseas Voting** (Florida Statutes Title IX §§ 100.025, 101.62, 101.6951, 101.697; Florida Administrative Code § 1S-2.013, 1S-2.030): Ninety days prior to any general election, each county supervisor of elections is required to send a notification to UOCAVA voters for whom an overseas address is on file. Requests for absentee ballots may be made by phone, via federal post-card application or by fax/e-mail and must be received no later than 5 p.m. on the sixth day before the election. County election supervisors may send ballot materials to overseas voters via secure fax or e-mail and ballots must be sent at least 45 days prior to a general election and 35 days prior to a primary, if a request has been received. Special state write-in ballots are available between 90 and 180 days prior to an election and allow the voter to write-in a name or party for all offices, federal, state, and local, for which the voter would otherwise be entitled to vote. An overseas voter may return a voted ballot either by facsimile, by mail, or by other secure remote electronic access that meets regulations established by the Department of State. In order for the ballot to be counted it must be received by the supervisor of elections no later than 7:00 p.m. Election Day in the time zone for the county in which the overseas voter is registered. An overseas ballot received after 7 p.m. on Election Day but within 10 days after the election will be counted for *federal offices only*, as long as the ballot is postmarked no later than Election Day.

**Voter and Civic Education** (Florida Statutes Title IX § 98.255, Florida Administrative Code § 1S-2.033): Pursuant to requirements of Florida law, the Secretary of State to adopted rules in 2002 prescribing minimum standards for nonpartisan voter education to be conducted by county supervisors of elections. The rules require supervisors to develop a detailed voter guide with information on registration, voting rights, and voting systems, which must be available at all voter registration agencies and online. In addition, sample ballots must be made available to voters prior to an election and annual voter education programs and registration drives are required at public high schools and college campuses. By December 15 of each general election year, each supervisor of elections must report to the Department of State a detailed description of the voter education programs implemented and any other information that may be useful in evaluating the effectiveness of voter education efforts. A statewide, toll-free voter information hotline and online voter registration check and polling place locator are also provided.<sup>30</sup>

**Vote Centers:** Not in use

**Reenfranchisement of Ex-Felons** (Florida Constitution Article IV, Section 8(a); Rules of Executive Clemency, 9A): Pursuant to an Executive Clemency rule change in 2007, a three tier review process has been created in which tier one and tier two offenders receive an automatic hearing by the Clemency Board to determine if voting rights may be restored. Voting rights are automatically restored to non-violent felons if they have completed all sentences imposed and all conditions of supervision have expired or been completed, including but not limited to, imprisonment, parole, probation, community control, control release, and conditional release; have no outstanding detainers or pending criminal charges; and, have paid all restitution pursuant to a court order or civil judgment and obligations pursuant to Chapter 960, Florida Statutes. Tier three offenders, convicted of violent crimes must petition the Clemency Board to begin the process of restoring their voting rights.

### **Election Administration**

**Election Management** (Florida Statutes Title IV § 20.10; Title IX §§ 97.012, 98.015): A Secretary of State, appointed by the Governor and confirmed by the Senate, is the chief election officer of the state and oversees the Elections Division within the Department of State. It is the responsibility of the secretary to maintain uniformity in the interpretation and implementation of the election laws, to manage the statewide voter registration system, and to oversee the certification of voting technology. At the local level, elections are managed by elected County Election Supervisors, responsible for updating voter registrations within the county, providing voter education, and training poll workers based on the Poll Procedures manual provided by the Department of State. State law places no restrictions on the partisan activity of election officials.

**Poll Workers** (Florida Statutes Title IV § 102.012, 102.014; Florida Administrative Code § 1S-2.034): Poll workers (clerks and inspectors) must be registered voters in the county in which they will serve or 16 and 17 year olds who are preregistered under the Florida Voter Registration Act. No precinct may be staffed solely by members of one political party except during a primary in which only one party has candidates appearing on the ballot. No person whose name appears on the ballot may be a poll worker. All poll workers must complete at least

---

<sup>30</sup> National Association of Secretaries of State (September 2008). *Engaging the Energized Electorate: NASS Survey on State Preparations for the 2008 Presidential Election*, p.95. Available at: [http://nass.org/index.php?option=com\\_docman&task=doc\\_download&gid=365](http://nass.org/index.php?option=com_docman&task=doc_download&gid=365)

2 hours of training (3 hours for clerks) based on a uniform polling place procedures manual created by the Department of State.

## **SOURCES**

Florida Constitution:

<http://www.leg.state.fl.us/statutes/index.cfm?mode=constitution&submenu=3&tab=statutes>

Florida Statutes: <http://www.leg.state.fl.us/STATUTES/>

Florida Administrative Code: <https://www.flrules.org/Default.asp>

State HAVA Information: <http://election.dos.state.fl.us/HAVA/index.shtml>

State Elections Website: <http://election.dos.state.fl.us/>

## GEORGIA



### Voter Registration

**Statewide Voter Registration Database** (Official Code of Georgia Annotated §§ 21-2-211, 21-2-228, 21-2-231—21-2-234): Georgia law requires the Secretary of State to establish and maintain the official list of all eligible and qualified registered electors in the state and to provide all of the necessary equipment to permit the county boards of registrars to access and utilize the official statewide database. The statewide database has been in place since 1993 and has been coupled with an electronic poll book system deployed at the polls, but the state is considering upgrading the system.<sup>31</sup> List maintenance is jointly conducted by the Secretary of State and county boards of registrars.

**Voter Registration Data Exchanges/Interoperability** (Official Code of Georgia Annotated § 21-2-231): The Secretary of State is authorized to solicit data from the courts and departments of vital statistics in other states to determine if any registered Georgia voters have died or been convicted of a felony in those other states. No provision exists for exchanges between voter registration lists.

### Provisional Voting

**Provisional Ballots** (Official Code of Georgia Annotated §§ 21-2-418, 21-2-419; Georgia Rules and Regulations §183-1-12-.06): Uniform guidelines for the issuance and processing of provisional ballots have been adopted by the State Board of Elections. For provisional ballots cast by an eligible voter in the wrong precinct, all votes will be counted in those races for which the person was entitled to vote.

### Voter Identification

**Voter Identification** (Official Code of Georgia Annotated §§ 21-2-417, 21-2-417.1; Georgia Rules and Regulations §183-1-20-.01): All voters are required to present a valid, government-issued photo ID (GA driver's license, GA voter ID card, U.S. Passport, military ID, government employee ID, or tribal ID). If a voter fails to produce proper ID, he/she must vote a provisional ballot, which will only be counted if the voter returns to the county board of elections with proper ID within 48 hours of the closing of the polls. Each county board of registrars is required to provide at least one location to issue free voter identification cards to registered voters without another form of photo ID acceptable for voting purposes.

---

<sup>31</sup>2008 State Plan Amended, p.24. Available at:  
<http://sos.georgia.gov/elections/hava/PreliminaryHAVASatePlanAmended20080702.pdf>

## **Technology**

**Voting Technology** (Official Code of Georgia Annotated §§ 21-2-322, 21-2-324, 21-2-379.1, 21-2-379.6; Georgia Rules and Regulations §§ 590-8-1-.01, 183-1-12-.01, 183-1-12-.02): Georgia law requires the Secretary of State to adopt uniform voting technology for the state by 2004. Direct recording electronic (DRE) voting units were purchased (Premier Election Solutions AccuVote TS R6) for all federal, state, and county elections, but Georgia law does not require machines to produce a voter verifiable paper audit trail. Voting machines are to be certified by the Secretary of State and may be reexamined at any time. Prior to each election, each county superintendent is required to conduct public testing of voting equipment. Optical scan technology is utilized for tabulating absentee ballots.

**Audits:** No requirement.

## **Voter Access and Education**

**Vote by Mail and Early Voting** (Official Code of Georgia Annotated §§ 21-2-380, 21-2-382, 21-2-383): No-excuse absentee and early in person absentee voting (and voting on DREs) are allowed (specific dates and times of early voting not specified).

**Military and Overseas Voting** (Official Code of Georgia Annotated §§ 21-2-219, 21-2-224, 21-2-381.1, 21-2-381.2, 21-2-384): All voters must be registered by the 5<sup>th</sup> Monday prior to an election in order to vote. For applications that are mailed, the postmark serves as the registration date (e.g. if postmarked by the registration deadline, the application will be accepted). UOCAVA voters may request ballots up to 180 days prior to an election and requests may be faxed or e-mailed if the voter is already registered, but must be mailed if registering and requesting a ballot at the same time. Special write-in absentee ballots are made available to voters unable to vote a regular absentee ballot (immediately upon request) and state write-in ballots for runoff elections are automatically sent to registered overseas voters. Regular absentee ballots are mailed beginning 45 days before a statewide general or primary elections. Ballots received up to three days after the election will be counted if postmarked by Election Day.

**Voter and Civic Education** (Official Code of Georgia Annotated § 21-2-31, § 21-2-379.8): Georgia law does not make specific requirements for voter education, except to grant the State Elections Board authority to formulate and conduct a voter education program concerning voting procedures for voting by absentee ballot and at the polls with particular emphasis on the proper types of identification required for voting. Public demonstrations of voting equipment are also required for the purpose of voter education.

As part of the State's HAVA plan, the Secretary of State a state level Voter Education Coordinator Program that facilitated statewide educational and training projects including a public relations campaign through print and broadcast media, a U.S. mail campaign of voter instructions, updates to the Secretary's website and contracts with community interest groups to conduct voting demonstrations.<sup>32</sup> Online voter registration check and polling place locator are also provided.<sup>33</sup>

---

<sup>32</sup> HAVA State Plan for the State of Georgia, p.18. Available at: [http://sos.georgia.gov/elections/hava/state\\_plan\\_final.pdf](http://sos.georgia.gov/elections/hava/state_plan_final.pdf)

<sup>33</sup> National Association of Secretaries of State (September 2008). *Engaging the Energized Electorate: NASS Survey on State Preparations for the 2008 Presidential Election*, p.95. Available at: [http://nass.org/index.php?option=com\\_docman&task=doc\\_download&gid=365](http://nass.org/index.php?option=com_docman&task=doc_download&gid=365)

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (Constitution of the State of Georgia Article II §1): Voting rights are restored upon completion of sentence, including prison, parole, and probation.

### **Election Administration**

**Election Management** (Official Code of Georgia Annotated §§ 21-2-50, 21-2-70, 21-2-75, 21-2-76, 21-2-101): An elected Secretary of State is Georgia's chief election official, who serves as the chairperson of the State Board of Elections and oversees uniform implementation of the state's elections laws and training of local election officials. At the local level, elections are managed by county election superintendents who are required to be certified by the Secretary of State (64 hours of coursework) and attend a minimum of 12 hours of training biennially. The election official training program is conducted in partnership with the Kennesaw State University Center for Election Systems, which has established a mock election lab and assisted State election officials in developing polling place procedural guidelines.<sup>34</sup>

**Poll Workers** (Official Code of Georgia Annotated §§ 21-2-92, 21-2-99): Poll officers/workers are required to be citizens 16 years of age and older who are residents of the county in which they are appointed or, in the case of municipal elections, residents of the municipality in which the election is to be held or of the county in which that municipality is located. No person holding public office nor the spouse or immediate relative of a candidate may serve as a poll worker. All poll workers are required to receive training provided by the county election superintendent.

### **SOURCES**

Georgia Constitution: [http://sos.georgia.gov/elections/constitution\\_2007.pdf](http://sos.georgia.gov/elections/constitution_2007.pdf)

Official Code of Georgia: <http://www.lexis-nexis.com/hottopics/gacode/default.asp>

Georgia Rules and Regulations: <http://rules.sos.state.ga.us/cgi-bin/search.cgi?d=1&query=183>

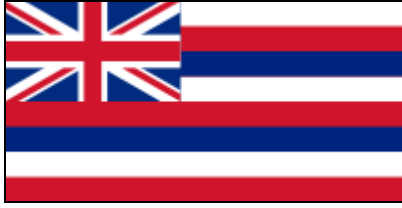
State HAVA Information: <http://sos.georgia.gov/elections/hava/default.htm>

State Elections Website: <http://www.sos.ga.gov/elections/>

---

<sup>34</sup> *Ibid.* p.19

## HAWAII



### Voter Registration

**Statewide Voter Registration Database** (Hawaii Revised Statutes §§ 11-11, 11-14, 11-17, 11-20, 11-23): The state of Hawaii's voter registration system is top-down, centralized, uniform and fully integrated with the statewide driver license database and with property records from the largest county. The system allows for real time updates and cross checks against driver license and property records. Source documents (hard copies of registration applications) are maintained at the county level and registration updates are conducted at the county level. The largest county (City & County of Honolulu) maintains the statewide voter registration system and also maintains the statewide drivers license database on behalf of the four counties and State, but all counties have direct online/electronic access to the data.<sup>35</sup> List maintenance is conducted by county clerks.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots:** There is no state law that addresses provisional voting, but the State uses Control Centers and Voter Assistance Officials (statewide) to ensure that registered voters who appear at the polling place but are not in the register of voters may resolve their voter registration problems. Voter Assistance Officials are provided telephones and assigned an operator at Control Center who searches the statewide voter registration database and related documents to determine if an individual is registered to vote. Any voter who is not found in the statewide voter registration system may at their discretion cast a "Challenged" ballot.<sup>36</sup> Determination reached in this process may be appealed to a Board of Registration and ultimately the Hawaii Supreme Court. A challenged ballot is counted if cast in correct precinct. Voters are provided a toll free telephone number to determine if their ballot has been counted.<sup>37</sup>

### Voter Identification

**Voter Identification** (Hawaii Revised Statutes §11-136; Hawaii Administrative Rules §2-51-80): Every person shall provide identification if so requested by a precinct official. Photo ID with a signature is requested, but consequences for failure to produce ID are not specified.

### Technology

**Voting Technology** (Hawaii Revised Statutes §§ 16-1, 16-2, 16-12, 16-42; Hawaii Administrative Rules §§ 2-54-1, 2-54-4): Hawaii law requires that all electronic voting systems

---

<sup>35</sup> *State of Hawaii State Plan*, pp.10-11. Available at: [http://hawaii.gov/elections/documents/hava\\_stateplan.pdf](http://hawaii.gov/elections/documents/hava_stateplan.pdf)

<sup>36</sup> *Ibid.*, p.9.

<sup>37</sup> Factsheet on Provisional Voting. Available at: <http://hawaii.gov/elections/factsheets/html/fspo405.htm>

generate a paper ballot or voter verifiable paper audit trail that may be inspected and corrected by the voter before the vote is cast and requires that the paper ballot or voter verifiable paper audit trail is retained as the definitive record of the vote cast. Voting systems require approval by the chief election officer and are subject to regular inspection, audit, and experimental testing by qualified observers before and after the election, pursuant to administrative rules adopted by the chief election officer.

**Audits** (Hawaii Revised Statutes §§11-8.5, 16-42; Hawaii Administrative Rules §2-51-96.3): The chief election officer is required to oversee a post-election, pre-certification audit of a random sample of not less than ten per cent of the precincts employing the electronic voting system, to verify that the electronic tallies generated by the system in those precincts equal hand tallies of the paper ballots generated by the system in those precincts. An expanded audit may be ordered if discrepancies are revealed. In addition, the elections commission is required to conduct a biennial evaluation of elections operations and submit the findings to the state legislature with recommendations to the chief election officer on methods to improve elections.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (Hawaii Revised Statutes §§ 11-91.5, §15-4, 15-7; Hawaii Administrative Rules §§ 2-53-3, 2-53-6): No-excuse absentee voting is available beginning 60 days prior to an election and early in-person absentee voting is available from 10 days prior to the election until the day before the election at sites designated by the county clerks. Voters may also request to be designated as permanent absentee voters and receive absentee ballots automatically for elections. Elections other than regularly scheduled primary or general elections may be conducted by mail at the discretion of the chief election officer (federal and state elections) or the county clerk (county elections).

**Military and Overseas Voting** (Hawaii Revised Statutes §§ 15-5, 15-9; Hawaii Administrative Rules §§ 2-53-17, 2-53-18, 2-53-20): UOCAVA voters must register no later than 30 days prior to an election and request an absentee ballot no later than seven days before an election. Absentee ballots are mailed approximately 35 days before an election and must be received by the close of polls on Election Day. If a voter has requested but not received a ballot within five days of an election, the voter may request that absentee ballots be sent by fax and may also return the ballot by fax. A federal write-in absentee ballot may also be returned by fax.

**Voter and Civic Education** (Hawaii Revised Statutes §11-2; Hawaii Administrative Rules §§2-51-10, 2-51-11): The chief election officer is responsible for voter education, which may include publishing voter information pamphlets, conducting voter awareness media campaigns, and employing other voter information methods deemed appropriate by the chief election officer. Prior to every election, all registered voters are mailed voter notification cards indicating the election date and the location of the voter's polling place. A statewide, toll-free voter information hotline and online polling place locator are also provided.<sup>38</sup>

**Vote Centers** (Hawaii Revised Statutes § 11-92.2): The chief election officer may establish multiple polling place sites for contiguous precincts, notwithstanding district boundaries, when it is convenient and readily accessible for the voters of the precincts involved.

---

<sup>38</sup> National Association of Secretaries of State (September 2008). *Engaging the Energized Electorate: NASS Survey on State Preparations for the 2008 Presidential Election*, p.95-96. Available at: [http://nass.org/index.php?option=com\\_docman&task=doc\\_download&gid=365](http://nass.org/index.php?option=com_docman&task=doc_download&gid=365)

**Reenfranchisement of Ex-Felons** (Hawaii Constitution Article 2, § 2): Voting rights are restored automatically after release from prison.

### **Election Administration**

**Election Management** (Hawaii Revised Statutes §§ 11-1.5, 11-1.6, 11-2, 11-4, 11-7, 11-8): The chief election officer in Hawaii is an individual appointed, with the advice and consent of the senate, by the Elections Commission, which is a bipartisan commission appointed by the state legislature to provide advice to the chief election officer and conduct investigations into election violations. The chief elections officer oversees the office of elections and is responsible for supervising all state elections, encouraging voter registration, providing voter education and establishing, in coordination with county clerks, rules and procedures for elections. Elections at the local level are managed by county clerks.

The chief elections officer and all employees of the office of elections are prohibited from supporting, advocating or aiding in the election or defeat of any candidate for public office. In addition, members of the Elections Commission are prohibited from taking an “an active part in political management or in political campaigns.”

**Poll Workers** (Hawaii Revised Statutes §§ 11-71, 11-72, 11-73, 11-98): Hawaii law requires at least three precinct officials/poll workers at each precinct and no more than fifty percent of workers may be from one party. Workers are appointed from lists provided by parties and precinct residents and registered voters within the district are given preference. However, if sufficient workers aren’t available, the chief election officer can appoint unregistered citizens who are at least 16 years of age, provided they would meet other registration requirements. No candidate or parent, spouse, reciprocal beneficiary, child, or sibling of a candidate is eligible to serve as a precinct official in any precinct in which votes may be cast for the candidate. Precinct officials are required to receive “periodic” training (at the discretion of the county clerk) and precinct chairpersons are required to attend a refresher course prior to each election. Uniform polling place materials and procedures are provided by the chief elections officer in consultation with county clerks.

### **SOURCES**

Hawaii Constitution: [http://hawaii.gov/elections/constitution/HAWAII\\_CONSTITUTION.pdf](http://hawaii.gov/elections/constitution/HAWAII_CONSTITUTION.pdf)

Hawaii Revised Statutes: <http://hawaii.gov/elections/info/laws>

Hawaii Administrative Rules: <http://hawaii.gov/elections/info/laws>

State HAVA Information: [http://hawaii.gov/elections/documents/hava\\_stateplan.pdf](http://hawaii.gov/elections/documents/hava_stateplan.pdf)

State Elections Website: <http://hawaii.gov/elections>

## IDAHO



### Voter Registration

**Statewide Voter Registration Database** (Idaho Statutes §§ 34-433, 34-435, 34-437A): Idaho implemented a top-down, centralized statewide voter registration database in 2006, compiling the 44 separate county voter registration files into a single, uniform statewide registry.<sup>39</sup> The system is managed by the office of the Secretary of State and county clerk's have immediate electronic access to input and review data. The database is also coordinated with other state agencies for information sharing purposes. List maintenance is conducted by county clerks in coordination with the Secretary of State.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots:** Idaho is not required to implement a provisional voting system because it allows for Election Day registration.

### Voter Identification

**Voter Identification** (Idaho Statutes §§ 34-410, 34-1106, 34-408A): Idaho maintains the HAVA minimum standard for first time voters. All other voters, unless registering on Election Day, are required to state their name and address and sign the poll book in order to receive a ballot. Voters who wish to register and vote on Election Day must present a photo ID and proof of residency in order to register and vote.

### Technology

**Voting Technology** (Idaho Statutes §§ 34-2405, 34-2409, 34-2416, 34-2426): County clerks have the authority to purchase voting equipment in Idaho, but such equipment must be certified by the Secretary of State and must meet the federal election commission standards and be approved for use by an independent testing authority sanctioned by the National Association of State Election Directors (NASED) or be certified by the Federal Election Assistance Commission. The Secretary of State may conduct periodic reexamination of voting equipment according to standards set forth by the federal election assistance commission and the national institute of standards and technology. No direct recording electronic voting device can be used unless it provides a voter verifiable paper audit trail. Pre-election testing and public demonstration of all voting equipment is required. Idaho currently utilizes paper ballot, punch card, and optical scan voting systems with accessible ballot marking devices available for voters with disabilities.

---

<sup>39</sup>State of Idaho State Plan, Amended 2008, p.10. Available at: <http://www.idsos.idaho.gov/elect/StatePlanAmended2008.pdf>

**Audits:** No requirement.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (Idaho Statutes §§ 34-308, 34-1001, 34-1002, 34-1006): No-excuse absentee voting and early in-person absentee voting is allowed. In-person absentee voting continues until 5pm on the day before the election. Precincts with no more than 125 registered voters may be designated by the county board of elections as mail ballot (vote-by-mail) precincts.

**Military and Overseas Voting** (Idaho Statutes §§ 34-1002, 34-1003, 34-1005): To register and request an absentee ballot a federal post card application must be postmarked by the 25th day before the election. For already registered UOCAVA voters, the County Clerk must receive a written absentee ballot request by 5pm on the 6th day before the election. An application for an absentee ballot may be made by fax. Ballots are mailed 35-40 days before a general election. Voted ballots must be received by 8pm on Election Day to be counted.<sup>40</sup>

**Voter and Civic Education** (Idaho Statutes § 34-1812C, 34-2425): Idaho statutes require that sample ballots be made available for every election and voter's pamphlets be made available whenever an initiative or referendum is on the ballot. In addition, the state HAVA plan specifies that voter's guides in English and Spanish are provided by the state and are posted on the state and county elections websites. The Secretary of State's office also conducts workshops for county clerks and voter education programs that include election worker training videos, revised voting instructions, new instructional flip-charts and updated manuals for each poll worker position.<sup>41</sup> An online polling place locator is also provided.<sup>42</sup>

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (Idaho Statutes § 18-310): Voting rights are automatically restored to felons upon completion of imprisonment, probation and parole.

### **Election Administration**

**Election Management** (Idaho Statutes §§ 34-201, 34-202, 34-203, 34-204 , 34-206, 34-305, 34-208, 34-903): An elected Secretary of State is the chief election officer in Idaho, responsible for maintaining uniform application of Idaho election laws and supplying comprehensive elections guidance to county clerks, the county elections officials. Annual election conferences on the administration of election laws are organized by the Secretary of State and each county clerk or designee is required to attend one per year. The Secretary of State is responsible for supplying all elections related materials and legal guidance to county clerks.

State law places no explicit restrictions on the partisan political activity of election officials.

**Poll Workers** (Idaho Statutes §§ 34-303, 34-1112, 34-2411, 34-2412, 34-2413): Poll workers (election judges and clerks) are appointed by the county clerk from lists (if provided) from local party officials or from the general pool of qualified voters. Poll workers are required to be U.S.

---

<sup>40</sup> [http://www.idahovotes.gov/VoterReg/mil\\_reg.htm](http://www.idahovotes.gov/VoterReg/mil_reg.htm)

<sup>41</sup> *State of Idaho State Plan, Amended 2008*, pp.4-6.

<sup>42</sup> National Association of Secretaries of State (September 2008). *Engaging the Energized Electorate: NASS Survey on State Preparations for the 2008 Presidential Election*, p.95. Available at: [http://nass.org/index.php?option=com\\_docman&task=doc\\_download&gid=365](http://nass.org/index.php?option=com_docman&task=doc_download&gid=365)

citizens, but are not required to be registered voters, though preference is given to voters registered in the precinct. Students who are at least 17 years old may serve as poll workers, but no more than two students may serve in any given precinct. Each precinct, to the extent possible, should contain personnel representing all existing political parties. Specific duties and manuals for poll workers are assigned and provided by the Secretary of State. Poll workers in precincts where voting machines are used are required to attend training conducted by county clerks. Other training requirements are not specified.

## **SOURCES**

Idaho Statutes: <http://www.legislature.idaho.gov/idstat/TOC/IDStatutesTOC.htm>

State HAVA Information: <http://www.sos.idaho.gov/ELECT/HAVA.htm>

State Elections Website: <http://www.idahovotes.gov/>

## ILLINOIS



### Voter Registration

**Statewide Voter Registration Database** (10 Illinois Compiled Statutes §§ 5/1A-25): Illinois maintains a bottom-up statewide voter registration list with which local election authorities are required to synchronize voter registration data at least once every 24 hours. The State Board of Elections maintains the statewide database, which local election authorities can access using existing software systems. According to the State HAVA Plan, the statewide database was not yet fully HAVA compliant as of early 2008.<sup>43</sup> List maintenance is conducted by local election authorities with guidance from the State Board of Elections (Illinois Administrative Code Title 26 § 216).

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (10 Illinois Compiled Statutes §§ 5/18A-5, 5/18A-15): State law sets forth uniform procedures for issuing and counting provisional ballots. Provisional ballots will be counted if the voter is determined to be eligible and properly registered and if the ballot was cast in the correct precinct. State and county websites are available to check provisional ballot status.

### Voter Identification

**Voter Identification** (10 Illinois Compiled Statutes §§ 5/4-22, 5/4-105, 5/19A-35): Illinois employs the HAVA minimum standard for first time voters. All other voters, with the exception of early voters, are required to state their name and sign the precinct register for comparison against the signature on their voter registration card. For voters wishing to vote early, a government-issued photo ID is required.

### Technology

**Voting Technology** (10 Illinois Compiled Statutes §§ 5/24-5/42C, Illinois Administrative Code Title 26 § 204): Illinois requires all voting equipment to be certified by the State Board of Elections, according to rules adopted by the Board, and provide a “permanent paper record” for use in retabulation or recounts. All voting equipment must meet the voluntary voting system standards promulgated by the Federal Election Commission and the Election Assistance Commission and be certified by an independent testing authority. Pre-election public testing and demonstration of all voting equipment is required. A full list of voting equipment in use in Illinois is available at: <http://www.elections.illinois.gov/VotingInformation/VotingEquip.aspx>

---

<sup>43</sup> HAVA State of Illinois State Plan (April 2009), p.4. Available at: <http://www.elections.illinois.gov/Downloads/VotingInformation/PDF/HavaAct.pdf>

**Audits** (10 Illinois Compiled Statutes §§ 5/24 C-15): Illinois requires a post-election audit of the voting devices and equipment in 5% of the precincts within the election jurisdiction.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (10 Illinois Compiled Statutes §§ 5/19-1, 5/19-2, 5/19-2.1, 19A-15): Illinois allows for no excuse absentee and in person absentee voting (at local election authorities) beginning 40 days prior to an election and ending 5 days before an election. In addition, early in person voting at designated sites is allowed beginning the 22nd day preceding a general primary, consolidated primary, consolidated, or general election and extending through the 5th day before Election Day.

**Military and Overseas Voting** (Illinois Compiled Statutes §§ 5/4 23, 5/20-2, 5/20-2.1, 5/20-2.2, 5/20-2.3, 5/20-8): Members of the Armed Forces are exempt from voter registration requirements, but other overseas citizens must register 30 days prior to an election (those who register after the 30-day deadline, but not less than 10 days before an election may receive a ballot for federal offices only). All military and overseas voters have until 10 days prior to an election to request regular absentee ballots and members of the armed forces may make this request by fax or electronic transmission. Local election authorities are required to mail regular absentee ballots at least 60 days prior to federal elections and 45 days prior to any other regular election or to provide overseas and military voters with a special write-in absentee blank ballot. Ballots generally must be received by the close of the polls on Election Day, but will be counted if postmarked (or certified in the absence of a postmark) before Election Day and received before the close of the period for counting provisional ballots.

**Voter and Civic Education** (Illinois Compiled Statutes § 5/12A-5): Illinois law requires the State Board of Elections to publish an internet voting guide at least 45 days before a statewide general election that includes important deadlines, contact information for local election authorities, descriptions of offices that will appear on the ballot, the names and party affiliations of qualified candidates, candidate person statements, and information on voting equipment and becoming an election judge. Pursuant to the State HAVA plan, the State Board of Elections and local elections authorities also utilize public service announcements, community partnerships with outreach organizations, demonstrations of the voting equipment at venues throughout the election jurisdiction, and programs geared toward use in the classroom to educate voters and encourage civic participation.<sup>44</sup>

**Vote Centers** (Illinois Compiled Statutes 5/11-7, 5/24-6, 5/24A-3.1, 5/24B-3.1): Election authorities may cluster up to four contiguous precincts to create a clustered voting zone in certain circumstances.

**Reenfranchisement of Ex-Felons** (Illinois Compiled Statutes § 5/3-5): Voting rights are restored upon release from prison. Those on parole may register and vote.

### **Election Administration**

**Election Management** (Illinois Compiled Statutes §§ 5/1A-1, 5/1A-2, 5/1A-4, 5/1A-6, 1A-8, 5/1A-13 ; Illinois Administrative Code Title 26 § 216.100): The State Board of Elections is the

---

<sup>44</sup> HAVA State of Illinois State Plan, pp.6-7.

constitutional agency responsible for the administration of voter registration and elections and the Executive Director appointed by the Board serves as the chief elections official. The State Board of Elections is a bipartisan, 8 member board appointed by the Governor with the advice and consent of the Senate and all Board employees are prohibited from engaging in any partisan political activity whatsoever (including contributing in any way, to any political party, candidate or organization engaged in political activity). The Board is responsible for providing each local election authority (county clerks in 101 counties, one county election commission and 8 municipal election commissions) with guidance and materials to ensure the uniform implementation of state election laws, including a comprehensive election manual prior to each primary and general election.

Board members are prohibited from becoming candidates or holding any other remunerative public office or public employment or any office in a political party.

**Poll Workers** (Illinois Compiled Statutes §§ 5/13-1, 5/13-2.1, 5/13-2.2, 5/13-4): Poll workers or election judges are appointed by the local election authorities from lists provided by parties, with the provision that no more than 3 persons (2 in the case of smaller precincts) of the same political party shall be appointed judges of the same election precinct. Poll workers are required to be residents of the precinct in which they serve, except that in each precinct, not more than one judge of each party may be appointed from outside such precinct if he/she is registered to vote within the county which encompasses the precinct. In addition, each precinct is allowed to have one high school student (junior or senior) and one college student (enrolled in a public or private school in Illinois) of each political party per precinct serve as judges, provided they are citizens in good academic standing. All poll workers are required to attend at least 4 hours of training and pass an examination in order to serve.

## **SOURCES**

Illinois Compiled Statutes: <http://www.ilga.gov/legislation/ilcs/ilcs2.asp?ChapterID=3>

Illinois Administrative Code: <http://www.ilga.gov/commission/jcar/admincode/026/026parts.html>

State HAVA Information: <http://elections.illinois.gov/VotingInformation/HAVA.aspx>

State Elections Website: <http://elections.illinois.gov/>

## INDIANA



### Voter Registration

**Statewide Voter Registration Database** (Indiana Code § 3-7-26.3): Pursuant to state law, Indiana established a statewide, centralized, interactive voter registration system that is maintained at the state level within the Elections Division of the Secretary of State. The centralized list is the official voter registration list for all elections in Indiana. Counties are required to maintain equipment that can interact with the statewide database and provide immediate electronic access to data. The database is also coordinated with the state Bureau of Motor Vehicles and Departments of Health and Corrections. The co-directors of the Elections Division are designated as the chief elections officers for the purpose of voter registration list maintenance in accordance with the NVRA, but county voter registration offices are responsible for actual list maintenance activities.

**Voter Registration Data Exchanges/Interoperability** (Indiana Code § 3-7-45-5): Indiana law authorizes the state department of health to negotiate data sharing with appropriate agencies in other states to acquire information regarding the deaths of Indiana residents occurring in each of the other states.<sup>45</sup>

### Provisional Voting

**Provisional Ballots** (Indiana Code § 3-11.7): Indiana law details uniform procedures for the issuance and counting of provisional ballots, which are detailed in an Election Day Handbook provided to poll workers by the Secretary of State. Provisional ballots are only counted if cast in the correct precinct and, in if cast due to failure to provide identification, only if the voter has provided proper identification or executed an affidavit within 10 days following an election before the local election authority.

### Voter Identification

**Voter Identification** (Indiana Code § 3-5-2-40.5, 3-11-8-25.1): All voters are required to provide identification that meets the following standards: (1) The document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record; (2) The document shows a photograph of the individual to whom the document was issued; (3) The document includes an expiration date, and the document is not expired or expired after the date of the most recent general election; and, the document was issued by the United States or the state of Indiana. Voters without acceptable ID may vote provisionally, but to have their ballot counted they must return to the county election board by noon 10 days after the election and either provide the necessary documentation or claim one of the law's exemptions (indigency or religious objection to being photographed).

---

<sup>45</sup> Sean Greene *op.cit.*

## **Technology**

**Voting Technology** (Indiana Code §§ 3-11-7, 3-11-7.5, 3-11-13, 3-11-14, 3-11-14.5, 3-11-15, 3-11-16): Indiana law requires all voting equipment to be approved by the Elections Commission, subject to testing by an independent laboratory according to Voting System Standards adopted by the Federal Election Commission on April 30, 2002. Any changes to voting systems may not be implemented without testing and approval of the Elections Commission and equipment may be periodically retested. Certification of any system expires October 1<sup>st</sup> in the year following a general election after which time the technology must be recertified. Public tests of voting systems must also occur at least 14 days prior to Election Day. Indiana law provides for the use of optical scan and direct recording electronic machines, but DREs are not required to provide a voter verifiable paper audit trail. Indiana also law provides for the establishment of a voting system technical oversight program to assist with testing of and development of standards for voting systems. A full list of voting systems in use by county is available at: <http://www.in.gov/sos/elections/hava/pdf/CountyVotingSystems.pdf>

**Audits** (Indiana Code §§ 3-11-13-37, 3-11-13-38, 3-11-13-39, 3-11-13-40, 3-11-13-41, 3-11-16-4): Indiana law does not require a post-election audit, but allows for a petition process by which party officials in any county can request confirmation of the vote cast on a ballot card voting system through and audit of not more than five percent (5%) of the precincts or five (5) precincts, whichever is greater. In addition, the voting system technical oversight program provides for the annual performance of “random audits of voting systems used to conduct Indiana elections and prepare reports indicating whether the voting systems have been certified, programmed, and used in compliance with Indiana law,” though not for the purpose of verifying to accuracy of election results.

## **Voter Access and Education**

**Vote by Mail and Early Voting** (Indiana Code §§ 3-11-10-24, 3-11-10-26, 3-11-10-26.3): Indiana requires an excuse to vote an absentee by mail, but allows no-excuse early in person absentee voting is allow at county elections offices or satellite offices beginning twenty-nine days before an election through noon the day before Election Day.

**Military and Overseas Voting** (Indiana Code §§ 3-7-36-2, 3-7-36-14, 3-11-4-6, 3-11-4-12, 3-11-4-13): In most cases, voters are required to register by 29 days before a primary or general elections. UOCAVA voters may request an absentee ballot via fax or e-mail but requests must be received no later than 8 days prior to an election. Regular absentee ballots are made available no later than 45 days before a general election, but special write-in absentee ballots are available beginning in June before a general election. All ballots must be postmarked by the date of the election and received in the office of the county circuit court clerk by noon 10 days after the election to be counted<sup>46</sup>. Indiana law waives the requirement for UOCAVA voters that the absentee ballot affidavit be witnessed.

**Voter and Civic Education** (Indiana Code § 3-5-8-5): References to voter education in Indiana Code are limited to informing voters of the consequences of counting multiple ballots and publishing a voter’s bill of rights in the news media at least 30 days prior to an election. However, the state HAVA plan details the production of written and online materials, public

---

<sup>46</sup> For ballots mailed to voters within the U.S., the voted ballot must arrive at the local circuit court clerk in time for the clerk to deliver the ballot to the appropriate precinct election board (for counting) before the close of polls on election day

service announcements and training videos to inform voters about voting systems, photo identification requirements, voter rights and responsibilities, accessibility and military/overseas voting.<sup>47</sup> Online resources include a voter's guide, handbook for military and overseas voters and a specific site dedicated to explaining the voter identification requirements.

**Vote Centers** (Indiana Code §§ 3-11-18-2, 3-11-18-6): Indiana law allows for pilot vote centers in counties designated by the Secretary of State. Counties selected to pilot vote centers must provide at least one voter center per 10,000 voters and must utilize electronic poll lists. Any registered voter in a county is allowed to cast a ballot at any vote center established in the county without regard to the precinct in which the voter resides, but ballots are segregated according to precinct for counting. The pilot program was first utilized in 2008 and is authorized until 2010.

**Reenfranchisement of Ex-Felons** (Indiana Code §§ 3-7-13-5, 3-7-13-6): Voting rights are automatically restored upon release from prison. Those on parole, on probation, subject to home detention, or placed in a community corrections program are eligible to register and vote.

### **Election Administration**

**Election Management** (Indiana Code §§ 3-6-3.7-1, 3-6-3.7-2, 3-6-5-1): An elected Secretary of State serves as Indiana's chief election official (except with regard to the responsibilities of NVRA). The secretary works with the Elections Division within the Office of State to fulfill Indiana's HAVA responsibilities and ensure the uniform application of election laws. The Elections Division is headed by co-directors, one appointed from each of the major parties, and the staff is split equally between the two parties. In addition, Indiana elections are governed by the Indiana Elections Commission, a bipartisan board appointed by the Governor with the advice and consent of the state senate. Elections are managed locally by circuit court clerks elected by the voters and county election boards. County election board members are required to attend meetings held by the Elections Division in each general election year to receive instruction on the uniform application of election laws.

State law places no restrictions on the partisan political activity of election officials.

**Poll Workers** (Indiana Code §§ 3-6-3.7-3, 3-6-5-23, 3-6-6-1, 3-6-6-2, 3-6-6-3, 3-6-6-13, 3-6-6-39, 3-6-6-40, 3-6-6.5): Poll workers (inspectors, judges, clerks and sheriffs) are appointed by county election boards from nomination lists provided by the two major political parties and are generally required to be registered voters in the county in which they will serve. Sixteen and seventeen year olds may be appointed to any position, except that of inspector, provided they are citizens, county residents, and meet certain requirements. In addition, college students who are registered in the county may be appointed on a nonpartisan basis to fill any vacancies and the law encourages the Secretary of State to develop programs to encourage Indiana secondary school students and students in postsecondary educational institutions in Indiana to assist state and local governments in the administration of elections.

No one may serve as election officer if he/she is a candidate or the immediate relative of a candidate. All poll workers are required to attend training and Indiana has established a Certified Election Worker Program for poll worker trainers. The Secretary of State provides an

---

<sup>47</sup> HAVA Indiana State Plan, pp.20-21; Available at: <http://www.in.gov/sos/elections/vit/HAVA%20INDIANA%20STATE%20PLAN%202005%20AMENDMENTS%202.pdf>

official Election Day procedures handbook to all precincts, has standardized training videos for poll workers, and utilizes a variety of online tools to assist to with training.

### **SOURCES**

Indiana Code: <http://www.in.gov/legislative/ic/code/>

State HAVA Information: <http://www.in.gov/sos/elections/hava/>

State Elections Website: <http://www.in.gov/sos/elections/>

## IOWA



### Voter Registration

**Statewide Voter Registration Database** (Iowa Code § 47.7, 47.8, 48A.27-- 48A.31): Following the passage of HAVA, Iowa merged 99 existing county voter registration databases into a single, centralized, statewide database managed by the Secretary of State, who is designated as the state registrar of voters. The statewide database has been in use since 2006 and counties are prohibited from maintaining separate voter registration systems. The system, I-VOTERS, is integrated with all state and county offices involved in voter information so that data is immediately current and it provides real time, electronic access to all voter registration data. Iowa also utilizes a bipartisan state voter registration commission to make and review policy, adopt rules, and establish procedures to be followed by Secretary of State acting as state registrar in discharging the duties of that office, and to promote interagency cooperation and planning. List maintenance is jointly conducted by the Secretary of State and county commissioners with guidance from the state voter registration commission.

**Voter Registration Data Exchanges/Interoperability:** At the 2005 Midwest Election Officials Conference the Secretaries of State of Iowa, Kansas, Missouri and Nebraska signed an agreement to increase cooperative efforts on several fronts, including data crosschecking. In 2006 for the first time the databases of five states were compared—the four MEOC states and Minnesota—to identify duplicate registrations. Plans were made to conduct the crosscheck in 2007 and in subsequent years, assuming all SOS offices agree to participate.<sup>48</sup>

### Provisional Voting

**Provisional Ballots** (Iowa Code §§ 49.81, 53.25): Iowa code establishes uniform procedures for the issuance and counting of provisional ballots and the Secretary of State provides an elections manual to all county auditors and poll workers to provide guidance on implementing them. Provisional ballots must be cast in the correct precinct to be counted.

### Voter Identification

**Voter Identification** (Iowa Code §§ 48A.7A, 49.77; Iowa Administrative Code § 721—21.3): Iowa maintains the HAVA minimum identification standard for first-time voters. If a person's name does not appear on the election register as an active voter, he/she is required to provide identification (photo and non-photo accepted). For persons wishing to register and vote on Election Day, photo identification and proof of residence is required. A person may establish identity and residence by presenting to the appropriate precinct election official a current and valid Iowa driver's license or Iowa nonoperator's identification card or by presenting a current and valid government, school, or employer photo ID and another document proving residency

---

<sup>48</sup> Sean Greene *op.cit.*

within the precinct. Alternatively, a person wishing to vote may establish identity and residency in the precinct by written oath of a person who is registered to vote in the precinct. Any voter without acceptable identification must vote provisionally and for the ballot to be counted, must present acceptable identification (in person or via mail) to the auditor's office before the time the special precinct board meets (generally noon the second day after the election) for the provisional ballot to be considered for counting.

## **Technology**

**Voting Technology** (Iowa Code §§ 52.2, 52.5, 52.7, 52.35; Iowa Administrative Code § 721-22): As of the 2008 General Election, Iowa requires all elections to be conducted with optical scan voting systems (with electronic ballot marking devices for accessibility). State law requires testing of voting equipment to be conducted by an appointed commissioner according to rules promulgated by the Secretary of State, but all voting systems must be certified by an independent testing authority as meeting performance and test standards as adopted by the federal election commission on April 30, 2002. Pre-election public testing of all voting equipment is required and each county is required to have a written voting equipment security policy. A full list of voting systems in use in Iowa is available at: <http://www.sos.state.ia.us/pdfs/elections/CoVoteSystem.pdf>

**Audits:** No requirement, though a county commissioner has the authority to request an administrative recount when the commissioner suspects that voting equipment used in the election malfunctioned or that programming errors may have affected the outcome of the election.

## **Voter Access and Education**

**Vote by Mail and Early Voting** (Iowa Code §§ 53.2, 53.10): Iowa allows no-excuse absentee and early in-person absentee voting. In-person absentee voting begins no more than 40 days before an election (as soon as ballots are available) and county commissioners may establish satellite absentee voting locations or voters may petition to have a satellite absentee voting station established. Absentee in-person voting is allowed until 5pm on the day before the election.

**Military and Overseas Voting** (Iowa Code §§ 53.17, 53.39, 53.40, 53.45; Iowa Administrative Code §§ 721—21.320(3), 721—21.320(4); 721—21.320(53)): UOCAVA voters may apply for absentee ballots at any time before the day of the election using the Federal Postcard Application (FPCA), the official Iowa form, or they may simply write a letter requesting an absentee ballot. Requests may be mailed, faxed or e-mail, but e-mail requests must include either a scanned signature or a digital signature. Regular absentee ballots are mailed 40 days prior to primary and general elections. Special write-in absentee ballots are available 90 days prior to an election. Upon request, absentee ballots may be transmitted to UOCAVA voters by fax or e-mail utilizing FVAP's secure transmission program and may also be returned by electronic transmission by voters who are in an area designated as an imminent danger pay area. All mailed absentee ballots must be postmarked prior to Election Day and received by noon on the Monday following the election to be counted.

**Voter and Civic Education:** Apart from the informational materials required by HAVA, Iowa law does not outline specific voter education requirements. However, as part of the state's HAVA plan, the Secretary of State established a central training and outreach program within the Elections Division to coordinate voter education efforts among counties and ensure greater

consistency of information. As part of this program, voter guides are mailed to all households prior to every general election and are made available on the internet along with other informational materials.<sup>49</sup>

**Vote Centers** (Iowa Code § 49.11; Iowa Administrative Code § 721—21.75(49)): County commissioners may establish vote centers for city, school and special elections. A voter may vote at any vote center within the jurisdiction in which he/she is registered.

**Reenfranchisement of Ex-Felons** (Iowa Code § 48A.6, Executive Order 42): A felon's voting rights may be restored by petition to the governor after complete discharge (including parole and probation) of his/her sentence. Pursuant to Former Governor Vilsack's Executive Order 42, all offenders who completely discharged their sentences, including any term of probation, parole, or supervised release as of July 4, 2005 received blanket restoration of voting rights and since that date criminal records are automatically forwarded to the governor for consideration. If granted, a restoration of citizenship certificate is issued to the offender's last known address within 3 months of discharge and a person become eligible to register to vote.

### **Election Administration**

**Election Management** (Iowa Code § 47.1, 47.2, 49.126): An elected Secretary of State is the chief election officer/state commissioner of elections in Iowa with the authority to prescribe uniform election practices and procedures and adopt rules to ensure uniform implementation of election law. An elections division is established within the office of the Secretary of State with a director appointed by the Secretary of State to carry duties as assigned. At the local level, elections are administered by county auditors, who are designated as county commissioners of elections. State law provides for a continuing education program, State Election Official Training (SEAT), through which local election officials can obtain certification.

State law places no restrictions on the partisan political activity of election officials.

**Poll Workers** (Iowa Code §§ 49.12, 49.16, 49.124.): Poll workers/precinct election officials are appointed by county election commissioners from lists provided by the two major political parties, though persons not members of either of these parties may also be appointed provided they do not comprise more than one-third of the workers in any precinct. Poll workers generally must be registered to vote in the county in which they serve and preference is given to precinct residents. High school students who are at least 17 and are U.S. citizens may be appointed as poll workers, but they cannot serve as a precinct chairperson. No person may serve as a poll worker for any election in which a relative (within the third degree of consanguinity or affinity) is a candidate. Training is required for at least two poll workers per precinct and all new poll workers according to guidelines and a manual provided by the Secretary of State.

### **SOURCES**

Iowa Code: <http://www.sos.state.ia.us/elections/auditors/electionlaws.html>

Iowa Administrative Code: <http://www.sos.state.ia.us/elections/auditors/electionlaws.html>

State HAVA Information: <http://www.sos.state.ia.us/elections/hava/index.html>

State Elections Website: <http://www.sos.state.ia.us/elections/>

---

<sup>49</sup> *State of Iowa HAVA State Plan*, p.22; *Updated State Plan*, pp.5-7. Both documents are available at: <http://www.sos.state.ia.us/elections/hava/PlanReports/index.html>

## KANSAS



### Voter Registration

**Statewide Voter Registration Database** (Kansas Statutes Annotated § 25-2303, 25-2304): The law requires the Secretary of State to maintain a statewide centralized voter registration database. Each county election officer builds and maintains the county's database, but all operations are performed in the statewide centralized database implemented pursuant to HAVA. Data entered or altered by county users is instantly loaded into the central database, duplicates are identified, and the file is available for conducting all regular election functions. The Secretary of State never alters a record in the voter file. The county election officer has sole authority and responsibility for adding, deleting and altering voters' registration records. The central database is merely a collection of all 105 counties' files, and it reflects exactly the data that are submitted by the counties. The results of all list maintenance functions performed by the Secretary of State are always sent to the county election officers for appropriate action, and the subsequent central database reflects the actions taken by the county election officers.

**Voter Registration Data Exchanges/Interoperability** (Kansas Election Standards Chapter I, p.14): Although not required by Kansas law, the Secretary of State of Kansas has entered into regional agreements with Midwest election officials to allow data crosschecking. In 2006 for the first time the databases of five states were compared— Iowa, Kansas, Missouri, Nebraska and Minnesota—to identify duplicate registrations. Approximately 15,000 likely duplicates in Kansas were identified and notices were sent to CEOs for review and possible cancellation of the duplicate records. Plans were made to conduct the crosscheck in 2007 and in subsequent years, assuming all SOS offices agree to participate. MEOC-type agreements may be made with other neighboring states in the future. Kansas is considering inviting Colorado, Oklahoma, Texas and Arkansas to enter into an agreement. The crosschecking program has the potential of searching for illegal double votes if the voter history is included in the program, but to date the program has not been expanded to include it.<sup>50</sup>

### Provisional Voting

**Provisional Ballots** (Kansas Statutes §§ 25-409, 25-3002; Kansas Election Standards, Chapter II, p.50-52): Kansas law and regulations provide for uniform procedures for issuing and counting provisional ballots. Provisional ballots are partially counted if cast in the wrong precinct but within the correct county. Information on ballot status is provided at the county level.

### Voter Identification

**Voter Identification** (Kansas Statutes § 25-2908): Kansas maintains to HAVA minimum identification requirements for first time voters. All other voters are required to state their name and address and sign the registration or poll book. If a first-time voter is unable or refuses to

---

<sup>50</sup> Sean Greene *op.cit.*

provide current and valid identification at the polling place, the voter may vote a provisional ballot which will only be counted if the voter provides a valid form of identification to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers (the Friday following the election).

## **Technology**

**Voting Technology** (Kansas Statutes §§ 25-4404, 25-4406, 25-4411, 25-4603, 25-4610; Kansas Election Standards, Chapter VI): Kansas law requires that all voting systems be certified by the Secretary of State and be tested by an independent testing authority (ITA) recognized by the National Institute of Standards and Technology (NIST). Voting systems must meet applicable standards established by the U.S. Election Assistance Commission and NIST, but Kansas law does not require a voter verifiable paper audit trail for DRE machines. Each county selects and purchases its own system, choosing from the list of systems certified by the Secretary of State. County commissioners are required to conduct pre- and post-election public testing of all voting systems. Currently a mix of paper ballots, optical scan systems and paperless DREs are in use in Kansas. A full list of voting systems is available at: <http://www.kssos.org/forms/elections/voting%20systems.pdf>

**Audits:** No requirement.

## **Voter Access and Education**

**Vote by Mail and Early Voting** (Kansas Statutes §§ 25-1119, 25-1122, 25-1122a, 25-1123, 25-432): Kansas allows no-excuse “advance voting” either by mail or in person. Advance voting by mail begins 20 days before an election and in-person advance voting begins no later than the Tuesday before the election. The end of the application period for mailed advance ballots is always the Friday before the election, although in many situations the applications need to be submitted earlier to allow sufficient time for mailing the ballots and returning them. The deadline for applying for and casting in-person advance ballots is noon the day before the election. Counties may establish satellite offices to conduct in-person advance voting as needed and may use voting machines for advance voting. Kansas law also allows local governing bodies to conduct elections and special questions by all-mail balloting. Mail ballot elections may not be used to elect officers, only for question submitted elections and counties must submit a written plan for the mail ballot election to the Secretary of State, who must grant written approval of the plan before the election is conducted

**Military and Overseas Voting** (Kansas Statutes §§ 25-1216, 25-1220, 25-1221): There is no statutory deadline for UOCAVA voters to submit applications for an absentee ballot, but they must be submitted early enough to allow transmittal time to and from the voter. Requests may be submitted by mail or by fax and federal services voters are allowed to receive and return their ballots by fax. At the discretion of the Secretary of State ballots have been accepted by email on a limited, case by case basis. Federal services ballots must be mailed by the county election officers to the voters by the 45th day before the election. If candidate lists are not finalized in time to have ballots printed before the deadline, often a special ballot must be prepared on a personal computer and photocopies mailed or faxed to the voters. All ballots must be received in the county election office before the close of polls on Election Day in order to be counted.

**Voter and Civic Education:** Kansas law does not specify voter education procedures apart from the information required by HAVA to be provided at the polling place. The HAVA State

plan specifies a two-fold voter education plan of outreach to encourage voter registration and instruction to ensure that voters know how to vote so that their votes will count. Included in this voter education program are a statewide media campaign, development of new informational materials on voting equipment and voting rights, partnerships with civic organizations, and ongoing training of county election officials.<sup>51</sup>

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (Kansas Statutes Annotated §§ 21-4603, 21-4603d, 21-4615): Voting rights are automatically restored once the terms of the sentence, including parole and probation, are completed.

### **Election Administration**

**Election Management** (Kansas Statutes Annotated §§ 25-124, 25-2504): The chief election official in Kansas is an elected Secretary of State, responsible for overseeing that statewide voter registration database and providing training to county election officers to ensure the uniform application of state election laws and procedures. Day-to-day administration of elections is handled by 105 county election officers – 101 county clerks and four election commissioners. In order for counties to receive HAVA funding from the state, county election officers are required to attend an annual training program designed by the Secretary of State.

State law places no restrictions on the partisan political activity of election officials.

**Poll Workers** (Kansas Statutes §§ 25-2802, 25-2803, 25-2804, 25-2806): Poll workers are appointed by county election officers from lists provided by the county chairs of the two major political parties or from the general voter pool in the county as needed. Poll workers are required to represent a mix of political parties, but this requirement may be relaxed if it is impossible to obtain an adequate number of board members of different political affiliations. One 16- or 17-year-old person may be appointed as a poll worker in each precinct provided he/she possesses the other qualifications of being registered voters except age. Candidates for public office may not serve as poll workers. County election officers are allowed to provide poll workers with option of working split shifts and must provide training to all poll workers based on a program designed by the Secretary of State.

### **SOURCES**

Kansas Statutes: <http://www.kslegislature.org/legsrv-statutes/index.do>

State HAVA Information: [http://www.kssos.org/elections/elections\\_reform.html](http://www.kssos.org/elections/elections_reform.html)

State Elections Website: <http://www.kssos.org/elections/elections.html>

---

<sup>51</sup> Kansas HAVA State Plan, p.13. Available at: <http://www.kssos.org/other/ksstateplanfinal.pdf>

## KENTUCKY



### Voter Registration

**Statewide Voter Registration Database:** Kentucky has utilized a centralized, statewide voter registration system since 1973, which is maintained by the State Board of Elections. The current mainframe database was implemented in 1995 and interfaces with a direct “real-time” link to the Kentucky Transportation Cabinet’s Division of Driver’s License database and a “nightly batch” link to the social services agencies’ database. List maintenance activities occur at the state rather than county level and daily reports are provided to county clerks detailing changes to registrants’ records, voter registration statistics by precinct prior to each election, and, finally, voter turnout statistics by precinct following each election. The State Board of Elections utilizes the information contained on the database to produce Election Day precinct rosters.<sup>52</sup>

**Voter Registration Data Exchanges/Interoperability:** No provision, but has conducted limited exchanges with other states.<sup>53</sup>

### Provisional Voting

**Provisional Ballots** (31 Kentucky Administrative Regulations 6:020): The State Board of Elections has promulgated regulations establishing uniform procedures for issuing and counting provisional ballots and training is provided to all election officials and poll workers using these procedures. Provisional ballots are counted if cast in the correct precinct. A state website is provided to check provisional ballot status.

### Voter Identification

**Voter Identification** (Kentucky Revised Statutes §117.227; 31 Kentucky Administrative Regulations 4:010): Poll workers are required to confirm the identity of each voter either by personal acquaintance or by a document, such as a driver’s license, social security card, credit card, other ID card with a picture and a signature or any additional documents approved by the State Board of Elections. Voters unable to produce acceptable ID are required to vote provisionally.

### Technology

**Voting Technology** (Kentucky Revised Statutes §§ 117.125, 117.165, 117.377, 117.379, 117.381, 117.389; 31 Kentucky Administrative Regulations 2:010): All voting systems are required to be tested and certified by the State Elections Board before counties may purchase

<sup>52</sup> Kentucky HAVA State Plan, p. 8. Available at: <http://www.sos.ky.gov/NR/rdonlyres/86ACE421-4864-46DC-9260-F149011ED78E/0/HAVAsateplanpdf.pdf>

<sup>53</sup> Sean Greene *op.cit.*

them. Voting systems standards have been specified by law and through State Board of Elections regulations, but a voter verifiable paper audit trail is not required. County election officials are required to conduct pre-election public testing of all voting equipment at least five days prior to an election. Kentucky currently utilizes a mix of optical scan voting systems and DREs without VVPAT. A full list of systems in use is available at:

<http://elect.ky.gov/NR/rdonlyres/4384AC60-AD8F-497F-B62E-EA3E4625618F/182354/VotingEquipmentbyCounty1.pdf>

**Audits** (Kentucky Revised Statutes § 117.383): The State Board of Elections is authorized to provide for a manual recount of randomly selected precincts representing three percent (3%) to five percent (5%) of the total ballots cast in each election, as part of the official canvass.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (Kentucky Revised Statutes § 117.085; 31 Kentucky Administrative Regulations 4:040): Kentucky law requires an excuse for absentee voting by mail, but allows for no-excuse in-person absentee voting at the county clerk's office or a designated location. In-person absentee voting is available at least 12 working days before an election during normal business hours and county clerks may utilize electronic voting machines for such early voting.

**Military and Overseas Voting** (Kentucky Revised Statutes §§ 116.0452, 116.045, 117.085, 117.086; 31 Kentucky Administrative Regulations 4:130): All voter registration applications must be received by the fourth Tuesday preceding an election and applications for absentee ballots must be received not less than seven (7) days before the election. A federal post card application may be submitted by fax and county clerks are required to utilize the Federal Voting Assistance Program to fax (if requested) ballots and related documents to UOCAVA voters, but voters must return ballots via mail. Absentee ballots are available beginning 50 days prior to an election and must be received by the close of the polls on Election Day to be counted.

**Voter and Civic Education** (Kentucky Revised Statutes §§ 116.046, 117.030, 117.235, 117.900, 424.290; State HAVA Plan, p.13): The State Board of Elections is required to publish and broadcast announcements throughout the state regarding the importance of voting in a free and conscientious manner, procedures for registering to vote and voting, general election laws, and penalties for vote buying and selling. County clerks are required to publish a sample ballot in the newspaper of largest circulation, at least three days before each primary and regular election.

The State Board of Education in consultation with the State Board of Elections, is required to implement programs of public education regarding elections, voting procedures, and election fraud, including an audio-visual materials for high school juniors and seniors. In addition, counties may implement mock elections for school children, conducted at the polling place in conjunction with any regular primary or special election. The Secretary of State sponsors an annual statewide essay contest for students in grades nine (9) through twelve (12) and an annual statewide slogan contest, each to be relative to an elections-related topic to be chosen by the Secretary of State each year. The State Board of Elections also provides a Voter Information Guide on its website that is updated as needed.

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (Kentucky Revised Statutes §§ 116.025): Any person who of a felony is not permitted to vote until his or her civil rights have been restored by executive pardon.

## **Election Administration**

**Election Management** (Kentucky Revised Statutes §§ 117.015, 117.020, 117.025, 117.035 117.187): The Secretary of State, an elected constitutional officer, serves as the Chief Election Official and Chairman of the State Board of Elections, a bipartisan independent agency, administers the Commonwealth's election laws, promulgates administrative regulations necessary to properly carry out its duties, supervises the registration and purgation of voters, appoints the political party representatives to the 120 county boards of elections, and certifies the official election results. County boards of elections, at the direction of and under the supervision of the State Board of Elections, administer the election laws and the registration and purgation of voters within the county. County boards of elections are comprised of four members: county clerk (chairman), county sheriff, and one Democratic member and one Republican member appointed by the State Board of Elections. Regular training regarding the election laws and methods of enforcement is provided by the State Board of Elections to all members of county boards of elections, county attorneys, Commonwealth's attorneys, and certain members of the Department of Kentucky State Police.

No person appointed to either the state or county boards of elections may be a candidate for public office, have been a candidate for public office for two years prior to his appointment, or have been convicted of any election law offense.

**Poll Workers** (Kentucky Revised Statutes §§ 117.045, 117.187): Poll workers (precinct election officers) are appointed by county boards of election from lists provided by the county executive committees of the two (2) political parties having representation on the State Board of Elections. If insufficient numbers of officers are available from such lists, the county board may appoint other qualified voters on a bipartisan basis or voters with no party affiliation. All poll workers must be registered voters within a county, with preference given to precinct residents. A minor seventeen (17) years of age who will become eighteen (18) years of age on or before the day of the regular election may serve as an election officer for the primary and regular elections in which he or she is qualified to vote; however, no precinct shall have more than one minor serving as an election officer. Poll workers may not be a candidate or the spouse, parent, brother, sister, or child of a candidate who is to be voted for at the election and may not have changed his voter registration party affiliation for one year prior to his appointment. All poll workers are required to attend training before each primary and regular election and those who fail to attend a training session without being excused shall be prohibited from serving as an election officer or challenger for a period of five years. The State Board of Elections provides a "Precinct Election Officers Quick Reference Guide" to each precinct.

## **SOURCES**

Kentucky Revised Statutes: <http://www.lrc.state.ky.us/statrev/frontpg.htm>  
Kentucky Administrative Regulations: <http://www.lrc.ky.gov/kar/titles.htm>  
State HAVA Information: <http://www.sos.ky.gov/elections/hava/>  
State Elections Website: <http://elect.ky.gov/>

## LOUISIANA



### Voter Registration

**Statewide Voter Registration Database** (Louisiana Revised Statutes §§ 18:31, 18:171, 18:192, 18:193; Louisiana Administrative Code Ch. 31 Part II §101): Louisiana has had a centralized statewide voter registration and election management system (Elections and Registration Information Network or ERIN) online since 1987.<sup>54</sup> The Secretary of State is responsible for establishing uniform rules for entering data into the system and generating reports from the systems. All parish registrars have real time, online access to the database and are responsible for entering parish data into the system. List maintenance is conducted by parish registrars and the Secretary of State provides a manual for the statewide voter registration computer system that all registrars of voters throughout the state are required to use.

**Voter Registration Data Exchanges/Interoperability** (Louisiana Revised Statutes §18:18): Louisiana law gives the Secretary of State authority to enter into cooperative agreements with other states to share voter registration information for purposes of determining whether a voter is registered in more than one state. Louisiana has participated in limited data exchanges.<sup>55</sup>

### Provisional Voting

**Provisional Ballots** (Louisiana Revised Statute §§18:566, 18-566.2): Louisiana law establishes uniform procedures for issuing and counting provisional ballots. A provisional voter is only allowed to vote for federal offices and for the ballot to be counted a voter must be registered and casts the ballot in the correct parish. Only those votes for offices for which the voter is eligible to vote will be counted (e.g. a voter must cast the ballot in the congressional district in which he/she is registered for his/her vote for U. S. Representative to be counted). A toll-free, statewide number is provided to check provisional ballot status.

### Voter Identification

**Voter Identification** (Louisiana Revised Statutes §8:562): All voters are required to show photo identification (Louisiana driver's license, Louisiana special ID card, or other generally recognized picture ID that contains the name, address, and signature of the voter) before being allowed to vote. Voters who do not have a photo ID may bring a utility bill, payroll check or government document that includes their name and address and sign an affidavit in order to vote.

---

<sup>54</sup> 2008 Consolidated State HAVA Plan, p.4. Available at:

<http://www.sos.louisiana.gov/Portals/0/elections/pdf/2008%20Consolidated%20State%20Plan%20Final%2009%2016%202008%201nc%20Amendment%202.pdf>

<sup>55</sup> Sean Greene *op.cit.*

## **Technology**

**Voting Technology** (Louisiana Revised Statutes §§ 18:1353, 18:1354, 18:1355, 18:1361, 18:1362, 18:1372, 18:1373): Louisiana utilizes uniform voting technology statewide, the AVC Advantage DRE system provided by Sequoia Voting Systems. All voting equipment must be certified and purchased by the Secretary of State and state law details chain of custody and security procedures and gives the Secretary of State authority to prescribe uniform rules and regulations with respect to matters pertaining to the purchase, preparation, and use of voting machines. All electronic voting machines acquired or used in the state must be certified by NASED Independent Testing Authorities according to the voting systems standards adopted by the Federal Election Commission, but a voter verifiable paper audit trail is not required. Parish custodians of voting machines are responsible for voting machine security and maintenance and providing instruction to election commissioners (poll workers) on the use of voting equipment, but all voting systems remain the property of the state. All machines are tested and sealed prior to every election in each parish voting machine warehouse.

**Audits:** No requirement.

## **Voter Access and Education**

**Vote by Mail and Early Voting** (Louisiana Revised Statutes §§18-1303, 18-1307, 18-1309, 18-1309.2): In Louisiana, an excuse is required to vote absentee by mail, but no excuse is required for in-person early voting. Early voting is available at local Registrar of Voters offices from 14 days to seven days prior (except Sunday) to any scheduled election from 8:30 a.m. to 6:00 p.m. Additional branch offices may be established by parishes or by the Secretary of State under certain conditions to facilitate early voting.

**Military and Overseas Voting** (Louisiana Revised Statutes §§18-135, 18-1306, 18-1307, 18-1308): UOCAVA voters are required to meet the voter registration deadline of 30 days before an election, but have until 4:30pm on the day before the election to request an absentee ballot. Ballot requests may be submitted via fax and ballots may also be sent and returned via fax. In addition to regular absentee ballots, Louisiana provides a special write-in absentee ballot for overseas voters. All absentee ballots are required to be available at least 20 days prior to an election. All ballots must be received by Election Day in order to be counted.

**Voter and Civic Education** (Louisiana Revised Statutes §§18:18; Louisiana Administrative Code §§ 31:701, 31:703, 31:705): The Secretary of State is required to provide uniform rules, regulations, forms, and instructions as to standards for effective nonpartisan voter education to be implemented uniformly by each registrar of voters in the state. Following every general election, each registrar of voters is required report to the Secretary of State a detailed description of the voter education programs implemented in his parish and the Secretary of State prepares a report on the effectiveness of voter education programs. The Secretary of State is also responsible for developing activities, events, informational posters and pamphlets, and public service announcements for an annual voter registration week and is responsible for implementing the week. All registrars of voters are required to participate in the annual voter registration week.

The State HAVA plan details additional voter education efforts such as: expansion of website information on registration and voting, expansion of the toll-free telephone system for election information, coordination with parish election officials to establish community-based programs

for voter outreach and education programs, participation in the National Student/Parent Mock election, and conducting seminars throughout Louisiana for voter education and registration.<sup>56</sup>

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (Louisiana Revised Statutes §18-102, 18-177.1): The voting rights of persons convicted of a felony are automatically restored upon completion of all terms of the sentence including parole and probation. The Department of Public Safety and Corrections is required to provide voter registration information and a voter registration application to all persons upon satisfaction of their order of imprisonment.

## **Election Administration**

**Election Management** (Louisiana Constitution Article 4 §7, Article 11 §5; Louisiana Revised Statutes §§18:18, 18:18.1, 18:18.2, 18:62, 18:63, 18:421, 18:422, 18:423): An elected Secretary of State is the chief election officer of Louisiana, oversees the elections division within the Department of State and establishes uniform rules (subject to approval by the attorney general) for voting and voter registration. At the local level, elections are overseen by bipartisan parish boards of elections supervisors and appointed registrars of voters, with the clerk of the court serving as the local chief election official.

Employees of the elections division are prohibited from engaging political activity, including his own or any other candidacy for election to public office; membership on any committee of a political party or faction; making or soliciting contributions for any political party, faction, or candidate; taking active part in the management of the affairs of a political party, faction, candidate, or any political campaign, except to exercise his right as a citizen to express his opinion privately and to cast his vote as he desires. The Secretary of State is similarly prohibited from political activity, except that related to his/her own candidacy for election to public office. The registrar of voters, deputy registrar, or other employees of a registrar are subject to the same political activity prohibitions as employees of the elections division within the department of state.

**Poll Workers** (Louisiana Revised Statutes §§18:18, 18:412, 18:421, 18:424, 18:425, 18:425.2, 18:426.1, 18:431, 18:431.1, 18:433, 18:434): Poll workers or commissioners of elections are required to be registered voters in the parish in which they serve unless there is a shortage of commissioners, in which case a registered voter from another parish may be appointed as a commissioner with the approval of the Secretary of State. No one may serve as a poll worker if he/she is a candidate for public office or if a member of his/her family is a candidate for public office. A person who is seventeen but is otherwise qualified to serve as a commissioner may be appointed serve in any precinct within the ward in which he/she resides.

To be eligible to be appointed as a commissioner, registered voters must be certified by attending a general training session (using instructional materials provided by the Secretary of State) offered by the office of the clerk on a semi-annual basis and passing a written exam prepared by the Secretary of State. Those selected as commissioners must then attend additional training immediately prior to the election in which they will serve. Additionally, commissioners-in-charge for each precinct are generally required to have served as a

---

<sup>56</sup> 2008 Consolidated State HAVA Plan, pp. 27-28. Available at: <http://www.sos.louisiana.gov/Portals/0/elections/pdf/2008%20Consolidated%20State%20Plan%20Final%2009%2016%202008%20nc%20Amendment%202.pdf>

commissioner in at least two elections during the last four years. The Secretary of State provides informational pamphlets for the use of commissioners-in-charge and commissioners on Election Day, detailing Election Day procedures and responsibilities. Louisiana law allows for poll workers to serve half day shifts and provides a tiered payment system which rewards poll workers that have received more than the general training.

### **SOURCES**

Louisiana Revised Statutes: <http://www.legis.state.la.us/lss/lss.asp?folder=75>

Louisiana Administrative Code: <http://www.sos.louisiana.gov/tabid/512/Default.aspx>

State HAVA Information: <http://www.sos.louisiana.gov/tabid/686/Default.aspx>

State Elections Website: <http://www.sos.louisiana.gov/tabid/68/Default.aspx>

## MAINE



### Voter Registration

**Statewide Voter Registration Database** (Maine Revised Statutes Title 21-A, §§128, 161, 191, 194; 29-250 CMR Chapters 505-506): Maine law required the implementation of a top-down Central Voter Registration System (CVR) by December 31, 2007, but was sued by the U.S. Department of Justice in 2006 and entered into an agreement to have the system completed by the 2006 general election.<sup>57</sup> The Secretary of State is responsible for the administration of the central voter registration system and for establishing a plan to identify duplicate records, including establishment of a voter identification indicator. List maintenance is the responsibility of municipal registrars under guidance from the Secretary of State.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (Maine Revised Statutes Title 21-A § 696): Maine allows for Election Day registration, so provisional ballots are not required. Challenged ballots are provided for those who do not meet the identification requirements and for those whose right to vote is challenged. The validity of a challenged ballot need not be determined unless it affects the results of an election. If the challenged ballot affects the result of an election, the envelope containing the challenge certificate and the signed affidavit under section 673, subsection 1 must be submitted to the Supreme Judicial Court and its validity must be determined, except when final determination of the election of a candidate is governed by the United States Constitution.

### Voter Identification

**Voter Identification** (Maine Revised Statutes Title 21-A §§ 121, 671): Maine maintains the HAVA minimum identification requirements for first-time voters who register by mail, except that those who wish to register and vote on Election Day (or during early voting) must provide proof of identify and residence. All other voters are required to state their name and, upon request, residence address to an election clerk.

### Technology

**Voting Technology** (Maine Revised Statutes Title 21-A §§ 809, 812, 812-A, 854): The Secretary of State and Attorney General of Maine are jointly responsible for approving voting systems in Maine and may require that they undergo testing by an independent authority before approval. Municipalities are responsible for purchasing approved systems. Pre-election testing of all electronic voting equipment is required. Voting machines used in Maine must produce or

---

<sup>57</sup> Department of Justice Case (D. Me. 2006). Available at: [http://www.usdoj.gov/crt/voting/hava/maine\\_cd.php](http://www.usdoj.gov/crt/voting/hava/maine_cd.php)

employ permanent paper records of the votes cast that are able to be verified by individual voters before their votes are cast and that provide a manual audit capacity for the machine.

**Audits:** No post-election audit is required.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (Maine Constitution, Article II, Section 4; Maine Revised Statutes Title 21-A §§ 751, 753-B, 754; Maine Resolves of 2005, c. 70): Absentee voting by mail and early absentee voting in person are allowed and no excuse is necessary. In-person absentee voting begins 45 days before an election and continues until the day before the election. Maine has also conducted a pilot project on other forms of early voting in 2007 and an additional pilot has been approved for 2009 (SP 48, LD 129).

**Vote Centers:** Not in use.

**Military and Overseas Voting** (Maine Revised Statutes Title 21-A §§ 753-A, 755,780): UOVACA voters are not subject to voter registration requirements and an application for an absentee ballot may be made any time before the election. Ballot requests may be made by phone, fax or e-mail. Regular absentee ballots are available beginning 45 days before an election and special write-in absentee ballots are available 3 months prior to an election. In order to be valid, an absentee ballot must be delivered to the municipal clerk at any time before the polls are closed.

**Voter and Civic Education** (Maine Revised Statutes Title 21-A §§603, 605): In addition to the HAVA voter information requirements, Maine's law requires the Secretary of State to publish voter information and a sample ballot in state and local newspapers. Maine's HAVA plan also outlines outreach, education, and training materials and procedures. These include: a mandatory training requirement for municipal election officials; posters; pamphlets; a Citizens Guide to the Referendum Election, describing the intent and content of citizen initiatives, referenda, and constitutional amendment questions; voter outreach efforts (such as mock elections) and existing municipal training and education programs.<sup>58</sup>

**Reenfranchisement of Ex-Felons** (Maine Revised Statutes Title 21-A §112): Maine allows felons to vote from jail. A person incarcerated in a correctional facility may apply to register to vote in any municipality where that person has previously established a fixed and principal home to which the person intends to return.

### **Election Administration**

**Election Management** (Maine Revised Statute Title 21-A §§ 221, 222, 505): An elected Secretary of State is the chief election official in the state and acts as the coordinator of the State's responsibilities under the federal Help America Vote Act of 2002. The Secretary of State is authorized to adopt rules establishing an administrative procedure for handling complaints relating to compliance with the provisions of Title III of the Help America Vote Act. Municipal clerks are the responsible for managing elections at the local level and must attend training provided by the Secretary of State once every two years.

---

<sup>58</sup> *State of Maine Preliminary State Plan* (December 2004), pp.29-30. Available at: <http://www.maine.gov/sos/cec/elec/hava/havaplan.pdf>

There are no restrictions on partisan political activity by election officials outlined in Maine law.

**Poll Workers** (Maine Revised Statutes Title 21-A §503): Election clerks must be registered voters of the municipality in which they will serve, except in cases when the municipal officer is unable to appoint a sufficient number of election clerks who are residents of the municipality. After providing notice of this, the municipal clerk may appoint election clerks who are not residents of the municipality but who are residents of the county and are otherwise qualified to fill the vacancies. No poll worker training provisions are specified in law.

## **SOURCES**

Maine Constitution: <http://www.maine.gov/legis/const/>

Maine Revised Statutes: <http://www.mainelegislature.org/legis/statutes/21-A/title21-Ach0sec0.html>

Code of Maine Regulations: <http://www.maine.gov/sos/cec/rules/rules.html>

State HAVA Information: <http://www.maine.gov/sos/cec/elec/hava/>

State Elections Website: <http://www.maine.gov/sos/cec/elec/>

## MARYLAND



### Voter Registration

**Statewide Voter Registration Database** (Maryland Election Law §§ 3-101, 3-301, 3-501; COMAR §§ 33.05.07, 33.05.06): Maryland has implemented a top-down, statewide voter registration list for which the State Election Administrator is responsible for defining, maintaining and administering.<sup>59</sup> Local election boards retain responsibility for voter registration list maintenance with guidance from the state board of elections.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (Maryland Election Law §§ 9-403—9-407, 11-303; COMAR §§ 33.16.01—33.16.05): State law and State Election Board regulations establish guidelines for the administration of provisional voting. Provisional ballots are counted if cast in the correct precinct by an eligible voter. Voters can check a state website to verify if their provisional ballot has been counted.

### Voter Identification

**Voter Identification** (Maryland Election Law § 10—310; Code of Maryland Regulations § 33.07.06.03): Maryland maintains the HAVA minimum voter identification requirements for first-time voters who register by mail. All other voters are required to state their name and date of birth for verification before being issued a ballot.

### Technology

**Voting Technology** (Maryland Election Law §§ 9-101, 9-102; Code of Maryland Regulations §§ 33.09.02—33.09.07, 33.10.02, 33.10.11): Maryland requires the State Election Board, in consultation with local boards, to certify and purchase a uniform voting system for the entire state. Recently passed legislation requires that all voting equipment must provide a voter-verifiable paper audit trail by 2010 and will require the state to replace all of the machines currently in use. The new equipment must be examined by an independent testing laboratory that is approved by the U.S. Election Assistance Commission and meet the performance and test standards for electronic voting systems established by the Federal Election Commission or the U.S. Election Assistance Commission. All machines must be tested at least 10 days prior to an election.

**Audits:** No requirement.

---

<sup>59</sup>State of Maryland State Plan Revised (March 2006), pp. 15-24. Available at: [http://www.elections.state.md.us/pdf/Revised\\_State\\_Plan.pdf](http://www.elections.state.md.us/pdf/Revised_State_Plan.pdf)

## **Voter Access and Education**

**Vote by Mail and Early Voting** (Maryland Election Law §§ 9-304, 9-305). Maryland law allows an individual to vote by absentee ballot except to the extent preempted under an applicable federal law. The deadline for receipt of an absentee ballot application is not later than the Tuesday preceding the election. Maryland does not require an excuse for absentee voting, but does not allow any other form of early voting.

**Vote Centers:** Not in use.

**Military and Overseas Voting** (Maryland Election Law §§ 3-302, 9-305; Code of Maryland Regulations §§ 33.11.02.02, 33.11.03.08): All voters must register no later than 21 days prior to an election (applications must be postmarked by this date). Maryland allows uniformed services and U.S. citizens overseas to fax or email a Federal Post Card Application (FPCA) if it is being used to request an absentee ballot and requests must be received by the Tuesday immediately preceding the election. Ballots are available 20-30 days before an election. A voted ballot must be postmarked on or before Election Day and, for a general or special election or for a Presidential primary, it should be returned on or before 10 a.m. on the second Friday after Election Day.

**Voter and Civic Education** (Maryland Election Law §§ 2-102, 2-107, 8-102): In addition to HAVA's voter information requirements, the State Board of Elections is responsible for making available to the general public, in a timely and efficient manner, information on the electoral process. The Maryland Election Modernization Fund provides funding for the establishment toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, and to access detailed automated information on their own voter registration status, specific polling place locations, and other relevant information. Local election boards are also required to provide election notices and information either through the mailing of sample ballots or through mass communication. As part of its HAVA state plan, the State Board of Election established a central training and outreach organizational unit to coordinate and standardize training and outreach among local election boards.<sup>60</sup>

**Reenfranchisement of Ex-Felons** (Maryland Election Law § 3-102). Voting rights are restored after completion of prison, parole and probation. However, individuals convicted of buying or selling votes are permanently barred from registering to vote.

## **Election Administration**

**Election Management** (Maryland Election Law §§ 2-102, 2-103, 2-104, 2-201, 2-202 2-301): The Chief State Election official is the State administrator of elections, who is appointed by the bipartisan State Board. The State administrator's responsibilities include supervising the operations of the local boards. The State Board, consisting of five members appointed by the Governor, manages and supervises elections in the State and ensures compliance with Maryland and any applicable federal law by all persons involved in the elections process. Appointed, bipartisan city and county election boards oversee the conduct of elections at the local level and members of county boards must attend training provided by the state board each election year.

---

<sup>60</sup> *State of Maryland State Plan Revised* (March 2006), p.28.

All election board members and employees are prohibited from holding or being a candidate for any elective public or political party office and from serving as a manager, treasurer, or in any other management role in a political campaign.

**Poll Workers and Poll Operations** (Maryland Election Law §§ 10-201, 10-202, 10–206; Code of Maryland Regulations § 33.02.03): In order to serve as a poll worker (election judge) an individual needs to be a registered voter who resides in the county for which he/she is appointed. If a qualified individual residing in the county cannot be found with reasonable effort, the local board may appoint a registered voter residing in any part of the State. Each polling place is required to have an equal number of election judges from the majority party and the principal minority party. Minors who are at least 17 years old and who are too young to be registered voters may be appointed and serve as an election judge if they demonstrate, to the satisfaction of the local board, that they meet all of the other qualifications for registration in the county. All poll workers are required to attend training developed by the State Election Board in consultation with local boards and training manuals are provided by the State Board. The State Board is also required to develop a process for the evaluation of the training program and the performance of the polling place staff in each county

## **SOURCES**

Maryland Election Law: [http://mlis.state.md.us/asp/web\\_statutes.asp](http://mlis.state.md.us/asp/web_statutes.asp)

Code of Maryland Regulations: <http://www.dsd.state.md.us/comar/>

State HAVA Information: [http://www.elections.state.md.us/vote\\_act\\_2002/index.html](http://www.elections.state.md.us/vote_act_2002/index.html)

State Elections Website: <http://www.elections.state.md.us/>

## MASSACHUSETTS



### Voter Registration

**Statewide Voter Registration Database** (Massachusetts General Laws Chapter 51 § 47C; 950 CMR 57.02): Massachusetts law requires the Secretary of State to maintain a central registry of voters and to adopt regulations governing the operation of the central registry. The first statewide database was implemented following the passage of the National Voter Registration Act and was updated to become fully HAVA compliant. The top-down database is maintained by the office of the secretary of the commonwealth, but each municipality has immediate access to voter registration information and is responsible for updating and maintaining information relative to registered voters in their municipality, though the Help Desk in the secretary's office conducts periodic checks for duplicates.<sup>61</sup>

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (Massachusetts General Laws Chapter 54 § 76C): Uniform procedures for issuing and counting provisional ballots are outlined in Massachusetts law and guidance on implementation is provided by the Secretary of the Commonwealth's "Election Day Legal Summary." Provisional ballots are counted if cast in the correct precinct by an eligible voter. A person may contact the Elections Division, Office of the Secretary of the Commonwealth (toll-free) or their municipal election official to find out if their ballot was counted.

### Voter Identification

**Voter Identification** (Massachusetts General Laws Chapter 54 §§ 76, 76B; 950 Code of Massachusetts Regulations 52.03): Massachusetts maintains the HAVA minimum standard for first time voters. Other voters shall provide their name, and if requested, their residence to one of the poll officers. If authorized by the city or town clerk or registrars of voters, an election officer may request any voter to present written identification. Such requests shall not discriminate in any way, but shall be entirely random, consistent, or based on reasonable suspicion. Suitable written identification includes a driver's license, recent utility bill, rent receipt on a landlord's printed letterhead, lease, duplicate copy of a voter registration affidavit, or any other printed identification which contains the voter's name and address. If voters fail to present suitable written identification when so requested, they must still be allowed to vote, but an election officer or any other person may challenge their right to vote.

---

<sup>61</sup> HAVA Massachusetts State Plan. p.18. Available at: <http://www.sec.state.ma.us/ELE/elepdf/havafinal.pdf>

## **Technology**

**Voting Technology** (Massachusetts General Laws, Chapter 54 §§ 32, 33, 33A, 33F, 34; 950 CMR 50.03): The use of any type of voting equipment requires the approval of the Secretary of State, but municipalities are allowed to select among approved systems. Voting equipment must be certified by an independent testing authority according to FEC standards. Local election officials are required to conduct pre-election testing of all voting equipment. A voter verifiable paper record is not required by Massachusetts law, but the state uses optical scan voting equipment, which utilizes paper ballots, throughout the state.

**Audits:** No requirement.

## **Voter Access and Education**

**Vote by Mail and Early Voting** (Massachusetts General Laws, Chapter 54 §§ 86, 92): Absentee voting by mail and in person are permitted in Massachusetts, but it require an excuse.

**Military and Overseas Voting** (Massachusetts General Laws, Chapter 54 §§ 95, 99): In Massachusetts, UOCAVA citizens are considered “specially qualified voters” and voter registration is waived.<sup>62</sup> Requests for ballots may be made by mail or fax and must be received not later than noon the day before the election. Federal write-in absentee ballots are counted only if no valid state ballot has been received from the same voter, but shall be counted even if the voter has not applied for a state absent voter ballot or if the voter’s application was received after the thirtieth day before the election. Absentee ballots received within ten days following a state or city final election and mailed on or before the day of election, from a location outside the United States, are counted.

**Voter and Civic Education** (Massachusetts General Laws Chapter 51 §§ 42C, 42E, Chapter 54 §§ 35, 53, 54): In addition to HAVA’s voter information requirements, state law requires that registrars conduct voter registration drives in high schools and vocational schools, that voter registration forms be provided to students by all colleges and vocational schools, and that informational statements on any ballot initiatives be mailed to all voters. The state’s HAVA plan proposes that the Secretary of State to (1) establish an outreach and education program in the Office of the Secretary of State to educate local elections officials and voters, and to serve as a clearinghouse for the coordination of voter education, produce and place public service announcements relative to poll worker recruitment and voter education, design and post additional information on the website regarding the voting process, to target younger voters and those not yet old enough to vote regarding the importance of and the mechanics of participating in the voting process; (f) to educate all eligible citizens as to the procedures relative to voting, to explore proposals that may facilitate the opportunity to participate in the voting process, including Election Day registration, on demand absentee voting, and Election Day Holiday voting, and to take all other appropriate action to educate elections officials and voters regarding the voting process.<sup>63</sup>

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (Massachusetts General Laws Chapter 51 § 1): Voting rights are restored upon release from prison.

---

<sup>62</sup> “Voting for Military and Overseas US Citizens,” Available at <http://www.sec.state.ma.us/ele/elemil/milidx.htm>

<sup>63</sup> *Ibid*, pp. 25-27.

## **Election Administration**

**Election Management** (Massachusetts General Laws Chapter 54 §§ 71A): The Secretary of the Commonwealth is the Chief Election Officer. The duties of the Secretary as such include the administration of federal and state elections, receiving nomination papers, printing ballots and tabulating election returns for federal and state elections as well as certification of voting equipment.<sup>64</sup> City and town clerks manage elections at the local level.

There are no statutory restrictions on the political activity of election officials.

**Poll Workers** (Massachusetts General Laws, Chapter 54 §§ 11, 12, 15): Poll workers (election officers, wardens, inspectors and clerks) are appointed by town selectmen from lists provided by local political parties and then from the general pool of registered voters as needed. Balance between the two major parties is generally required in each precinct. To serve at the polls, election officers in Massachusetts need to be registered voters in the commonwealth. Massachusetts law allows 16 and 17 year olds (no more than two per precinct) to serve at the polls if they meet certain conditions. Candidates for elective office are ineligible to serve as poll workers. Training requirements are not specified in Massachusetts law.

## **SOURCES**

Massachusetts General Laws: <http://www.mass.gov/legis/laws/mgl/>

Code of Massachusetts Regulations (CMR): Westlaw database (subscription required)

State HAVA Information: <http://www.sec.state.ma.us/ele/elechava/havaidx.htm>

State Elections Website: <http://www.sec.state.ma.us/ele/>

---

<sup>64</sup> *Ibid*, p.5.

## MICHIGAN



### Voter Registration

**Statewide Voter Registration Database** (Michigan Election Law §§ 168.509n, 168.509o, 168.509p, 168.509r, 168.509aa, 168.509dd): Michigan had established a statewide voter registration database, the Qualified Voter File, prior to the passage of HAVA. The system is a top-down, distributed database maintained in the Department of State's Bureau of Elections. It allows county, city and township clerks electronic access to input and correct voter registration records.<sup>65</sup> Local clerks retain responsibility for voter registration list maintenance with guidance provided by the Secretary of State.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (Michigan Election Law §§ 168.523a): Provisional voting procedures outlined in state law and administrative directives. Provisional ballots are counted if cast in the correct precinct.<sup>66</sup>

### Voter Identification

**Voter Identification** (Michigan Election Law § 168.523): All voters are required to present photo ID that includes the voter's signature and address. Voters without ID may sign an affidavit and be allowed to vote a regular ballot.

### Technology

**Voting Technology** (Michigan Election Law §§ 168.37, 168.795, 168.794, 168.795, 168.795a, 168.798; Department of State Rules 168.771-168.793): The Secretary of State is responsible for selecting a uniform voting system for the state and has approved optical scan voting equipment for use statewide. All systems must be approved by the State Board of Canvassers and tested by an independent testing authority accredited by NASED and by the board of state canvassers. Pre-election public testing of all voting systems is required and all voting equipment is required to provide an audit trail (defined as a record of the votes cast by each voter that can be printed, recorded, or visually reviewed after the polls are closed).

**Audits:** No audit provisions.

---

<sup>65</sup> Michigan HAVA Plan (Revised September 27, 2005), pp. 14-18. Available at: [http://www.michigan.gov/documents/HAVA\\_State\\_Plan\\_2005\\_110305\\_141231\\_7.pdf](http://www.michigan.gov/documents/HAVA_State_Plan_2005_110305_141231_7.pdf)

<sup>66</sup> Procedure for Issuing a Ballot If Voter's Name Does Not Appear On Registration List: A Four-Step Procedure (2006). Available at: [http://www.michigan.gov/documents/Procedure\\_Provisional\\_Vote2\\_95228\\_7.pdf](http://www.michigan.gov/documents/Procedure_Provisional_Vote2_95228_7.pdf)

## **Voter Access and Education**

**Vote by Mail and Early** (Michigan Election Law § 168.758, 168.759): Absentee voting by mail and in person are allowed in Michigan, but an excuse is required.

**Military and Overseas Voting** (Michigan Election Law §§ 168.714, 168.759a, 168.765): UOCAVA voters are exempt from regular voter registration requirements and have until 2 p.m. on the Saturday before the election to request a ballot. Requests may be made by fax, but ballots are mailed to voters and must be returned by mail. Ballots are mailed beginning 45 days before a general election. Ballots must be received by the close of the polls on Election Day to be counted.

**Voter and Civic Education** (Michigan State HAVA Plan): Apart from HAVA voter information requirements, Michigan law doesn't detail specific voter education plans. However, the state HAVA plan included the following initiatives as part of its voter education efforts: the development of a Citizens Guide to Voting Systems, an Electronic Voter Guide and a Voter Information Center. In addition, voter education is also provided through the website of the Secretary of State, local websites, published notices, voter instruction placards, ballot proposal information, assistance at the polls, voter ID cards (cards which list a voter's district, polling place location and a contact office for additional information), absent voter ballot application distribution lists, registration reminder cards, university/college e-mails, public service announcements, and informational brochures.<sup>67</sup>

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (Michigan Election Law § 168.492a): Voting rights are restored upon release from prison.

## **Election Administration**

**Election Management** (Michigan Election Law §§ 168.21, 168.23, 168.32, 168.33, 841): An elected Secretary of State is the chief election officer of the state and has supervisory control over local election officials in the performance of their duties and is assisted by the Bureau of Elections within the Department of State. The secretary is required to produce pamphlets of elections laws for all local election officials, to publish a manual of instructions on voting for each precinct and to establish a comprehensive training curriculum for all precinct inspectors. The secretary also conducts training programs for local election officials prior to each November general election. At the local level, elections are overseen by county, city, and township clerks with the assistance of local election commissions.

There are not statutory restrictions on the political activity of election officials.

**Poll Workers** (Michigan Election Law §§ 168.673, 168.677, 168.683): Poll workers (election inspectors) are appointed by local election officials from lists provided by local political parties and from the general pool of registered voters as needed. Michigan law requires that poll workers be qualified and registered electors of the county in which they serve. Partisan balance among poll workers is required in each polling place. No one can serve as a poll worker unless he/she has within the last preceding 2 years either attended an election school or passed satisfactorily an examination given by the election commission of the city, township or village in

---

<sup>67</sup> Michigan HAVA State Plan. Available at: [http://www.michigan.gov/documents/HAVA\\_State\\_Plan\\_2005\\_110305\\_141231\\_7.pdf](http://www.michigan.gov/documents/HAVA_State_Plan_2005_110305_141231_7.pdf)

which appointed. The examination is subject to the approval of the Secretary of State. Candidates and immediate relatives of candidates are prohibited from serving as poll workers. High school students who are at least 16 and would otherwise meet the qualifications to register to vote may serve as poll workers.

## **SOURCES**

Michigan Election Law:

[http://www.legislature.mi.gov/\(S\(0r5gjn45iteyle553lczepvv\)\)/mileg.aspx?page=getObject&objectName=mcl-Act-116-of-1954](http://www.legislature.mi.gov/(S(0r5gjn45iteyle553lczepvv))/mileg.aspx?page=getObject&objectName=mcl-Act-116-of-1954)

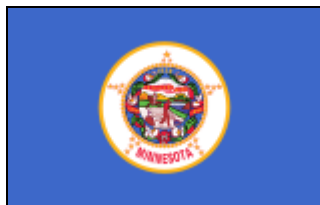
Michigan Administrative Rules:

<http://www.state.mi.us/orr/emi/admincode.asp?admincode=Department&Dpt=ST>

State HAVA Information: [http://michigan.gov/sos/0,1607,7-127-1633\\_45472---,00.html](http://michigan.gov/sos/0,1607,7-127-1633_45472---,00.html)

State Elections Website: <http://michigan.gov/sos/0,1607,7-127-1633---,00.html>

## MINNESOTA



### Voter Registration

**Statewide Voter Registration Database** (Minnesota Administrative Rules 8200.9305—8200.9325; 2008 Minnesota Statutes §§ 201.021, 201.081, 201.13, 201.12, 201.121, 201.171, 201.221): The Secretary of State is responsible for the development and operations of a centralized database of all registered voters in the state of Minnesota. The Office of the Minnesota Secretary of State began developing Minnesota’s statewide voter registration database over twenty years ago.<sup>68</sup> The current version—known as the Statewide Voter Registration System (SVRS)—is web-based to allow statewide access for local, county and state election officials. SVRS features top-down architecture. The database must be available to each county and must allow the Secretary of State and the county auditors to add or modify information from the system in order to maintain an accurate database of registrants. List maintenance is jointly conducted by county auditors and the secretary, but county auditors are responsible for removing names from the list.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law, but in 2006, Minnesota joined Iowa, Missouri, Nebraska and Kansas, which had initiated in 2005 a program to share voter registration data across state lines to identify duplicate records.<sup>69</sup>

### Provisional Voting

**Provisional Ballots** (Minnesota Election Law 8200.5100): Minnesota allows for Election Day registration and is thus exempt from the requirement for provisional voting. Any person otherwise qualified but not registered to vote in the precinct in which the person resides may register to vote on Election Day at the polling place of the precinct in which he/she resides.

### Voter Identification

**Voter Identification** (2008 Minnesota Statutes § 204C.10; Minnesota Administrative Rules 8200.5100): Minnesota maintains the HAVA minimum requirement for first-time voters who register by mail. Other voters are required to sign a polling place roster, which constitutes an affidavit of eligibility to vote. Voters who want to register and vote on Election Day must complete and sign the registration application and provide proof of residence.

### Technology

**Voting Technology** (2008 Minnesota Statutes §§ 206.57, 206.80, 206.83; Minnesota Administrative Rules Chapter 8220). Voting systems used in Minnesota must be certified by an

---

<sup>68</sup> Written Testimony of Minnesota Secretary of State Mark Ritchie (August 5, 2008).

[www.eac.gov/News/meetings/News/meetings/ritchie-testimony/attachment\\_download/file](http://www.eac.gov/News/meetings/News/meetings/ritchie-testimony/attachment_download/file)

<sup>69</sup> Sean Greene *op.cit.*

independent testing authority approved by the Secretary of State and conform to current standards for voting equipment issued by the Federal Election Commission or its successor, the Election Assistance Commission. In addition, Minnesota law requires that voting equipment produces an individual, discrete, permanent, paper ballot cast by the voter, and preserves the paper ballot as an official record available for use in any recount. Minnesota requires pre-election testing within 14 days of an election.

**Audits** (2008 Minnesota Statutes §§ 206.88, 206.89): A post-election audit is required to verify the accuracy of vote counting and recording in one or more precincts where electronic voting systems are used. County canvassing boards select the precincts to be reviewed by lot. The county canvassing board of a county with fewer than 50,000 registered voters must conduct a postelection review of a total of at least two precincts. The county canvassing board of a county with between 50,000 and 100,000 registered voters must conduct a review of a total of at least three precincts. The county canvassing board of a county with over 100,000 registered voters must conduct a review of a total of at least four precincts, or three percent of the total number of precincts in the county, whichever is greater. At least one precinct selected in each county must have had more than 150 votes cast at the general election. The postelection review must consist of a manual count of the ballots used in the precincts selected. A comparison of the results compiled by the voting system with the postelection review must show that the results of the electronic voting system differed by no more than one-half of one percent from the manual count of the offices reviewed.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (2008 Minnesota Statutes §§ 203B.02, 203B.08, 203B.081). Minnesota allows absentee voting (with an excuse) for individuals who expect to be unable to go to the polling place on Election Day in the precinct where the individuals maintain residence because of absence from the precinct; illness, including isolation or quarantine; disability; religious discipline; observance of a religious holiday; or service as an election judge in another precinct. Absentee voters can mail, deliver the vote in person, or designate an agent to return their ballot.

**Vote Centers:** Not in use.

**Military and Overseas Voting** (2008 Minnesota Statutes §§ 203B.04, 203B.08, 203B.17, 204B.35, 203B.225): UOCAVA voters may request to receive an absentee ballot by mail, fax or email. An application for absentee ballots for any election may be submitted at any time not less than one day before the day of an election. Ballots can be sent to voters electronically, but they can only be returned by mail. Ballots are available beginning 30 days prior to an election. Ballots must be received before the polls close on Election Day to be counted.

**Voter and Civic Education:** The Minnesota HAVA plan envisions the following voter education activities to be conducted by the Secretary of State: create public service announcements, collaborate with researchers in the conduct of voter communication and voter behavior research to learn more about people's decision to participate in the electoral process, share findings with other states as potential best practices, promote elementary and high school civic education. The following options for voter education will be used by the Secretary of State's office: brochures, electronic voter guides, public service announcements, posters, a toll-free number

(for voters to obtain polling place locations and other information), the Secretary of State's website, speeches and presentations.<sup>70</sup>

**Reenfranchisement of Ex-Felons** (2008 Minnesota Statutes §§ 201.014, 242.31): Voting rights are restored upon complete discharge of the sentence, including probation and parole.<sup>71</sup>

## **Election Administration**

**Election Management** (Minnesota Administrative Rules 8200.9305; 2008 Minnesota Statutes §§ 201.021, 201.221, 204D.23, 204B.25): The Secretary of State is the chief election official in Minnesota and is responsible for administration of the Minnesota election law. In this capacity, the Secretary of State operates the statewide voter registration system and prepares the official roster of voters for every election conducted in Minnesota. Other election activities include certifying voting systems, conducting administrative recounts, accepting filings by candidates for multi-county offices, and training of local election officials. The Secretary of State chairs the State Canvassing Board, which certifies the results of state elections.<sup>72</sup>

There are no statutory restrictions on the political activity of election officials.

**Poll Workers** (2008 Minnesota Statutes §§ 204B.19, 204B.25; Minnesota Administrative Rules Chapter 8240): Any individual who is eligible to vote in Minnesota is qualified to be appointed as an election judge. In addition, students who are 16 year old are eligible to be appointed as a without party affiliation trainee election judge in the county in which the student resides. Certain individuals cannot serve as poll workers. No individual can be appointed as an election judge for any precinct if that individual: (a) is unable to read, write or speak the English language; (b) is the spouse, parent, child or sibling of any election judge serving in the same precinct or of any candidate at that election; or (c) is a candidate at that election. The Secretary of State is responsible for adopting rules establishing programs for the training of county auditors, local election officials, and election judges. At least once every 2 years, the county auditor is to conduct training sessions for the municipal and school district clerks in the county. No local election official may administer an election without receiving training from the county auditor.

## **SOURCES**

Minnesota Statutes: <http://www.sos.state.mn.us/home/index.asp?page=224>

Minnesota Administrative Rules: <http://www.sos.state.mn.us/home/index.asp?page=224>

State HAVA Information:

<http://www.eac.gov/extlnk/lnkframehead.htm?http%3A//edocket.access.gpo.gov/2004/pdf/04-5839.pdf>

State Elections Website: <http://www.sos.state.mn.us/home/index.asp?page=4>

---

<sup>70</sup> Minnesota State HAVA plan. Available at:

<http://www.eac.gov/extlnk/lnkframehead.htm?http%3A//edocket.access.gpo.gov/2004/pdf/04-5839.pdf>

<sup>71</sup> *When Civil Rights are Restored*. MN Secretary of State. Available at:

[http://www.sos.state.mn.us/docs/when\\_civil\\_rights\\_are\\_restored\\_website\\_version.pdf](http://www.sos.state.mn.us/docs/when_civil_rights_are_restored_website_version.pdf)

<sup>72</sup> Minnesota Secretary of State. *Secretary's Duties*. Available at: <http://www.sos.state.mn.us/home/index.asp?page=1456>

## MISSISSIPPI



### Voter Registration

**Statewide Voter Registration Database** (Mississippi Code Title 15 §§ 23-15-165): Mississippi employs a top-down voter registration database, the Statewide Elections Management System that constitutes the official records of voters in every county of the state. It is maintained by the Office of the Secretary of State, but local registrars retain responsibility for inputting and updating voter registration data. The Secretary of State has produced a manual to guide local registrars and election commissioners in the conduct of voter registration list maintenance.<sup>73</sup>

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (Mississippi Code Title 15 § 23-15-573): Mississippi law outlines uniform procedures for issuing and counting provisional ballots (called “affidavit ballots”) and provides a statewide manual on election procedures for poll workers. Counties are responsible for providing a free access system for voters to determine if their provisional ballot has been counted.

### Voter Identification

**Voter Identification:** Mississippi currently maintains the HAVA minimum voter identification requirements for first time voters who register by mail.<sup>74</sup>

### Technology

**Voting Technology** (Mississippi Code Title 15 §§ 23-15-169.3, 23-15-169.6, 23-15-481, 23-15-521, 23-15-531.1, 23-15-531.4): As part of its state HAVA plan, Mississippi proposed the purchase of a uniform statewide voting system by the state for distribution to each of the counties. Counties could choose to opt-out of the statewide bulk purchase if they had existing HAVA-compliant voting systems or wanted to purchase such a system on their own, but only 5 out of 82 counties chose to do so.<sup>75</sup> State law required the creation of a task force to study and recommend a HAVA-compliant voting system for the state purchase. Law requires that all voting machines purchase in the state after July 2005 provide a voter-verifiable paper audit trail, but does not require counties with existing HAVA-compliant systems to upgrade them to provide a

---

<sup>73</sup> Mississippi Secretary of State (January 2000). *Voter Roll Maintenance*. Available at:

<http://www.sos.state.ms.us/Elections/2009/Elections%202009%20PDF/Voter%20Maintenance%20Training%202009.pdf>

<sup>74</sup> Mississippi Secretary of State. *2008 County Election Handbook*, pp.18-19. Available at:

<http://www.sos.state.ms.us/elections/2008/PDF/2008%20County%20Election%20Handbook.pdf>

<sup>75</sup> See Secretary of State Press Release September 30, 2005, “Jackson County Joins Statewide Touch-Screen Voting Machine Effort,” Available at: [http://www.sos.state.ms.us/ed\\_pubs/PressReleases/Articles.asp?prno=2045&search=](http://www.sos.state.ms.us/ed_pubs/PressReleases/Articles.asp?prno=2045&search=)

VVPAT. DREs must also meet the FEC voting system standards of 2002. Pre-election testing is required for DREs and pre-count testing for any optical scan systems still in use.

**Audits** (Mississippi Code Title 15 § 23-15-613): There is no requirement for a post-election audit in Mississippi law, but local election officials are required to submit a report to the Secretary of State on the residual vote count for each type of voting system used following each election

### **Voter Access and Education**

**Vote by Mail and Early Voting** (Mississippi Code Title 15 §§ 23-15-631, 23-15-713, 23-15-715): Mississippi allows absentee voting by mail and in person, but an excuse is required for both. In-person absentee voting is available at the office of the registrar beginning 45 days prior to an election until 12pm on the Saturday prior to an election held on a Tuesday.

**Military and Overseas Voting** (Mississippi Code Title 15 §§ 23-15-47, 23-15-637, 23-15-657, 23-15-685, 23-15-687, 23-15-693, 23-15-699; 21 000 CMSR 022): UOCAVA voters must register 14 days prior to an election, but may request a ballot until noon on the day preceding the election if already registered. Ballot requests may be made by mail, phone, or fax. Registrars are required, if possible, to respond to the request within 24 hours of receiving it. Ballots are mailed beginning 45 days prior to the election and must be returned by the close of the polls on Election Day to be counted. Ballots may be faxed to voters and returned by fax. All ballots must be accompanied by an oath (on the envelope if returned by mail), which must be witnessed by an authorized official.

**Voter and Civic Education** (Mississippi Code Title 15 § 23-15-491): Apart from the HAVA voter information requirements, Mississippi law doesn't detail voter education mandates, except for authorizing local election officials to conduct training sessions related to new voting systems. Prior to HAVA, vote education was conducted primarily at the local level, but the state HAVA plan proposed the development of a statewide comprehensive voter education program to inform voters about HAVA and to increase turnout. The plan included wider distribution of a voter information guide, additional use of PSAs and mass media, website development, and the use of statewide and county-specific toll-free numbers to respond to voter requests.<sup>76</sup> Mississippi also participates in the Student Mock Election Program.<sup>77</sup>

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (Mississippi Constitution Article XII, §§ 241, 253; Mississippi Code title 15 § 23-15-19): No person convicted of murder, rape, bribery, theft, arson, obtaining money or goods under false pretense, perjury, forgery, embezzlement, or bigamy may register to vote in Mississippi unless his/her right to vote is restored by a two-thirds vote of both houses of the state legislature.

### **Election Administration**

**Election Management** Mississippi Constitution Article V section 143; Mississippi Code Title 15 §§ 23-15-211, 23-15-211.1, 23-15-213, 23-15-223): An elected Secretary of State is the chief

---

<sup>76</sup> *Mississippi State Plan for HAVA Compliance* (August 2003), pp.11-12. Available at: <http://www.sos.state.ms.us/elections/HAVA/StatePlanFinal.pdf>

<sup>77</sup> See <http://www.sos.state.ms.us/PTV/>

election official in the Mississippi and is responsible for providing training and certification to local elections officials to ensure uniform application of election law. At the local level, elections are overseen by elected county boards of election commissioners and registration is managed by county circuit clerks. Local election officials retain significant authority in Mississippi law, but are required to attend annual training conducted and sponsored by the Secretary of State. The Secretary of State is also responsible for developing a single, comprehensive poll working training program to be administered statewide and to provide computer skills training courses for circuit clerks who act as registrars.

There are no statutory restrictions on the political activity of election officials.

**Poll Workers** (Mississippi Code Title 15 §§ 23-15-231, 23-15-239, 23-15-240, 23-15-417): Poll workers (managers of election) are appointed by county boards of election commissioners and must be qualified electors of the county in which they serve. All poll workers are required to attend pre-election training in election years and attend a longer 8-hour training once every four years that meets criteria prescribed by the Secretary of State. The Secretary is also required to develop a version of the longer training that can be taken over the internet. Students who are county residents and at least 16 years old may be appointed as intern poll workers, but are limited in the duties they can perform.

## **SOURCES**

Mississippi Constitution: [http://www.sos.state.ms.us/ed\\_pubs/constitution/constitution.asp](http://www.sos.state.ms.us/ed_pubs/constitution/constitution.asp)

Mississippi Code: <http://michie.com/mississippi>

State HAVA Information: <http://www.sos.state.ms.us/elections/HAVA/hava.asp>

State Elections Website: <http://www.sos.state.ms.us/elections/elections.asp>

## MISSOURI



### Voter Registration

**Statewide Voter Registration Database** (Revised Statutes of Missouri §§ 115.145, 115.158.1, 115.163.1): Missouri utilizes a top-down, centralized voter registration system, the Missouri Voter Registration System, which is maintained and administered by the Secretary of State and serves as the official records of voters for the state. Local election authorities retain responsibility for entering and updating information in the database and have immediate electronic access to the information contained in the system. The Secretary of State and local election authorities are jointly responsible for voter registration list maintenance according to procedures prescribed by the Secretary of State.

**Voter Registration Data Exchanges/Interoperability:** No provision, but has conducted limited data exchanges with other states.<sup>78</sup>

### Provisional Voting

**Provisional Ballots** (Revised Statutes of Missouri §§ 115.430.1; 15 CSR 30-8.010—15 CSR 30-8.030): State law and administrative regulations detail uniform procedures for issuing, processing, and counting provisional ballots. Provisional ballots must be cast in the correct polling place by eligible voters to be counted. A toll-free phone number is provided for voters to determine if their vote was counted.

### Voter Identification

**Voter Identification** (Revised Statutes of Missouri § 115.427; 15 CSR 30-3.010): All voters are required to present identification in order to vote in Missouri. Photo and non-photo ID are accepted and a voter may still cast a ballot without showing ID if two supervising election judges, one from each major political party, attest they know the voter. All other voters without ID, must vote provisionally and their ballot will be counted if the election authority verifies the identity of the individual by comparing that individual's signature to the signature on file with the election authority and determines that the individual was eligible to cast a ballot at the polling place where the ballot was cast.

### Technology

**Voting Technology** (Revised Statutes of Missouri §§ 115.225.1, 115.233, 115.249, 115.479; 15 CSR 30-10.010, 15 CSR 30-10.010—15 CSR 3010.160): All voting systems used in Missouri must be approved by the Secretary of State, certified by an independent authority and meet the voting system standards developed by the Federal Election Commission or its successor agency. All systems must produce a paper audit trail and must be publicly tested (logic and

---

<sup>78</sup> Sean Greene *op.cit.*

accuracy tests) prior to every election. Post-election testing of automatic tabulating equipment is also required. A full list of voting systems in use in Missouri is available at: [http://www.sos.mo.gov/elections/goVoteMissouri/docs/qualified\\_voting\\_equipment.pdf](http://www.sos.mo.gov/elections/goVoteMissouri/docs/qualified_voting_equipment.pdf)

**Audits** (15 CSR 30-10.110): Prior to the certification of the election results, the accuracy certification team appointed by the local election authority is required to conduct a manual recount of not less than 5% of all election precincts (or at least one precinct) through the use of a random drawing. At least one race or issue for each level of government (federal, state, local) and any race in which the margin of victory between the two top candidates is equal to or less than one-half of one percent must be recounted. The recount must be open to the public.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (Revised Statutes of Missouri §§ 115.277, 115.279, 115.652; 15 CSR 30-5.020): Missouri allows both absentee voting by mail and in-person absentee voting, but an excuse is required. In-person absentee voting is available beginning on the sixth Tuesday before the date of the election and ending the day before the election if voting in person. Missouri law also allows nonpartisan, local elections to be conducted by mail.

**Military and Overseas Voting** (Revised Statutes of Missouri §§ 115.135, 115.279, 115.281, 115.291, 115.292, 115.293): To vote a full ballot (for all statewide offices, not just federal offices), UOCAVA voters must register no later than the fourth Wednesday (28 days) prior to an election. Ballots must be requested by 5pm on the Wednesday immediately prior to the election and may be submitted via mail or fax. Regular absentee ballots are mailed beginning the sixth Tuesday prior to each election and special write-in ballots are available to UOCAVA voters unable to voter a regular ballot beginning eighty days prior to an election. In extreme circumstances, some federal service voters are eligible to fax or e-mail their voted ballot directly to their election authority. Missouri law provides for the electronic transmission of a ballot by persons in federal service if the voter is casting a ballot from a location determined by the Secretary of State to be inaccessible on Election Day. All voted ballots must be received by the close of the polls on Election Day to be counted.

**Voter and Civic Education** (Revised Statutes of Missouri §§ 115.127, 115.129, 115.391, 115.801, 116.260): In addition to the voter information requirements of HAVA, Missouri law requires that election notices and information on ballot initiatives to be mailed or published and that sample ballots be published and made available in local election offices and to local political parties. The Secretary of State also oversees a youth education and mock election program. Additional voter education activities outlined in Missouri's HAVA plan include the production of voter information pamphlets to be made available through the Secretary of State's office, education videos about new voting systems, a Voter Information Program utilizing state and local websites and media, and a Voter Participation Program to encourage college students to vote and to serve as poll workers.<sup>79</sup>

**Vote Centers** (Revised Statutes of Missouri § 115.115): Each local election authority is required to designate at least one location as a central polling place designed for accessibility to voters who have physical disabilities, the elderly, and any other registered voter authorized by law to vote at a central polling place.

---

<sup>79</sup> *Help America Vote Act: Missouri's State Plan*, pp. 18-20. Available at: [http://www.sos.mo.gov/elections/hava/stateplan/hava\\_finalStatePlan.pdf](http://www.sos.mo.gov/elections/hava/stateplan/hava_finalStatePlan.pdf)

**Reenfranchisement of Ex-Felons** (Revised Statutes of Missouri § 115.133): Ex-felons voting rights are automatically restored upon completion of their sentence, including probation and parole. However, individuals who have been convicted of any election offense, whether a felony or misdemeanor, are not allowed to vote

### **Election Administration**

**Election Management** (Missouri Constitution Article IV § 17; Revised Statutes of Missouri §§ 28.035, 115.015, 115.017, 115.027, 115.031, 115.413): An elected Secretary of State is the chief election official in Missouri responsible for the administration and coordination of state responsibilities pursuant to the Help America Vote Act of 2002 and the development and distribution of training materials for local election officials and poll workers.<sup>80</sup> At the local level, elections are overseen by 116 local election authorities (elected county clerks and appointed boards of election commissioners in 114 counties and 2 cities). For jurisdictions with board of election commissioners, commissioners are appointed by the governor with the advice and consent of the state senate and are prohibited from holding any statutory position within a political party or on a political committee and from being a candidate for political office or holding any other public office.

There are no statutory restrictions on the political activity of the Secretary of State or county clerks.

**Poll Workers** (Revised Statutes of Missouri §§ 115.079, 115.081, 115.085, 115.103, 115.104): Poll workers (election judges) are appointed by local election authorities from lists provided by the county committee of each major political party and from the general pool of registered voters as needed. Poll workers must be registered voters in the state, except that youth who are at least fifteen may be appointed as unpaid "Missouri Youth Election Participants". No public official, candidate or relative within the second degree of a candidate may serve as an election judge. All poll workers must attend training provided by their local election authorities based on curriculum developed by the Secretary of State's office. Local election authorities may allow poll workers to work in half day shifts.

### **SOURCES**

Missouri Constitution: <http://www.moga.mo.gov/const/moconstn.htm>

Revised Statutes of Missouri: <http://www.moga.mo.gov/STATUTES/STATUTES.htm>

Code of State Regulations: <http://www.sos.mo.gov/adrules/csr/csr.asp>

State HAVA Information: <http://www.sos.mo.gov/elections/hava/>

State Elections Website: <http://www.sos.mo.gov/ELECTIONS/>

---

<sup>80</sup>*Ibid.* p.2.

## MONTANA



### Voter Registration

**Statewide Voter Registration Database** (Montana Code Annotated §§ 13-2-107, 13-2-108, 13-2-109, 13-2-115, 13-2-116, 13-2-220; Administrative Rules of Montana 44.3.2014, 44.3.2016): Montana established a centralized voter registration database prior to the passage of HAVA, but the official registration records were kept at the county level.<sup>81</sup> The state now employs a top-down voter registration database, Montana Votes, which is maintained by the Secretary of State but provides real-time access to counties to enter and update information. Counties retain the responsibility for voter registration list maintenance according to rules provided by the Secretary of State. The database provides an online tool for voters to check their registration status and locate their polling place.

**Voter Registration Data Exchanges/Interoperability:** No statutory requirement.

### Provisional Voting

**Provisional Ballots** (Montana Code Annotated §§ 13-13-601—13-13-603, 13-15-107; Administrative Rules of Montana 44.3.2113, 44.3.2114, 44.3.2304): Montana statutes and administrative rules establish uniform procedures for issuing, processing and counting provisional ballots. The Secretary of State also provides training manuals for local election officials and poll workers, which include procedures for provisional voting. Provisional ballots are counted if cast in the correct precinct by an eligible voter.

### Voter Identification

**Voter Identification** (Montana Code Annotated § 13-13-114; Administrative Rules of Montana 44.3.2102, 44.3.2110, 44.3.2114): Montana requires all voters to present identification with both photo and non-photo ID accepted. If a voter does not have the required identification he/she may request and complete a "Polling Place Elector ID" form and be allowed to vote a regular ballot. Otherwise, the voter must vote provisionally and the vote be counted if the voter's signature is verified during the counting process or the voter verifies his/her eligibility to vote, in person, or by sending by facsimile or electronic mail a copy or scanned document by 5pm on the day after the election.

### Technology

**Voting Technology** (Montana Code Annotated §§ 13-17-101, 13-17-103, 13-17-104, 13-17-107, 13-17-211, 13-17-212; Administrative Rules of Montana 44.3.1701—44.3.1717): Montana requires that all voting systems be examined and approved by the Secretary of State before use in an election. All voting machines must utilize a paper ballot that allows votes to be counted

---

<sup>81</sup> Montana Preliminary State Plan HAVA, p.12. Available at: <http://sos.mt.gov/Elections/forms/HAVA/HAVA%20State%20Plan.pdf>

manually. Counties may select among approved voting systems and are responsible for ongoing maintenance of the equipment. Pre-election performance testing of at least 10% of all voting systems is required and an Election Day test of at least 5% of all machines is also required. A full list of voting equipment used in Montana is available at:

[http://sos.mt.gov/Elections/Voting\\_Tech.asp](http://sos.mt.gov/Elections/Voting_Tech.asp)

**Audits** (SB 155, signed into law March 25, 2009): A recently passed law requires that each county conduct a post-election public audit of a least 5% of precincts or one precinct per county in each federal election. The precincts are to be randomly selected and a discrepancy of more than 0.5% triggers additional audit requirements.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (Montana Code Annotated §§ 13-13-201, 13-13-211, 13-13-212, 13-13-222, 13-19-101—13-19-106, 13-19-205): Montana allows no-excuse absentee voting and in-person absentee voting beginning 30 days prior to an election (for in-person voting, absentee ballots by mail may be requested beginning 75 days prior to the election and are mailed beginning 30 days prior to a federal election) through noon the day prior to the election. Montana also allows voters to be request to permanent absentee voter status. In addition, Montana allows local election officials the option of conducting certain local elections entirely by mail with approval from the Secretary of State.

**Military and Overseas Voting** (Montana Code Annotated §§ 13-2-301, 13-13-205, 13-21-104, 13-21-201, 13-21-202, 13-21-207, 13-21-210; Administrative Rules of Montana 44.3.1403, 44.3.2511): UOCAVA voters must register to vote no later than 30 days prior to an election, but if registered, may request a ballot up until noon the day prior to an election. Ballot requests may be made by mail, fax or e-mail. Ballots are mailed beginning 30 days prior to a primary and 45 days prior to a federal election. Ballots may be returned by mail or by electronic transmission and must be received by the close of the polls on Election Day to be counted.<sup>82</sup>

**Voter and Civic Education** (Montana Code Annotated §§ 13-12-214, 13-17-203, 13-17-204, 13-22-103, 13-27-401, 13-27-410): In addition to the HAVA voter information requirements, Montana law requires the publication/broadcast of voter registration deadlines and election notices and the publication of voting system information. In addition, law also requires the Secretary of State to produce and the local election administrators to mail a voter information pamphlet that includes information on ballot measures to registered voters. Local election officials may also make sample ballots available in response to requests from the political parties, schools, and voters. The Secretary of State also maintains a toll-free voter information hotline.

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (Constitution of Montana Article IV, § 2; Montana Code Annotated §§ 13-1-111, 46-18-801): Voting rights are restored upon release from prison.

### **Election Administration**

**Election Management** (Constitution of Montana Article VI § 2; Montana Code Annotated §§ 13-1-201—13-1-203, 13-1-301, 13-12-101): An elected Secretary of State is the chief election

---

<sup>82</sup>If a voter utilizes a Federal Write-in Absentee Ballot, it will be counted if sent by 8pm on Election Day and received by 3pm the Monday after the election.

officer of Montana and is charged with maintaining uniformity in the application, operation, and interpretation of the election laws. The secretary is responsible for prescribing election forms required by law, providing all local election officials with a manual of state election laws, and preparing training materials for poll workers. The secretary is also responsible for conducting training workshops for local election administrators at least once every two years. Elections are managed at the local level by the clerk and recorder in each county, unless the county designates or appoints another official as election administrator.

Montana law places no restrictions on the partisan activity of election officials.

**Poll Workers** (Montana Code Annotated §§ 13-4-101, 13-4-102, 13-4-107, 13-4-203, 13-4-207): Poll workers (election judges) are appointed by the county governing body from list provided by the county central committees of the political parties eligible to nominate candidates in the primary and from the general pool of registered voters as needed. Each precinct must have a representative from all parties that have submitted lists and maintain partisan balance to the extent possible. Poll workers must be registered voters of the county and precinct in which they serve and may not be a candidate or the immediate relative of a candidate. All poll workers, unless certified under the Secretary of State's election official training program, are required to attend training prior to the election. Counties are authorized to offer split shifts to poll workers.

## **SOURCES**

Montana Constitution: [http://data.opi.mt.gov/bills/MCA\\_toc/Constitution.htm](http://data.opi.mt.gov/bills/MCA_toc/Constitution.htm)

Montana Code: [http://data.opi.mt.gov/bills/MCA\\_toc/index.htm](http://data.opi.mt.gov/bills/MCA_toc/index.htm)

Administrative Rules of Montana: <http://www.mtrules.org/>

State HAVA Information: <http://sos.mt.gov/Elections/HAVA/index.asp>

State Elections Website: <http://sos.mt.gov/Elections/index.asp>

## NEBRASKA



### Voter Registration

**Statewide Voter Registration Database** (Nebraska Revised Statutes §§ 32-301, 32-329): Nebraska had a centralized, statewide voter registration database in place prior to the passage of HAVA, but upgrades were required to meet all HAVA requirements. The database is maintained within the office of the Secretary of State and support is provided to county election commissioners and clerks to allow electronic entry of voter registration information in real time. The Secretary of State provides biennial training for the election commissioners and county clerks responsible for maintaining voter registration lists and with the assistance of these county election officials performs list maintenance on a regular basis.<sup>83</sup>

**Voter Registration Data Exchanges/Interoperability:** No statutory requirement, but has conducted data exchanges with other states.<sup>84</sup>

### Provisional Voting

**Provisional Ballots** (Nebraska Revised Statutes § 32-915, 32-915.01, 32-1002): Uniform procedures for administering and counting provisional ballots are outlined in state law. Provisional ballots are counted if cast in the correct precinct.

### Voter Identification

**Voter Identification** (Nebraska Revised Statutes § 32-914): Nebraska maintains the HAVA minimum identification requirement for first time voters who register by mail.

### Technology

**Voting Technology** (Nebraska Revised Statutes §§ 32-1041, 32-1044, 32-1045, 32-1049): All voting systems in use in Nebraska must be approved by the Secretary of State and the secretary has the authority to establish all procedures and locations for voting and counting votes pursuant to the use of any new voting or counting system. Although a voter verifiable paper audit trail is not required by law, Nebraska utilizes ES&S optical scan technology with paper ballots throughout the state and the ES&S Automark ballot marking device for voters with disabilities. Nebraska law outlines certain security procedures for the use of central count optical scan machines and requires each county to designate an individual as the custodian of the voting systems who is responsible for preparing the machines for all elections and conducting training for all election workers on the use of the machines.

**Audits:** No requirement.

---

<sup>83</sup> HAVA State of Nebraska Amended State Plan, pp.8-9. Available at:

<sup>84</sup> Sean Greene *op.cit.*

## **Voter Access and Education**

**Vote by Mail and Early Voting** (Nebraska Revised Statutes §§ 32-938, 32-941, 32-942, 32-952, 32-960; Nebraska Administrative Code Title 432 Chapter 1): Nebraska allows for no-excuse early voting by mail and in person. Early voting applications may be submitted as early as 120 days prior to an election, but ballots are not sent out and in-person early voting does not begin until 35 days before the election. The last day to request an Early Voting ballot to be mailed is the Wednesday prior to Election Day at 4 p.m. The Monday before Election Day is the last day to cast an early voting ballot at the County Election Office. Nebraska law also allows voting by mail in the case of special elections on ballot issues and in counties with fewer than 7,000 inhabitants. The election commissioner or county clerk must petition the Secretary of State no later than 70 days prior to the election to be allowed to conduct an election by mail and include a detailed plan of the procedures for publicizing and conducting the election.

**Military and Overseas Voting** (Nebraska Revised Statutes §§ 32-808, 32-939, 32-941): Requests for absentee ballots may be made by UOCAVA voters at any time, but must be postmarked no later than the third Friday preceding an election. Regular absentee ballots are made available to UOCAVA voters 45 days prior to an election and special write-in absentee ballots are available for beginning 60 days prior to an election. Requests for absentee ballots may be sent by mail or by fax (faxed applications must be received no later than the 3rd Friday before the election) and county clerks/election commissioners may fax ballots to voters, but all ballots must be returned by mail and received by the close of the polls on Election Day to be counted. If a voter is not registered but his/her application for an absentee ballot is received by the registration deadline (second Friday before, the person may still be issued an absentee ballot so long as it is returned with a completed voter registration form no later than the close of the polls on Election Day.

**Voter and Civic Education** (Nebraska Revised Statutes §§ 32-802, 32-803, 32-1701; HAVA State of Nebraska Amended State Plan, pp. 10-11): State law requires election notices and sample ballots to be published in local newspapers and made available at county election offices. Following the passage of HAVA, the legislature passed the Nebraska Vote Initiative to study reasons for low voter turnout, review voter education efforts, and make recommendations to improve voter participation. From the Initiative's recommendations, the Secretary of State has developed a statewide website devoted to voter education and civic participation and established a grant program to encourage voter participation and education among population groups that historically have not been participating in the voting process

**Vote Centers** (Nebraska Revised Statutes §32-903): Nebraska law does not provide for vote centers, but does allow for the consolidation of precincts into larger polling sites in which electronic voting equipment is used.

**Reenfranchisement of Ex-Felons** (Nebraska Revised Statutes § 32-313): Voting rights are automatically restored to ex-felons two year after the sentence, including parole, is completed.

## **Election Administration**

**Election Management** (Nebraska Revised Statutes §§ 32-202, 32-203, 32-207, 32-208, 32-209 32-211, 32-212, 32-219): An elected Secretary of State is the chief election officer in Nebraska, responsible for the conduct of all primary and general elections and for providing uniform training to and review of election commissioners, county clerks, and other election officials in the conduct of voter registration and elections. Appointed election commissioners and elected

county clerks (depending on the size of the county) oversee elections at the local level. The Secretary of State provides biennial training for the election commissioners and county clerks responsible for maintaining voter registration lists.

Appointed election commissioners are prohibited from being candidates for elected office and county election offices are required to maintain the partisan balance of the area among the staff. Local election officers are prohibited from holding political party office or being a member or officer of a candidate committee for any candidate seeking public office.

**Poll Workers** (Nebraska Revised Statutes §§ 32-221, 32-223, 32-228, 32-230, 32-231, 32-235): Poll workers (election inspectors, judges and clerks) are appointed by election commissioner and are selected at random from a cross section of registered voters in the county, though precinct residents are given preference. Service is mandatory unless excused by reason of ill health or other good and sufficient reason (similar to jury duty). Any appointee who fails to serve, unless excused, is guilty of a Class V misdemeanor. Poll workers in each precinct are divided between all political parties as nearly as practicable in proportion to the number of votes cast in such county at the immediately preceding general election for Governor or for President of the United States by the parties, respectively. High school students who are at least 16 years old may serve as election clerks, but only one student may be assigned to a precinct. Part-day shifts for poll workers are allowed. Candidates for public offices are not allowed to serve as poll workers. Training according to standards provided by the Secretary of State is required.

## **SOURCES**

Nebraska Revised Statutes: <http://uniweb.legislature.ne.gov/laws/browse-statutes.php>

State HAVA Information: <http://www.sos.ne.gov/elec/hava/index.html>

State Elections Website: <http://www.sos.ne.gov/dyindex.html#boxingName>

## NEVADA



### Voter Registration

**Statewide Voter Registration Database** (Nevada Revised Statutes §§ 293.675, 293.530—293.535): Nevada established a centralized, statewide voter registration database prior to the 2006, called “NevVoter”, which merged files from 17 counties and upgraded technology to allow all counties to have electronic access to the database. The statewide voter registration database maintained by the Secretary of State and is linked with the Department of Motor Vehicles database to crosscheck information. The county clerks and registrars from Nevada's seventeen counties input voter registration applications and information and the submitted information is then compiled and verified by the Secretary of State's office in accordance with state and federal election laws. Each county or local election official must maintain interactive and compatible software and protocols that allow a daily transfer of required registration information from County Election Management Systems to NevVoter. List maintenance is conducted by local election officials.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (Nevada Revised Statutes §§293.3081, 293.3082, 293.3083, 293.3084, 293.3085; Nevada Administrative Code §§ 293.270, 293.275, 293.280): Uniform procedures for casting and counting provisional ballots are outlined in state law and training on these procedures is included as part of required poll worker training. Provisional ballots must be cast in the correct precinct to be counted. For a voter who casts a provisional ballot due to failure to provide identification, he/she has until 5 p.m. on the Friday following Election Day to present the required identification to the county or city clerk for the ballot to be counted.

### Voter Identification

**Voter Identification** (Nevada Revised Statutes §§ 293.277, 293.283; Nevada Administrative Code § 293.395): Nevada maintains the HAVA minimum voter identification requirements for first time voters who register by mail.

### Technology

**Voting Technology** (Nevada Revised Statutes §§ 293.2696, 293B.063, 293B.082, 293B.084, 293B.104, 293B.105, 293B.140, 293B.150, 293B.400; Nevada Administrative Code Chapter 293B): Utilizing HAVA funding, Nevada has implemented a uniform voting system throughout the state. All polling places are equipped with the Sequoia AVC Edge DRE with a voter verifiable paper audit trail, which is mandated by law. All voting systems must be certified by the Secretary of State and must meet or exceed standards established by Federal Election Commission pursuant to federal law. The Secretary of State has the authority to establish all

regulations governing the testing and certification of voting equipment. Pre-election testing (prior to the first day of early voting) of all voting systems is required by law and is monitored by appointed accuracy certification boards established at the county level.

**Audits** (Nevada Revised Statutes § 293.247; Nevada Administrative Code §§ 293.255): In 2006, the Secretary of State adopted a rule requiring county clerks to conduct a postelection certification audit of VVPATs against electronic records of each votes cast. For counties with a population of 100,000 or more the clerk must audit two percent or not less than 20 randomly selected DREs used in an election. For counties with a population less than 100,000, the clerk must audit three percent or no less than four randomly selected DREs. Results of the audit must be transmitted to the Secretary of State within 7 working days after the election.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (Nevada Revised Statutes §§ 293.213, 293.313, 293.315, 293.356, 293.3561, 293.3564, 293.3568, 293.3572, 293.3576): No-excuse absentee and early in person voting are allowed in Nevada. Absentee ballots may be requested at any time before 5 p.m. on the seventh calendar day preceding any election. Early in person voting begins the third Saturday preceding a primary or general election and extends through the Friday before Election Day, Sundays and holidays excepted unless otherwise allowed by county clerks. Early voting must be available from 8am to 6pm on weekdays and at least 4 hours between 10am and 6pm on Saturday. Counties have the discretion to determine how many early polling sites to establish. Nevada also allows precincts with less than 200 registered voters to be designated as mail voting or absentee balloting precincts, but voters in counties with a population of over 100,000 must be provided with a location to vote in person if they so desire.

**Military and Overseas Voting** (Nevada Revised Statutes §§ 293.309, 293.3155, 293.3157, 293.323; Nevada Administrative Code § 293.301): Unregistered UOCAVA voters must submit a registration application or a FPCA postmarked no later than 30 days before an election. Absentee ballot requests must be received by 5pm seven days prior to an election. Regular absentee ballots are available no later than 40 days before a primary or general election. Requests for absentee ballots may be faxed and ballots and instructions may be faxed by county clerks to UOCAVA voters. Absentee ballots also may be returned by fax, but all ballots must be received by the close of polls on Election Day to be counted.

**Voter and Civic Education** (Nevada Revised Statutes §§ 293.2549, 293.4687, 293.4689, 293.565; Nevada Administrative Code §§ 293.120, 293.130; Nevada State HAVA Plan FY2005-2006, pp. 8-9, FY2008-2009, p.6): Nevada law requires the Secretary of State and county each county and city clerk to publicize and make available to the public a copy of the Voters' Bill of Rights of Nevada. In addition, the Secretary of State and county and city clerks must maintain websites that include public information about elections, including the locations of polling places and sample ballots. Sample ballots, including a notice informing the voter of the location of his/her polling place, are also mailed to all registered voters prior to the start of early voting.

During an election cycle, the Secretary of State issues many media advisories and news releases and holds public forums throughout the state in an attempt to increase voter awareness and participation. The office also produces informational brochures, has established a grant program for nonprofit, nonpartisan organizations organized for the purpose of voter education and outreach, and is establishing partnerships with the business sector to enhance voter participation and Election Day support (poll worker recruitment). Some of the larger counties also issue public service announcements and other publications and provide voting

system demonstrations. In addition, the Advisory Committee on Participatory Democracy within the Secretary of State's office established goals of 75 percent voter registration and 70 percent voter turnout by those registered voters in Nevada by 2008.<sup>85</sup>

**Vote Centers** (Nevada Revised Statutes § 293.2955): Vote centers are not in use in Nevada, but county clerks may establish centralized voting locations to meet the needs of voters who are elderly or disabled requiring the use of specially equipped voting devices.

**Reenfranchisement of Ex-Felons** (Nevada Revised Statutes §§ 213.155, 213.157): The right to vote is automatically restored to all persons convicted of a non-violent felony after completion of the sentence, including parole. Persons convicted of a violent felony and all second-time felony offenders (whether violent or non-violent) are not automatically re-enfranchised. Those individuals must seek restoration of their voting abilities in the court in which they were convicted.

### **Election Administration**

**Election Management** (Nevada Revised Statutes §§ 293.124, 293.247, 293.250,; Nevada Administrative Code § 293.245; Nevada State HAVA Plan FY2007-2008, p.6-7): An elected Secretary of State is the Chief Officer of Elections for the state of Nevada, and, as such, is responsible for the execution and enforcement of state and federal laws relating to elections, including uniform procedures registering voters and operating polling places. County and city clerks are responsible for managing elections at the local level according to guidelines provided by the Secretary of State. As part of its State HAVA Plan, Nevada has instituted a centralized training program with uniform curriculum on voter registration list and DRE maintenance, provisional voting, UOCAVA voting requirements, poll worker recruitment, training and management, conducting mandatory post election VVPAT audit. There are no statutory limitations on political activity by any election officials.

**Poll Workers** (Nevada Revised Statutes §§ 293.217, 293.2175, 293.227, 293.274, 293B.260): Poll workers (election board officers) are appointed by county clerks and must be registered voters in the county in which they serve. Election board officers in any given precinct may not all be of the same political party and no candidate for nomination or election or his relative within the second degree of consanguinity or affinity may be appointed. High school students (one per precinct) may be appointed as election board trainees as long as they are citizens and aged sixteen or older. All poll workers are required to attend training offered by county clerks according to standardized materials developed in coordination with the Secretary of State. Nevada also allows members of the public to observe the conduct of the polling place subject to certain guidelines.

### **SOURCES**

Nevada Revised Statutes: <http://leg.state.nv.us/NRS/Index.cfm>

Nevada Administrative Code: <http://leg.state.nv.us/NAC/NAC-index.HTML>

State HAVA Information: <http://sos.state.nv.us/elections/resources/hava.asp>

State Elections Website: <http://sos.state.nv.us/elections/>

---

<sup>85</sup>2008 turnout according to the Secretary of State's website was roughly 80% of registered voters.

## NEW HAMPSHIRE



### Voter Registration

**Statewide Voter Registration Database** (New Hampshire Revised Statutes Annotated § 654:25, 654:45): Following the passage of HAVA, New Hampshire developed a top-down, centralized voter registration database and elections communications system that is maintained by the Secretary of State. The database merged voter registration information from city and town registrars and allows authorized election officials immediate electronic access to review and update voter registration files. Guidelines and training on the use of the database are provided by the Secretary of State, but local election officials retain responsibility for updating voter registration records for their jurisdictions. The Statewide Voter Registration System (“SRVS”) or ElectioNet is the source of the checklist (register) for the State Primary and General Elections.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots:** New Hampshire is not required to provide provisional ballots because it allows Election Day Registration. The state uses special affidavit ballots for challenged voters and “EH” (extended hour) ballots for when voting extended by court order.

### Voter Identification

**Voter Identification** (New Hampshire Revised Statutes Annotated § 654:7-a, 654:12, 659:13): New Hampshire maintains the HAVA minimum voter identification requirements for first time voters who register by mail. Voters who wish to register and vote on Election Day must provide proof of identity, age, citizenship, domicile by producing a photo ID or signing the appropriate affidavit.

### Technology

**Voting Technology** (New Hampshire Revised Statutes Annotated §§ 656:1-a , 656:40, 656:41, 656:42, 656:43-a): In New Hampshire, voting equipment is selected by local jurisdictions, but all systems must be certified by the Ballot Law Commission within the Department of State. New Hampshire law requires that cities and towns either utilize a hand counted paper system or approved voting machines/devices that read and record voter’s choices on a paper ballot (a voter verifiable paper trail is required). The Ballot Law Commission establishes all rules for the testing and security of voting machines and these rules are included in the election manual developed by the Secretary of State. Pre-election testing of all voting equipment is required by law. Towns and cities currently either use hand count paper ballots or Diebold AccuVote Optical Scan machines with ballot marking devices for voters with disabilities.

**Audits:** No requirement

### **Voter Access and Education**

**Vote by Mail and Early Voting** (New Hampshire Revised Statutes Annotated § 657:4, 657:22): New Hampshire requires an excuse for all absentee voting by mail and in-person early absentee voting.

**Military and Overseas Voting** (New Hampshire Revised Statutes Annotated §§ 654:20, 657:3 657:6, 657:10, 657:10-a, 657:12, 657:13, 657:22): UOCAVA voters may register and request an absentee ballot by fax any time before Election Day, but ballots are sent to voters and must be returned by mail.<sup>86</sup> Regular absentee ballots are mailed to UOCAVA voters beginning 30 days prior to the election. Special Overseas and Armed Services Election Write-in ballots are made available no later than July 15 for voting in a state primary election, no later than November 1 for voting in a presidential primary election, and no later than the date of the state primary for voting in a state general election, to overseas citizens and armed services personnel who state they are unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas outside the United States and Canada. All ballots must be returned to the appropriate town or city clerk by 5:00 p.m. on Election Day.

**Voter and Civic Education** (New Hampshire Revised Statutes Annotated §§ 658:1, 663:3-a; New Hampshire State HAVA Plan, p.20): In addition to the HAVA requirements for voter information materials in polling places, New Hampshire law only requires public notice of elections at each polling place 14 days prior to an election and that voter's guides be published and distributed when a constitutional amendment is on the ballot. The State HAVA plan outlines a voter education strategy that includes public service announcements, pamphlets, posters, and websites and other free access systems for voters to obtain voter registration and election information. In addition, the state coordinates voter education efforts with organizations such as Kids Voting and National Parent/Student Mock Election and community groups, including groups providing services to individuals with disabilities.

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (New Hampshire Revised Statutes Annotated §§ 607-A:2; 654:5, 654:6): Voting rights are automatically restored upon release from prison, except that a person convicted of bribery or intimidation relating to elections is permanently disqualified from exercising the right to vote unless such the right is restored by the state Supreme Court.

### **Election Administration**

**Election Management** (New Hampshire Revised Statutes Annotated §§ 5:6-a, 652:14-a, 652:22, 656:1, 656:38, 659:9-a): An elected Secretary of State is designated as the chief election officer for New Hampshire. State law requires the Secretary of State to publish an election procedures manual (republished every two years) which provides guidance to local election officials regarding: voter qualification; voting system certification; what constitutes a vote; procedures for military or absentee ballots; tabulating and reporting election results. The Secretary of State is also responsible for preparing ballots and all election forms. City clerks and town moderators are the chief elections officials at the local level, responsible for establishing polling places and establishing uniform practices and procedures that conform to state and

---

<sup>86</sup> Armed services voters are exempt from the registration requirement.

federal law for the conduct of elections. The Attorney General is charged with enforcing the election laws and serves the Secretary of State as legal counsel. There are no restrictions on partisan activity by elections officials in New Hampshire law.<sup>87</sup>

**Poll Workers** (New Hampshire Revised Statutes Annotated §§ 658:2, 658:3, 658:7, 658:7-a, 658:14, 658:24): Poll workers (inspectors and clerks) are required to be registered to vote in the polling place in which they serve. Inspectors are appointed by each town and ward political committee or by the moderator such that there are an equal number of inspectors from the 2 political parties which cast the largest number of votes for governor in the state at the last previous general election. Seventeen years old citizens may be appointed by the moderator as assistant election officials. No person other than a moderator, clerk, selectman, inspector of election, or supervisor of the checklist, whose name appears on a ballot for an elective position is allowed to serve as a poll worker. Poll worker training is conducted by moderators according to the election manual provided by the Secretary of State.

## **SOURCES**

New Hampshire Revised Statutes: <http://www.gencourt.state.nh.us/rsa/html/nhtoc.htm>

State HAVA Information: <http://www.sos.nh.gov/HAVA/index.htm>

State Elections Website: <http://www.sos.nh.gov/electionsnew.html>

---

<sup>87</sup> Members of the Ballot Law Commission, which oversees voting system certification and election complaints, are prohibited from making political contributions.

## NEW JERSEY



### Voter Registration

**Statewide Voter Registration Database** (New Jersey Statutes Annotated §§ 52:16A-98; 19:31-15—19:31-17, 19:31-31, 19:31-32, 19:31-33): In 2004, the State of New Jersey began to implement the Statewide Voter Registration System (SVRS), a top-down, statewide voter registration system that is housed in the Division of Elections and is overseen by the Secretary of State. However, due to delays in implementation, the U.S. Department of Justice filed a complaint against the state and through a stipulation and order agreement the state was required to have the database completed by May 2007.<sup>88</sup> The Secretary of State is responsible for the upkeep of the network, computer software and hardware, and security necessary to allow only designated state and local election officials to access the database, to provide interactivity among State agencies, and to allow immediate electronic access to all records in the system. County commissioners of registration are responsible for updating voter registration information in the statewide database and conducting regular maintenance of the files within that commissioner's county. The Secretary of State is required to prepare an annual report for the Governor and Legislature on the status of the statewide database and ways to improve it.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (New Jersey Statutes Annotated §§ 19:53C-1, 19:53C-2, 19:53C-3, 19:53C-13, 19:53C-14, 19:53C-15, 19:53C-17): Detailed provisions for county clerks in the preparation, issuance and security of provisional ballots are included in New Jersey law. Complete written instructions for provisional balloting are provided to every poll worker and instruction on provisional ballot procedures is a mandatory part of poll worker training. If a voter casts a provisional ballot in the wrong district but correct county, the votes for those offices and questions for which the voter would be otherwise qualified to vote will be counted.

### Voter Identification

**Voter Identification** (New Jersey Statutes Annotated §§ 19:15-17): New Jersey maintains the HAVA minimum requirements for first time voters who register by mail. The state uses signature matching to verify the identity of voters.

### Technology

**Voting Technology** (New Jersey Statutes Annotated §§ 19:48-1, 19:48-2, 19:48-3, 19:48-4, 19:48-6, 19:50-2, 19:53A-2, 19:53A-3, 19:53A-4, 19:53A-8): All voting machines must undergo testing and be certified by the Secretary of State, but counties choose which system they adopt

---

<sup>88</sup> *United States v. State of New Jersey* (D.N.J. 2006). Available at: [http://www.usdoj.gov/crt/voting/hava/nj\\_hava\\_cd.pdf](http://www.usdoj.gov/crt/voting/hava/nj_hava_cd.pdf)

and are responsible for the security and maintenance of the machines. Pre-election public testing of all voting equipment is required and for the first four successive general elections after the adoption of a new type of voting machine, the machines must be exhibited prior to an election for the purpose of educating voters in their use. New Jersey law requires all voting machines to produce a voter verifiable paper audit trail, but this requirement is contingent upon funding availability to replace or retrofit existing technology. As such funding has not been provided and the requirement was suspended in March 2009.<sup>89</sup>

A full list of voting equipment used in New Jersey is available at:

<http://www.state.nj.us/state/elections/voting-equipment/voting-machine-software-inventory-030607.pdf>.

**Audits** (New Jersey Statutes Annotated § 19:61-9): New Jersey law requires an audit (hand-to-eye count of VVPATs) of at least two percent of the election districts in each county for each election held for federal or State office and for county and municipal offices selected by the Attorney General. Districts to be audited are randomly selected and audits are overseen by an independent, professional audit team appointed by the Attorney General. Additional hand-to-eye counts are required if in the initial audit any discrepancy or discrepancies attributable to the electronic counting system would alter the vote share of any candidate or ballot position by one tenth of one percent or more of the hand counted votes in the sample. The results of the audit must be publicly announced and include a comparison of the results of the election in the districts and the final vote count in the districts as announced by the county boards of elections, including a list, by election district and audit unit, of any discrepancies between the initial vote count and any subsequent manual counts of the voter-verifiable paper record; explanations for such discrepancies, if any; and tallies of all overvotes, undervotes or their equivalents, blank ballots, spoiled ballots, and cancellations recorded on the voter-verifiable paper record. If the audit results in a change in the number of votes counted for any candidate, the revised vote totals shall be incorporated in the official result from the relevant election districts or audit units. Counties are prohibited from certifying any election that is subject to an audit until the completion of the audit.

This audit requirement is contingent upon all voting machines in New Jersey having a VVPAT.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (New Jersey Statutes Annotated § 19:57-3, 19:57-4, 19:62-1): New Jersey allows no-excuse absentee voting beginning as soon as absentee ballots are available (generally 40 days prior to an election). Ballots must be requested no later than 7 days prior to an election to vote absentee by mail, but in-person absentee voting continues until 3 p.m. of the day before the election. New Jersey allows municipalities with fewer than 500 persons to conduct elections entirely by mail.

**Military and Overseas Voting** (New Jersey Statutes Annotated §§ 19:31-6, 19:57-3, 19:57-4, 19:57-7, 19:57-11, 19:59-4, 19:59-8.1, 19:59-10): All voters must be registered by the 21<sup>st</sup> day before the election. UOCAVA voters may request an absentee ballot by mail or by fax, but a request submitted by fax must also be mailed to the county clerk or Division of Elections. Requests for absentee ballots to be sent by mail must be received on or before the 30<sup>th</sup> day before the election. Requests for absentee ballots to be faxed must be received no later than the 4<sup>th</sup> day before the election, but the voter registration deadline is 21 days prior to an election.

---

<sup>89</sup>See 2009 Addendum to State HAVA Plan at <http://www.state.nj.us/state/elections/havani/nj-preliminary-hava-addendum.pdf>

Regular absentee ballots are available beginning 40 days before an election. Ballots may be returned by mail or fax, but those returned by fax must also be mailed to the county clerk or Division of Elections for comparison against the faxed ballot. All ballots must be received by the close of the polls on Election Day in order to be counted.

**Voter and Civic Education** (New Jersey Statutes Annotated §§ 19:12-7, 19:12-10, 19:14-21, 19:14-21.1, 19:14-25, 19:14-27): New Jersey law requires each county board of elections to provide notices of all dates relevant to elections and voters, including but not limited to the dates of each election and the deadlines for voter registration or application for civilian or military absentee ballots. Such notices can be made by card, poster, newspaper, newsletter, pamphlet, radio, television, Internet or by any other means deemed appropriate by the board. County elections offices are also required to maintain websites with voter information, including a link to the voter's bill of rights established by law and posted on the official Internet site of the State. In addition, sample ballots are mailed to all registered voters along with polling place information and information on any question or proposition that is to appear on the ballot. The state and counties also utilize public service announcements and additional outreach programs to educate voters about registration deadlines, voting equipment, and voting rights.<sup>90</sup>

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (New Jersey Statutes Annotated §19:4-1): In New Jersey, any person who is no longer in prison or on parole or probation, can register to vote.

### **Election Administration**

**Election Management** (New Jersey Statutes Annotated §§ 52:16A-98; 19:6-17, 19:8-3.1 et seq, 19:9-2, 19:12-1 et seq, 19:31-6a, 19:32-1): An appointed Secretary of State is the Chief Election Official for New Jersey and is responsible for filing officer for all federal and state public elective offices, overseeing compliance with polling place accessibility for elderly and voters with disabilities, for certification of voting machines for use in all elections, preparing election training manuals, regulatory authority for voter registration, political party declarations, absentee voting, election district requirements and polling place accessibility, and serves as the chair of the State Board of Canvassers. Elections are managed at the local level by appointed superintendents of elections and bipartisan, appointed county boards of election.

There are no statutory restrictions on the political activity of election officials, except that appointed local election officials may not also be candidates for public office.

**Poll Workers** (New Jersey Statutes Annotated §§ 19:6-2, 19:6-3, 19:6-7, 19:6-9.1, 19:50-1): Poll workers (district board members) are appointed by the county boards of elections from lists provided by the county major political parties, with positions being divided equally between the two parties. Any unfilled positions may be filled by a person with no party affiliation. Poll workers must be registered voters within the county in which they will serve and cannot be a candidate for any office. Sixteen and seventeen year olds who are U.S. citizens may be appointed as poll workers if they meet certain conditions. Split shifts are allowed for poll workers with the exception of the election judge and the inspector. All poll workers are required to attend training within 30 days before an election and must attend training sessions for each election at least once every two years. Training manuals are provided by Secretary of State and must also be made available on the Division of Elections and county boards of elections websites.

---

<sup>90</sup> New Jersey State HAVA Plan, pp.19-20. Available at: [http://www.state.nj.us/state/elections/havani/hava\\_state\\_plan\\_9.19.03.pdf](http://www.state.nj.us/state/elections/havani/hava_state_plan_9.19.03.pdf)

## **SOURCES**

New Jersey Statutes: [http://lis.njleg.state.nj.us/cgi-bin/om\\_isapi.dll?clientID=724151&depth=2&expandheadings=off&headingswithhits=on&infobase=statutes.nfo&softpage=TOC\\_Frame\\_Pg42](http://lis.njleg.state.nj.us/cgi-bin/om_isapi.dll?clientID=724151&depth=2&expandheadings=off&headingswithhits=on&infobase=statutes.nfo&softpage=TOC_Frame_Pg42)

State HAVA Information: [http://www.state.nj.us/state/elections/hava\\_main.html](http://www.state.nj.us/state/elections/hava_main.html)

State Elections Website: <http://www.state.nj.us/state/elections/>

## NEW MEXICO



### Voter Registration

**Statewide Voter Registration Database** (New Mexico Statutes Annotated §§ 1-5-3, 1-5-17, 1-5-21, 1-5-30, 1-5-31; New Mexico Administrative Code § 1.10.26): New Mexico began implementation of an integrated voter registration system in the late 1980s and completed the installation of a statewide voter registration and election management system following the passage of HAVA. The Secretary of State oversees the statewide database and establishes uniform procedures for using the database, but county clerks are responsible for data entry and maintenance of voter registration files. The statewide database serves as the official state voter file.

**Voter Registration Data Exchanges/Interoperability:** No statutory requirement, but has conducted data exchanges with other states.<sup>91</sup>

### Provisional Voting

**Provisional Ballots** (New Mexico Statutes Annotated §§ 1-12-7.2, 1-12-25.2, 1-12-25.3, 1-12-25.4; New Mexico Administrative Code §§ 1.10.22.8, 1.10.22.9): New Mexico law and administrative code provide uniform procedures for the issuance and counting of provisional ballots. County clerks are required to provide written notice to each person whose provisional ballot was not counted within 10 days of the election and voters are given an opportunity to appeal the decision to reject the ballot. If a voter casts a provisional ballot in the wrong precinct but in the correct county, all votes for offices for which the voter was eligible to vote will be counted.

### Voter Identification

**Voter Identification** (New Mexico Statutes Annotated §§ 1-1-24, 1-12-10): All voters are required to present some form of identification which may be 1) an original or copy of a current and valid photo identification with or without an address; 2) an original or copy of a utility bill, bank statement, government check, paycheck, student identification card or other government document, including identification issued by an Indian nation, tribe or pueblo, that shows the name and address of the person; or 3) a verbal or written statement by the voter of the voter's name, registration address and year of birth. First time voters who register by mail may only use (1) and (2) to prove identity.

### Technology

**Voting Technology** (New Mexico Statutes Annotated §§ 1-9-1, 1-9-2, 1-9-4.1, 1-9-5, 1-9-7.1, 1-11-6.1, 1-9-12, 1-9-15, 1-9-16; New Mexico Administrative Code §§ 1.10.20.3, 1.10.20.8,

---

<sup>91</sup> Sean Greene *op.cit.*

1.10.20.9, 1.10.20.10, 1.10.21.3, 1.10.21.8, 1.10.21.9): All voting machines must be certified by the Secretary of State according to federal election standards, conform to state technology rules, standards and practices, and be tested by an independent testing authority. County clerks are responsible for purchasing voting systems from those certified by the Secretary of State and are responsible for their maintenance and security. All machines must be publicly tested at least 10 days prior to an election. All voting systems are required to use a paper ballot, which is the official record for the purposes of audits and recounts.

**Audits** (New Mexico Statutes Annotated § 1-14-13.1; New Mexico Administrative Code §§ 1.10.23.8, 1.10.23.9): New Mexico law requires county clerks to conduct a post-election audit of the totals votes cast on two percent of the voting systems, randomly selected by the Secretary of State, for the office of president or governor. The audit must be conducted within five days of the completion of the county canvass and is open to public observation. If vote totals between the voting system and the paper record differ by more than one and one-half percent, additional recounting is required.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (New Mexico Statutes Annotated §§ 1-6-3, 1-6-5, 1-6-5.6, 1-6-5.7, 1-23-3): New Mexico allows no-excuse absentee voting and early in-person voting. In-person absentee voting begins the 28<sup>th</sup> day before an election at the county clerk's office and early voting begins the third Saturday before the election at alternate sites and ends the Saturday before the election. State law requires the Secretary of State and each county clerk to publicize and inform voters of the times and locations for absentee voting at least ten days before early voting begins. New Mexico also allows local elections for bond and tax issues and special elections at which no candidates are to be nominated for or elected to office to be conducted by mail.

**Military and Overseas Voting** (New Mexico Statutes Annotated §§ 1-6-4, 1-6-4.1, 1-6-4.2, 1-6-5, 1-6-9, 1-6-10; New Mexico Administrative Code § 1.10.12.9): UOCAVA voters may register and submit a request for an absentee at any time preceding a general election using the official federal postcard application, but requests must be received by 5pm on the Friday immediately preceding the election. The application may be submitted by fax or via e-mail as a scanned document. Regular absentee ballots are mailed to UOCAVA voters beginning 45 days prior to the election. Special write-in ballots are available beginning 90 days prior to an election for voters unable to vote on an absentee ballot during the normal absentee voting period. Ballots may be mailed or transmitted electronically, provided that the voter signs an affidavit waiving the right of secrecy of voter's ballot and transmits the affidavit with the absentee ballot. Ballots must be returned by the close of the polls on Election Day to be counted.

**Voter and Civic Education** (New Mexico Statutes Annotated §§ 1-4-9, 1-6-5, 1-11-12.1): State law charges county clerks with initiating nonpartisan measures to urge and facilitate registration of language minority voters and other voters and requires the Secretary of State and each county clerk to publicize and inform voters of the times and locations for absentee voting. In addition, the Secretary of State is required to send voter information to all registered voters at least 60 days prior to a general election. These mailings include the voter's name, address and voting precinct and the name of the current county clerk in that county. A toll-free voter information hotline is provided by the secretary and a voter guide and sample ballots are made available online.<sup>92</sup>

---

<sup>92</sup>New Mexico State HAVA Plan FY/08-09, pp.10, 13-14. Available at: <http://www.sos.state.nm.us/pdf/2009NMStatePlan.pdf>

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (New Mexico Statutes Annotated § 1-4-27.1): Voting rights are automatically restored to ex-felons upon completion of the entirety of their sentence, including parole and probation.

### **Election Administration**

**Election Management** (New Mexico Statutes Annotated §§ 1-2-1, 1-2-2, 1-2-3, 1-2-4, 1-2-5, 1-4-8, 8-4-5): An elected Secretary of State is the chief election officer in New Mexico tasked with maintaining uniformity in the application, operation and interpretation of the Election Code. The secretary oversees the bureau of elections within the department of state, sets uniform ballot standards, prepares all registration and voting notices and forms, and provides instructions and advice for clerks, boards of county commissioners and boards of registration on the conduct of election and registration through regular seminars. The secretary is required to produce a pamphlet/manual on the election code for distribution to county clerk of each county for use by poll workers and is responsible for the education and training of county clerks, voting machine technicians, and poll workers (in coordination with county clerks). County clerks manage elections at the local level.

There are no explicit restrictions on partisan activity by election officials in state law.

**Poll Workers** (New Mexico Statutes Annotated §§ 1-2-4, 1-2-6, 1-2-7, 1-2-8, 1-2-9, 1-2-10, 1-2-11, 1-2-12, 1-2-17): Poll workers (precinct board members) are appointed by county clerks from lists provided by major party county chairmen and from the general population of registered voters as needed. Partisan balance is required in each precinct. Poll workers must be residents of the district and county in which they will serve and may not be candidates for any federal, state, district or county office or the spouse, parent, child, brother or sister of any candidate. All poll workers must receive training and certification from the county clerk according to a training manual provided by the Secretary of State. Training is required in the calendar year of the election at which the person is appointed to serve. Split shifts are allowed.

### **SOURCES**

New Mexico Statutes: [www.conwaygreene.com/nmonesource/publicLicense.aspx](http://www.conwaygreene.com/nmonesource/publicLicense.aspx)

New Mexico Administrative Code: [http://www.nmcpr.state.nm.us/NMAC/\\_titles.htm](http://www.nmcpr.state.nm.us/NMAC/_titles.htm)

State HAVA Information:

State Elections Website:

## NEW YORK



### Voter Registration

**Statewide Voter Registration Database** (New York Election Law §§ 3-103, 5-614; New York Rules and Regulations Part 6217): The New York State Board of Elections implemented a bottom-up statewide voter registration list by integrating existing county systems and allowing data uploads on a daily basis. The New York database, NYSVoter, is based on the system developed in Washington State and was fully implemented in summer 2007. The State Board maintains and supports the statewide list as the official voter registration list, but County Boards are responsible for the local hardware, software and communications infrastructures necessary for synchronizing the statewide list. NYSVoter provides secure web-based access to local election officials to perform statewide matching of potential duplicate voters, and also matches voter information against felon and death records provided by New York State's Office of Court Administration and the Department of Health. NYSVoter provides the public with an opportunity, through a web-based link, to review their voter registration information and locate their designated polling place.<sup>93</sup> All list maintenance is conducted by local boards of elections.

**Voter Registration Data Exchanges/Interoperability** (New York Election Law § 5-704): New York law does not provide for database interoperability, but requires counties to send monthly lists of all voters whose address of previous registration is outside the state to the state board of elections, which compiles and sends such lists to the chief state election officials of the states at such times and in such manner as it deems appropriate.

### Provisional Voting

**Provisional Ballots** (New York Election Law § 8-302): Provisional ballots, called "affidavit ballots" in New York, were implemented prior to the passage of HAVA and state laws were amended to incorporate the additional categories of voters identified by HAVA as being able to vote provisionally (first-time voters who register by mail and fail to present identification and voters who vote during court-ordered extended hours of polling). Procedures for issuing affidavit ballots are outlined in state law and are included in election official and poll worker training. Affidavit ballots are counted if cast in the correct precinct.

### Voter Identification

**Voter Identification** (New York Election Law §§ 8-302, 8-303, 8-304): New York maintains the HAVA minimum identification requirements for first time voters who register by mail. All other voters are required to state their name and address and sign the poll book to have their signature verified against the digitized signature from their voter registration application.

---

<sup>93</sup> New York Draft Amended HAVA Implementation Plan 2009, pp.12-13, 33. Available at: <http://www.elections.state.ny.us/NYSBOE/hava/Draft2009PlanRedLineVersion.pdf>

## **Technology**

**Voting Technology** (New York Election Law §§ 7-200 7-201, 7-202, 7-206; New York Rules and Regulations Part 6209): Although New York law requires the use of voting systems that provide a voter verifiable paper audit trail, the state has yet to replace its lever voting machines and was subject to a court order in 2008 to provide accessible voting equipment (optical scan machines with ballot-marking devices were granted interim certification by the State Board of Elections) for voters with disabilities. The delay in transitioning to a new voting technology in New York is the result of difficulties in the certification process. The testing requirements adopted by the State Board of Elections mandate that voting systems meet the Election Assistance Commission's 2005 Voluntary Voting System Guidelines and the state board has yet to certify any system according to these standards. The State has established a citizen's election modernization advisory committee to assist with the transition to new voting technology, which is now expected to occur by fall 2009.<sup>94</sup> Once systems have been certified, county board of elections are tasked with purchasing the system appropriate for use in their jurisdiction. Uniformity across the state is to be achieved through state board regulations that govern deployment, storage and maintenance of new voting systems. Annual testing of all voting equipment and public pre-election testing of voting machines is required and the State Board of Elections has promulgated detailed rules governing the testing process.

**Audits** (New York Election Law §§ 9-208, 9-211): New York law requires both a recanvass process of votes in every election district and an audit of voter verifiable paper records from the election within fifteen days of every general or special election and within seven days of every primary or village election conducted by the board of elections. The State Board of Elections is charged with establishing the standards for audit procedures, but has not yet promulgated regulations as voting equipment with a voter verifiable paper audit trail is not yet in use statewide.

## **Voter Access and Education**

**Vote by Mail and Early Voting** (New York Election Law § 8-400): New York does not have early voting and an excuse is required to request an absentee ballot. Absentee ballots may be requested by mail or in person. Mail requests must be received seven days prior to an election and in-person requests can be made up until the day before the election.

**Military and Overseas Voting** (New York Election Law §§ 7-123, 7-124, 8-412, 9-209, 10-106, 10-108, 10-114, 11-200, 11-202, 11-210, 11-212): New York law distinguishes between military and civilian overseas voters in its requirements for overseas absentee voting. Military voters who are not already registered must submit an application for an absentee ballot not later than ten days before a general or special election or twenty-five days before a primary election. Applications for absent ballots for military voters who are already registered must be received no later than seven days before an election. Ballots must be mailed to military voters no later than thirty-two days before a primary or general election and must be either received before the close of the polls on Election Day or no later than seven days following the day of a primary or special election or thirteen days following the day of a general election to be counted if postmarked by the day before Election Day. Other overseas voters ("special federal voters") who are not registered must submit an application no later than twenty-five days prior to an election. Special federal voters who are already registered may request an absentee ballot up until the seventh day before an election. Special federal ballots are mailed beginning thirty-two

---

<sup>94</sup>*Ibid.* pp.8-9, 25-26.

days before an election and must be returned by the close of the polls on Election Day or postmarked by the day before the election and received within seven days after the election to be counted.

**Voter and Civic Education** (New York Election Law § 4-117, 7-118, 8-106): New York law requires that every voter be mailed an information notice not less than sixty-five days before an election that contains the days and hours of the ensuing primary and general elections, the place where he appears by his registration records to be entitled to vote, instructions regarding re-registration for voters who have moved, and the text of any ballot proposals that will appear on the ballot. In addition, state law encourages county boards of elections to mail sample ballots to voters and make such ballots available in each high school in the county. County boards of elections are also encouraged to have a website that provides information and which links voters to comprehensive, useful and downloadable election information and forms. The State Board has developed a model website, [www.VOTE-NY.com](http://www.VOTE-NY.com), which provides information on Election Day processes and the use of voting systems in each community as well as information on how to use such equipment in an election. Information material is provided in written and audio formats in all of the required languages. In addition, state law allows high school students to participate in polling place observation and encourages parents to bring their children with them to vote.<sup>95</sup>

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (New York Election Law § 5-106): Voting rights are restored to ex-felons upon completion of their full sentence including parole.

### **Election Administration**

**Election Management** (New York Election Law §§ 3-100, 3-102, 3-200, 3-204): New York elections are managed by a bipartisan state board of elections comprised of four commissioners (two from each major political party) appointed by the governor for 2 year terms. Two co-executive directors, one from each major political party, are appointed by the state board for 4 year terms and staff is split evenly between the two parties. The State Board is responsible for promulgating all regulations with respect to elections and provides each county with a “Guide to Operating a Board of Election” for training board staff and “Election Inspector Handbooks” for use in poll worker training and on Election Day. The State Board also supplies local boards of elections with educational brochures for the public on various aspects of the voting process.<sup>96</sup> Elections are managed at the local level by bipartisan county election boards and a board of elections for the city of New York appointed by the State Board of Elections.

State commissioners are prohibited from holding any other public office. Local election commissioners are prohibited from holding other public office (except certain local offices) and from being candidates for elective office. No additional political restrictions are specified.

**Poll Workers** (New York Election Law § 3-400, 3-401, 3-404, 3-412): Poll workers (election inspectors, poll clerks and coordinators) are required to be residents of the county (or city in the case of New York City) in which they serve and may not be a candidate or the spouse of a candidate for elective office. Poll workers for each precinct are evenly divided between the major political parties. Poll workers are appointed from lists provide by local party chairs and

---

<sup>95</sup> *Ibid.* pp.23-24, 33-34.

<sup>96</sup> *Ibid.* pp.23-24

then from the general population of registered voters in the county as needed. All poll workers are required to attend training based on a core curriculum provided by the state board of elections and additional curriculum provided by the local board of election relative to the voting machine or system in used in that jurisdiction. Training is required every year and poll workers must pass a written exam designed by the state board of elections in order to be certified to serve. Poll workers are also provided with a manual prepared by the state board of elections. In 2008, the State Board added a poll worker training portal to its official website that provides a uniform statewide curriculum for use by county boards of elections to train poll workers in the use of the voting systems, and other Election Day requirements, as well as instruction on meeting voter access needs.<sup>97</sup>

## **SOURCES**

New York Election Law:

<http://www.elections.state.ny.us/NYSBOE/download/law/2009NYElectionLaw.pdf>

New York Rules and Regulations:

<http://www.elections.state.ny.us/NYSBOE/download/law/2009NYElectionLaw.pdf>

State HAVA Information: <http://www.elections.state.ny.us/HAVA.html>

State Elections Website: <http://www.elections.state.ny.us/>

---

<sup>97</sup> *Ibid.*

## NORTH CAROLINA



### Voter Registration

**Statewide Voter Registration Database** (North Carolina General Statutes §§ 163-82.11, 163-82.12, 163-82.14): North Carolina had begun implementation of a statewide voter registration database prior to HAVA and used HAVA funds to extend its use to all counties. The Statewide Election Information Management (SEIMS) is the official voter registration list for the state and is maintained by the State Board of Elections. County Boards of Elections access the state database directly (in real-time) to make additions and changes in its list of registered voters and to record voter history, manage absentee voting, print poll lists, and transmit election results.<sup>98</sup> SEIMS also automatically receives data from people who register to vote at a driver's license office or at another public agency. List maintenance is conducted by county boards of elections under guidelines provided by the State Board.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (North Carolina General Statutes § 163-166.11, 163-182.2; North Carolina Administrative Code § 08 06b .0105): Provisional ballots have been in use in some form in North Carolina since the late 1980s, but state laws were updated to meet HAVA requirements. Procedures for provisional voting are outlined in state law and administrative code. If cast in the correct county, provisional ballots are counted for all ballot items for which the voter is determined to be eligible under state or federal law.

### Voter Identification

**Voter Identification** (North Carolina General Statutes §§ 163-82.6A, 163-166.7, 163-166.12): North Carolina maintains the HAVA minimum voter identification requirements for first-time voters who register by mail, except that voters who register and vote at one-stop early absentee voting locations must present ID demonstrating proof of residence (a North Carolina driver's license, a photo identification from a government agency, or any of the documents allowed by HAVA for first-time voters that has the person's current name and address).

### Technology

**Voting Technology** (North Carolina General Statutes §§ 163-33.2, 163-165.7, 163-165.8, 163-165.9; North Carolina Administrative Code §§ 04 .0301, 04 .0302, 04 .0306, 04 .0307): All voting equipment used in North Carolina must be certified by the State Board of Elections according to federal requirements for voting systems and must produce a voter verifiable paper

---

<sup>98</sup> North Carolina State Plan HAVA, p.2. Available at: <http://www.eac.gov/extInk/Inkframehead.htm?http%3A//edocket.access.gpo.gov/2004/pdf/04-5839.pdf>

record of each individual vote cast for the purposes of any hand-to-eye count, hand-to-eye recount, or other audit. The State Board of Elections is authorized to use laboratories accredited by the Election Assistance Commission (EAC) and any relevant guidelines and information produced by the EAC for the certification process or conduct its own testing including a review of security, application vulnerability, application code, wireless security, security policy and processes, security/privacy program management, technology infrastructure and security controls, security organization and governance, and operational effectiveness, as applicable to that voting system. The State Board is also responsible for establishing security and maintenance protocol for all certified voting systems and providing training on these procedures. Counties are responsible for acquiring voting machines and must conduct pre-election testing of voting machines for each election. A full list of voting machines in use in North Carolina is available at: <http://www.sboe.state.nc.us/getdocument.aspx?id=295>

**Audits** (North Carolina General Statutes §§ 163-182.1, 163-182.2; North Carolina Administrative Code §§ 09 .0106—09 .0100): State law requires the State Board of Election to prescribe a process for a sample hand-to-eye count of the paper ballots or paper records of a statewide ballot item in every county (or district or local ballot item if there is no statewide office on the ballot) for each election. The process must involve a random selection of precincts and include full counts of mailed absentee ballots and full counts of one or more one-stop early voting sites so long as the sample will produce a statistically significant result. If there is a material discrepancy between the electronic or mechanical count and a hand-to-eye count, the hand-to-eye count is the official record and in the event of a significant discrepancy, a complete hand-to-eye count is required. All parts of the audit process are required to be open to the public.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (North Carolina General Statutes §§ 163-226, 163-227.2, 163-230.1): North Carolina law allows no-excuse absentee voting beginning 50 days prior to an election and provides alternate “one-stop” early voting locations from the third Thursday before an election until 1pm on the Saturday immediately before an election. County boards of elections are mandatory “one-stop” locations and counties may provide additional sites with the approval of the State Board of Elections. All counties must submit “one-stop” voting implementation plans for approval by the State Board of Elections.

**Military and Overseas Voting** (North Carolina General Statutes §§ 163-227.3, 163-231, 163-234, 163-245, 163-247, 163-250, 163-254, 163-257; North Carolina Administrative Code §§ 12 .0102—12 .0111): UOCAVA voters may apply for a regular absentee ballot by using the federal postcard form or by making a written and signed application to the appropriate county board of elections. Requests may be sent by fax, electronic mail, or transmission of a scanned document and must be received by the day before of the election. Absentee ballots are available beginning 50 days before a general election and may be returned by fax, provided that voters sign the appropriate privacy waiver. Absentee ballots must be witnessed by two persons who are at least 18 years of age before they are returned. All ballots must be received by 5pm on the day before an election to be counted, except that ballots received on Election Day before the close of the polls may have the offices of President and Vice President counted. Under certain circumstances UOCAVA voters may register and vote on Election Day at either the polling place or the board of elections.

**Voter and Civic Education** (North Carolina General Statutes §§ 163-82.25, 163-278.99E, 163-278.69): North Carolina law requires that the State Board of Elections designate a month in

every even-numbered year as “Citizens Awareness Month” for the purpose of conducting a statewide voter registration drive and voter education. State law also requires the Board to publish and mail to voters a Voter Guide that explains election laws, voter registration requirements and state campaign finance regulations. The guide also includes candidate information and may be combined with the Judicial Voter Guide, providing information on judicial offices and candidates. In addition, the State HAVA plan notes that the state has developed an Election Help Desk and an enhanced State Board of Elections website with a with polling place locator and maps, voter guides, sample ballots, and public service announcements/videos.<sup>99</sup>

**Vote Centers** (North Carolina General Statutes § 163-130): “One-stop” early voting locations function similarly to vote centers, but they are not used on Election Day. State law also allows county boards of elections, with approval of the State Board, to establish satellite voting placing for elderly or disabled voters.

**Reenfranchisement of Ex-Felons** (North Carolina General Statutes §§ 13-1): Voting rights are automatically restored to ex-felons upon completion of all conditions of their sentence, including parole and probation.

### **Election Administration**

**Election Management** (North Carolina General Statutes §§ 163-19, 163-22, 163-28, 163-30, 163 38, 163-39, 163-82.2, 163-82.24;): Elections in North Carolina are overseen by a bipartisan, independent State Board of Elections whose members are appointed by the Governor (3 members from the governor’s party and 2 from the other major political party) and serve 4 year terms. Board of Elections members may not hold any elective or appointive office and may not hold any office in a political party or organization, be a candidate for any office, or serve as campaign manager or treasurer for any candidate. Rule-making authority for elections rests with the State Board of Elections and, for the purposes of federal laws, the Executive Director of the State Board of Elections is designated as the Chief Election Official. Elections are managed locally by bipartisan county and municipal boards of elections whose members are appointed by the State Board and are subject to similar restrictions as State Board members regarding political and elective office.<sup>100</sup> Additionally, no member or employee of the state or county boards of elections may engage in public political activity (advocating for or against a candidate or issue or soliciting political contributions).

The State Board is required to publish and furnish manuals containing all election laws and Board rules to local election officials. In addition, the elections director in each county and every member of a county board of elections is required to participate in a training and certification program (North Carolina Program for Certification in Elections) conducted by the State Board on a regular basis. The State Board also conducts “wellness checks”, preventative maintenance, and, when necessary, a formal audit at each county elections office to ensure compliance with state election law.

**Poll Workers** (North Carolina General Statutes §§ 163-22, 163-41, 163-41.1, 163-42, 163-42.1, 163-43): Poll workers (election judges, assistants and ballot counters) in North Carolina are appointed by county boards of elections from lists provided by the chairmen of the local political parties and then from the general pool of registered voters as necessary (an equal number from

---

<sup>99</sup> *Ibid*, p.3

<sup>100</sup> *Ibid*, pp.4-5

each political party). Poll workers must be registered to vote in the county in which they will serve, but a majority of poll workers in any given precinct must be residents of the precinct. No one who holds elective office, is a candidate for elective office, or holds any office within a state, or local political party, organization or campaign may serve as a poll worker. Relatives (of the first degree) of candidates are also ineligible to be poll workers and first-degree relatives are also prohibited from serving together in the same precinct. Students who are at least 17, U.S. citizens, county residents, and who meet certain requirements may be appointed as student election assistants. All poll workers are required to attend training according to standards provided by the State Board of Elections.

## **SOURCES**

North Carolina General Statutes: <http://www.ncleg.net/gascripts/Statutes/StatutesTOC.pl>

North Carolina Administrative Code: <http://ncrules.state.nc.us/ncac.asp>

State HAVA Information:

<http://www.eac.gov/extlnk/lnkframehead.htm?http%3A//edocket.access.gpo.gov/2004/pdf/04-5839.pdf>

State Elections Website: <http://www.sboe.state.nc.us/>

## NORTH DAKOTA



### Voter Registration

**Statewide Voter Registration Database** (North Dakota Century Code §§ 16.1-02-01, 16.1-02-03, 16.1-02-05, 16.1-02-11): North Dakota is exempt from the HAVA requirement to create a centralized statewide voter registration database because it does not require voter registration. However, state law requires the creation of a centralized electronic voter database, the “central voter file,” to provide a post Election Day tool for preventing and detecting voter fraud, for ensuring efficiency and accuracy, and for generating accurate, up-to-date Election Day poll books for the next election. The Secretary of State is responsible for maintaining the central voter file and the county auditor is chief custodian of the central voter file records in each county. The file was compiled from records maintained by the department of transportation, merged with data from precinct poll books and was completed in May 2008.<sup>101</sup> Following each election, county auditors are required to enter new voter names in to the central voter file to allow for queries to determine if any individual voted more than once during the preceding election. Additional maintenance of the file is required similar to that of other states’ voter registration databases.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (North Dakota Century Code § 16.1-13-34): North Dakota does not register voters and is, therefore, exempt from complying with certain provisional voting requirements contained in HAVA. Provisional ballots are only required for voting that occurs after the regular poll closing time in an election in which a federal office appears as a result of a federal or state court order or any other order extending the time established for closing the polls.

### Voter Identification

**Voter Identification** (North Dakota Century Code § 16.1-05-07): North Dakota law requires all voters to present some form of identification (photo and non-photo ID are accepted) which includes the voter’s address and date of birth. Voters without identification may either be vouched for by a poll worker or may execute a voter’s affidavit and be allowed to vote a regular ballot.

### Technology

**Voting Technology** (North Dakota Century Code §§ 16.1-06-10.1, 16.1-06-11, 16.1-06-14, 16.1-06-15, 16.1-06-26; North Dakota Administrative Code Article 72-06): All voting equipment used in North Dakota must be approved by the Secretary of State and have been certified by a

---

<sup>101</sup> North Dakota HAVA Plan, p.4. Available at: <http://www.nd.gov/hava/documents/docs/2004-final-state-plan.pdf>

voting system test laboratory accredited by the EAC. Although state law does not require that voting machines provide a voter verifiable paper audit trail, the state Voting System Procurement Committee recommended and the Secretary of State contracts contracted with Election Systems and Software (ES&S) for a uniform voting system for each polling location in the state that provides a paper record, consisting of a precinct level optical scanner (Model 100) and a ballot marking device (AutoMARK) to allow persons with disabilities and others to vote privately and without assistance.<sup>102</sup> Each county is required to conduct pre-election testing of all voting equipment at least a week prior to an election. In addition, after an election but prior to the meeting of the county canvassing board, the Secretary of State is required to conduct random testing of the voting system programming for one precinct in each county of the state according to logic and accuracy testing procedures outlined by the Secretary of State in the administrative code.

**Audits:** No requirement.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (North Dakota Century Code §§ 16.1-07-01, 16.1-07-15, 16.1-11.1-01): North Dakota allows no-excuse absentee voting and counties are allowed to establish special early voting precincts to facilitate early voting (which is conducted in the same manner as voting on Election Day). Absentee ballots are available to voters 40 days prior to each Election Day and special early voting precincts are allowed during the fifteen days immediately before the day of the election. In addition, counties are allowed to conduct local elections entirely by mail balloting.

**Military and Overseas Voting** (North Dakota Century Code §§ 16.1-07-01, 16.1-07-05, 16.1-07-08.1, 16.1-07-09): UOCAVA voters may request an absentee ballot at any time prior to an election, so long as the request is received in a timely manner so as to allow the applicant to receive, complete, and mail the ballot before the day of the election. Both applications and ballots may be transmitted by mail, fax or e-mail, but to return a voted ballot and other required documents by electronic mail, the eligible voter must have access to the technology to scan the documents, save the documents in a secure format approved by the Secretary of State, and return the documents as an electronic mail attachment directly to the electronic mail address assigned by the county election office prior to midnight in the voter's county of residence on the day before the election. Regular absentee ballots are made available beginning 40 days before an election and special write-in absentee ballots are also available. Mailed ballots must be postmarked the day before the election and received within two days after the election to be canvassed and counted.

**Voter and Civic Education:** North Dakota law does not specify specific voter education requirements except for public announcements of elections and voter information postings at polling places mandated by HAVA. However, the state HAVA plan details plans to create an Advisory Board responsible for coordinating voter education and outreach programs with youth organizations, working with a variety of community groups to establish an outreach and education programs, making voter information and polling place information and educational videos available on the Secretary of State's website, and producing a one-time mailer for all households in North Dakota outlining voting and voter access information. The Internet is currently used as a primary tool for providing and distributing information to voters.<sup>103</sup>

---

<sup>102</sup> *Ibid.*, p.7

<sup>103</sup> *Ibid.*, p.8-9

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (North Dakota Century Code §§ 12.1-33-01, 12.1-33-03): Voting rights are restored to ex-felons upon release from prison.

### **Election Administration**

**Election Management** (North Dakota Century Code §§ 16.1-01-01): An elected Secretary of State serves as North Dakota's chief election official and oversees the Elections Division within the Office of State, which is responsible for carrying out and overseeing election laws and procedures throughout the state and its various political subdivisions. The Secretary of State is responsible for developing and implementing uniform training programs for all election officials in the state and convening election year meetings to train local election officials, publishing a manual on election procedures, and establishing all election standards. North Dakota's 53 county auditors serve as the chief election officials of the various counties.

North Dakota law places no restrictions on the partisan activity of election officials.

**Poll Workers** (North Dakota Century Code §§ 16.1-05-01, 16.1-05-02): Poll workers (inspectors election judges and poll clerks) in North Dakota are appointed by county auditors and the district chairs representing the two largest parties in the county and are required to be eligible voters of the county in which they serve (preferably eligible voters from the precinct in which they serve). Students who are at least 16 and enrolled in a high school or college in the state may serve as poll clerks if they are citizens and residents of the state. Candidates for public office and their immediate relatives are prohibited from serving as poll workers. In addition, no person may serve as a poll worker who has anything of value bet or wagered on the result of an election. All poll workers are required to attend training provided by the county auditor and is provided with an instruction manual prepared by the Secretary of State. Utilizing HAVA funding, the state has developed web-based training sessions and training videos that are available to all election officials.<sup>104</sup>

### **SOURCES**

North Dakota Century Code: <http://www.legis.nd.gov/information/statutes/cent-code.html>

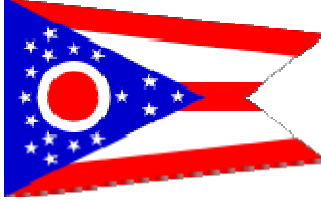
State HAVA Information: <http://www.nd.gov/hava/>

State Elections Website: <http://www.nd.gov/sos/electvote/>

---

<sup>104</sup> *Ibid.* p.8

## OHIO



### Voter Registration

**Statewide Voter Registration Database** (Ohio Revised Code §§ 3503.09, 3503.15): Following the passage of HAVA and prior to the 2004 General Election, Ohio established a bottom-up, voter registration database in which each county database is periodically (at least once per day) uploaded to and compiled in a central statewide database. An electronic network connects all board of elections offices with the office of the Secretary of State and with the offices of all other boards of elections, but county board of elections retain the authority to conduct updates to and maintenance of their respective county lists according to regulations promulgated by the Secretary of State.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (Ohio Revised Code §§ 3505.181, 3505.183): Ohio law establishes uniform procedures for casting and counting provisional ballots and provisional balloting is further guided by directives issued by the Secretary of State. State law identifies thirteen different categories of voters who are eligible to cast provisional ballots and allows 10 days for provisional voters to demonstrate eligibility by appearing at the office of the board with required identification or documentation. Provisional ballots for eligible voters are counted if cast in the correct precinct.

### Voter Identification

**Voter Identification** (Ohio Revised Code §§ 3501.01, 3505.18): Ohio laws requires all voters to show identification at the polls and both photo and non-photo ID are accepted (Ohio driver's license, state ID card, government ID; or a copy of a current utility bill, bank statement, paycheck, government check, or other government document that shows the voter's name and current address. Voters without acceptable ID must vote provisionally.

### Technology

**Voting Technology** (Ohio Revised Code §§ 3506.05, 3506.06, 3506.10, 3506.14, 3506.18, 3506.21; Ohio Administrative Code §§ 111:3-1—111:3-6): All voting systems in Ohio must be certified by the Secretary of State according to the 2002 FEC standards and tested by an appointed board of voting machine examiners. The Secretary of State is responsible for establishing guidelines for the approval, certification, and continued certification of all voting systems and for providing directives and advisories regarding the examination, testing, and use of voting equipment and to ensure the adequate care and custody of voting equipment, and the accurate registering, counting, and canvassing of the votes. Pre-election testing of all voting systems is required and all voting machines must produce a voter verified paper audit trail,

which serves as the official ballot in any recount. In 2007, Secretary of State Jennifer Brunner ordered a comprehensive review of Ohio's voting systems, the Evaluation and Validation of Election Related Equipment or EVEREST, which led the Secretary to encourage all counties to adopt optical scan technology and require those that continued to use DRE machines to provide optional paper ballots for all voters. A full list of current voting systems in use in Ohio is available at: <http://www.sos.state.oh.us/SOS/votingsystems.aspx?page=361>

**Audits:** Ohio law does not require a post-election audit, but in 2008 the Secretary of State conducted a pilot audit during the presidential primary and issued a directive requiring all counties to conduct an audit of general election results.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (Ohio Revised Code §§ 3509.02, 3509.03): Ohio law provides for no-excuse absentee voting and early in-person absentee voting beginning 25 days before the presidential primary and 35 days before the general election and ending the day before the election.

**Military and Overseas Voting** (Ohio Revised Code §§ 3509.022, 3509.031, 3509.05, 3511.02, 3511.04): UOCAVA voters must register 30 days prior to an election and registration applications (including the federal post card application which can serve as both a registration and absentee ballot application) must be submitted by mail. For already registered UOCAVA voters, requests for absentee ballots may be made by mail or fax and county boards of elections are authorized to fax ballots to overseas and military voters, but all ballots must be returned by mail. Absentee ballot requests by mail or fax must be made not later than twelve noon of the third day before the day of the election. Ballots are mailed or faxed beginning no later than the twenty-fifth day before the day of each presidential primary election and not later than the thirty-fifth day before the day of each general or other primary election. If a ballot is cast from anywhere in the U.S., it must be postmarked by the day before an election and received no later than 10 days after the election to be counted. If a ballot is mailed from outside the U.S., it must be postmarked by the close of the polls on Election Day and received not later than the 20th day after the presidential primary election or by the 10<sup>th</sup> day after a special or general election to be counted.

**Voter and Civic Education** (Ohio Revised Code §§ 3501.04, 3501.051, 3503.28, 3519.07): In addition to the voter information required by HAVA, Ohio law requires that the Secretary of State develop and distribute voter information brochures with information on voter registration procedures and deadlines, voter identification requirements, and locations of offices where voter registration is conducted. The secretary is also responsible for disseminating election information by means of direct mail or other written publication, broadcast, or other means or combination of means on voting procedures and any ballot initiatives or referenda. The secretary has broad authority to design voter education materials and to direct local election officials in their voter education efforts. The office of the Secretary of State also maintains a Voting Rights Institute to promote civic participation and protect voting rights. In addition, Ohio law authorizes a simulated election program to allow students under 18 to learn about the election process.

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (Ohio Revised Code §§ 2961.01): Voting rights of ex-felons are restored upon release from prison.

## **Election Administration**

**Election Management** (Ohio Revised Code §§ 3501.04, 3501.05, 3501.06, 3501.15, 3501.27, 3501.052, 3501.053): An elected Secretary of State is the chief election officer in Ohio with significant authority to regulate all aspects of elections, including the ability to issue instructions as to the proper method of conducting elections to members of the boards of elections by permanent or temporary directives. The Secretary of State appoints all members of bipartisan county boards of elections which oversee elections at the local level. All board members and employees are required to complete a training program prescribed by the Secretary of State within six months after the member's or employee's original appointment or employment and attend additional training at least once every four years.

Both the Secretary of State and the attorney general (who enforces election laws) are prohibited from serving in any capacity on any campaign or initiative committee for any state or local office or issue other than his/her own campaign. County board of election members and employees are prohibited from being candidates for elective office, except the office of delegate or alternate to a convention, member of the board of directors of a county agricultural society, presidential elector, or a member of a party committee.

**Poll Workers** (Ohio Revised Code §§ 3501.15, 3501.22, 3501.27): Poll workers (precinct election officials and judges) in Ohio are appointed by county boards of elections and must be registered to vote in the county in which they will serve and not have been convicted of a felony or any violation of the election laws. High school students are allowed to serve as poll workers (except they are not allowed to be presiding judges) if they are citizens, residents of the county in which they will serve and at least seventeen years old. Officials in any given precinct must be evenly divided between the two major political parties and may not be a candidate for an office to be voted for by the voters of the precinct in which the person is to serve. All poll workers are required to attend training according to a program prescribed by the Secretary of State at least once every three years, except that presiding judges must receive reinstruction before the primary election in even-numbered years. The Secretary of State has also recently developed an online poll worker training course, which is available at: <http://www.ohioelectionstraining.com>.

## **SOURCES**

Ohio Revised Code: <http://codes.ohio.gov/orc/35>

State HAVA Information:

[http://www.sos.state.oh.us/sos/upload/elections/HAVA/HAVA\\_PlanFINAL\\_0309.pdf](http://www.sos.state.oh.us/sos/upload/elections/HAVA/HAVA_PlanFINAL_0309.pdf)

State Elections Website: <http://www.sos.state.oh.us/SOS/elections.aspx>

## OKLAHOMA



### Voter Registration

**Statewide Voter Registration Database** (Oklahoma Statutes §§ 26-3-101.1, 26-4-114, 26-4-115, §26-21-101; Oklahoma Administrative Code §§ 230:50-3-31—230:50-3-42; 230:15-11-1—230:15-11-20): Oklahoma developed a centralized statewide voter registration and election management system, the Oklahoma Election Management System (OEMS), prior to the passage of HAVA.<sup>105</sup> County election boards retain responsibility for entering data into the OEMS, but the registry is maintained at the state level. HAVA funding was used to upgrade the statewide system in 2006-2007 to improve transmission speed from counties to the State Election Board and to make the full database available to all 77 County Election Boards on the internet.<sup>106</sup> County election boards are responsible for list maintenance according to rules provided by the State Election Board.

**Voter Registration Data Exchanges/Interoperability:** No statutory requirement, but has conducted data exchanges with other states.<sup>107</sup>

### Provisional Voting

**Provisional Ballots** (Oklahoma Statutes § 26-7-116.1; Oklahoma Administrative Code §§230:35-9-6—230:35-9-9, 230:35-3-125—230:35-3-134): Oklahoma law and administrative code detail uniform procedures for issuing and processing provisional ballots. These procedures are also included in the election manual provided to poll workers. Provisional ballots voted by eligible voters are counted if cast in the correct precinct.

### Voter Identification

**Voter Identification** (Oklahoma Statutes §§ 26-7-114, 26-7-115.2; Oklahoma Administrative Rules §§ 230:35-5-55, 230:35-9-16): Oklahoma maintains the HAVA minimum voter identification requirements for first-time voters who register by mail. All other voters are required to state their name and sign the precinct registry in order to vote.

### Technology

**Voting Technology** (Oklahoma Statutes §§ 26-9-115, 26-21-101, 26-21-102; Oklahoma Administrative Code 2008 §§ 230:50-3-64—230:50-3-70, 230:50-9-1): The Secretary of the State Board of Elections is responsible for approving and purchasing all voting equipment for Oklahoma to ensure uniform voting procedures in the state. Although not required by law,

<sup>105</sup> *State of Oklahoma Plan for Implementation of the Help America Vote Act of 2002*, pp. 2, 6. Available at: [http://www.ok.gov/~elections/hava\\_plan.pdf](http://www.ok.gov/~elections/hava_plan.pdf)

<sup>106</sup> *2008 Report on Progress of HAVA Implementation*, pp.1-2. Available at [http://www.ok.gov/~elections/hava\\_plan\\_updates\\_2008.pdf](http://www.ok.gov/~elections/hava_plan_updates_2008.pdf)

<sup>107</sup> Sean Greene *op.cit.*

Oklahoma is committed to optical scan technology and currently utilizes a telephone voting system for voters with disabilities. Oklahoma is anticipating the purchasing new accessible optical scan equipment in 2009 provide that it complies with all requirements of HAVA and that has been tested and certified by the appropriate authorities. Rules governing the use of the new system will be promulgated by the Secretary of the State Board of Elections.<sup>108</sup> All voting equipment must undergo pre-election testing according to procedures established by the State Election Board.

**Audits:** No requirement.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (Oklahoma Statutes §§ 26-14-103, 26-14-105, 26-14-108; Oklahoma Administrative Rules §§ 230:30-3-3, 230:30-7-6.2): Oklahoma law provides for no-excuse absentee voting by mail and early in-person absentee voting. Voters who vote an absentee ballot by mail must have the ballot affidavit notarized before returning it. In-person absentee voting is available at a one location in each county from 8 a.m. to 6 p.m. on Friday and Monday immediately preceding any election and from 8 a.m. to 1 p.m. on Saturday immediately preceding a state or federal election.

**Military and Overseas Voting** (Oklahoma Statutes §§ 26-14-103, 26-14-104, 26-14-116, 26-14-117, 26-14-118, 26-14-118.1, 26-14-120.1; Oklahoma Administrative Rules §§ 230:30-5-8.1, 230:30-9-5.1, 230:30-11-6.1): UOCAVA voters are not required to be registered to vote in Oklahoma when they submit an application for an absentee ballot. Ballot requests may be submitted by mail or by fax and must be received by 5pm on the Wednesday immediately preceding the election. UOCAVA voters may also request a special write-in absentee ballot that is available 90 days prior to an election. County election boards may fax ballots to UOCAVA voters if their application is received less than 30 days before a federal election and ballots may be returned by fax if accompanied by the appropriate secret ballot waiver. All voted ballots must be received by 7pm on Election Day to be counted.

**Voter and Civic Education** (Oklahoma Statutes § 26-3-114; State of Oklahoma Plan for Implementation of the Help America Vote Act of 2002, p.43): State law requires the secretary of each county election board to disseminate information about voter registration, the dates and time of elections, locations of polling places, and other voter information, but does not specify the means of doing so. Law also requires that sample ballots be made available at county elections offices. Each election year, the State Election Board compiles and publishes *A Guide to the Statewide Elections* for candidates, the news media, teachers, students and other interested persons containing information on voter registration, absentee voting and Election Day and night procedures. In addition, the State Election Board produces *Vote Oklahoma!*, a voter education publication containing lesson outlines and exercises and materials and instructions for conducting mock elections designed for use in the classroom by junior high and high school teachers.<sup>109</sup>

**Vote Centers:** Not in use.

---

<sup>108</sup> *Ibid.*, pp.2-4.

<sup>109</sup> *State of Oklahoma Plan for Implementation of the Help America Vote Act of 2002*, p. 44

**Reenfranchisement of Ex-Felons** (Oklahoma Statutes § 26-4-101): A person convicted of a felony may only register after the period of time equal to the original judgment and sentence has expired.

## **Election Administration**

**Election Management** (Oklahoma Statutes §§ 26-2-101, 26-2-101.1, 26-2-101.6, 26-2-107, 26-2-110, 26-2-111, 26-2-111.1, 26-3-109; Oklahoma Administrative Rules §§ 230:10-3-5.1, 230:10-5-1): The Chief Election Officer of Oklahoma is the appointed Secretary of the State Election Board, who also serves as the Secretary of the Senate. The Secretary is responsible for the day-to-day operation of the Oklahoma election system and has the authority to promulgate, repeal or modify such rules or regulations as the Secretary deems necessary to facilitate and assist in achieving and maintaining uniformity and impartiality in the application, operation and interpretation of the state and federal election laws. However, all regulations must be approved by the State Election Board, a bipartisan board composed of three (3) members, each of whom is appointed by the Governor upon advice and consent of the Senate. At the local level, elections are managed by county election boards appointed by the State Election Board. The secretary of the county election board is the local chief election official. County election board members and employees are required to attend training by the State Election Board every two years and the State Election Board provides a uniform election law/rule digest to all local election administrators. All elections materials and supplies are provided by the State Election Board to the counties.

There are no statutory limitations on partisan activity by the Secretary of the State Election Board or members of the State Election Board, but all members of County Election Boards are prohibited from being candidates for public office or from overseeing elections in which a relative is a candidate.

**Poll Workers** (Oklahoma Statutes §§ 26-2-123, 26-2-124, 26-2-125, 26-2-128.1, 26-2-128.2, 26-2-131, 26-2-132, 26-3-111, 26-3-112; Oklahoma Administrative Rules § 230:10-5-12): Poll workers (judges, clerks, and inspectors) are appointed by county election boards from lists provided by county central committees of the two major parties. Each precinct must have at least three poll workers and the judge and inspector for each precinct must be from opposite parties. Candidates for public office and employees and relatives of candidates are prohibited from serving as poll workers. Poll workers must be registered voters in the county in which they serve and must attend training at least once every two years. For each election, the Secretary of the State Election Boards provides every poll worker with *The Manual for Precinct Election Officials*, the *Precinct Problem Solver*, and *Voting Device Handbook for Precinct Officials* to ensure uniform application of election procedures.

## **SOURCES**

Oklahoma Statutes: <http://www.lsb.state.ok.us/osstatuestitle.html>

Oklahoma Administrative Rules:

<http://www.oar.state.ok.us/oar/codedoc02.nsf/HomePage?OpenPage>

State HAVA Information: [http://www.ok.gov/~elections/hava\\_shl.html](http://www.ok.gov/~elections/hava_shl.html)

State Elections Website: <http://www.ok.gov/~elections/>

## OREGON



### Voter Registration

**Statewide Voter Registration Database** (Oregon Revised Statutes §§ 247.292, 247.296; Oregon HB 2002 (2001)): In anticipation of the passage of the federal Help America Vote Act, the Oregon Legislature passed HB 2002 in 2001 to require the Secretary of State to design and implement a centralized voter registration system. The state contracted with Saber Corporation to develop the database, which was completed at the end of 2005.<sup>110</sup> The system is top-down, centrally administered by the Secretary of State, but county election officials are responsible for inputting and updating all voter registration records. Real-time access to the database is provided through the internet and the database has verification and query capabilities with other agency databases within the state (Department of Motor Vehicles, Department of Corrections, and Department of Human Services).<sup>111</sup> County clerks are responsible for voter registration list maintenance

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (Oregon Revised Statutes §§ 247.007, 247.009, 254.408): Guidelines for provisional voting are outlined in Oregon's vote by mail requirements and the vote by mail manual produced by the Secretary of State. Provisional ballots are mailed to voters who failed to provide required identification when they registered and are counted if they return their ballot with proper ID. Oregon citizens who do not automatically receive a ballot via mail (ballots are automatically mailed to registered voters) must appear at their county clerk's office to request a provisional ballot and make a written affirmation that the voter is registered to vote in the jurisdiction and eligible to vote in that election. County clerks determine voter eligibility and provisional ballots are counted for all offices and measure for which the elector is deemed eligible (having been verified as an active or inactive voter).

### Voter Identification

**Voter Identification** (Oregon Secretary of State website): Oregon maintains the HAVA minimum identification requirements for first time voters who register by mail. First-time voters who fail to provide ID when registering must submit ID with their returned mail-in ballot.<sup>112</sup>

<sup>110</sup>Oregon Elections Plan to Implement HAVA, pp.21-22. Available at [http://www.sos.state.or.us/elections/HAVA/pdf/state\\_plan.pdf](http://www.sos.state.or.us/elections/HAVA/pdf/state_plan.pdf)

<sup>111</sup> See <http://www.sos.state.or.us/elections/HAVA/ocvr.shtml> for additional information.

<sup>112</sup> [http://www.sos.state.or.us/elections/HAVA/elect\\_q\\_a/voter\\_reg/havaid.html](http://www.sos.state.or.us/elections/HAVA/elect_q_a/voter_reg/havaid.html)

## **Technology**

**Voting Technology** (Oregon Revised Statutes §§ 246.530, 246.550, 246.560, 246.565, 254.074, 254.235, 254.525; Oregon Administrative Rules § 165-007-0250): All voting equipment (machines and vote tally systems) used in Oregon must be examined and approved by the Secretary of State and meet the FEC 2002 voting system standards. All systems must produce a voter verifiable paper record, which in most cases is the returned mail-in ballot. All voting machines and vote tally systems are subject to audit and reexamination at any time by the Secretary of State. Local election officials are required to conduct pre- and post-election testing of voting equipment and to submit an election security plan to the Secretary of State each year detailing ballot and equipment security procedures. For accessible voting, Oregon implemented the Inspire Vote-by-Phone (IVS) voting system for the 2006 election and Alternative Ballot Format technology for the 2008 presidential election which allows voters with disabilities that have, or have access to a personal computer and printer to vote privately and independently from home and other voters with disabilities to vote at Accessible Computer Stations (ACS) (one permanent and one portable in each county).<sup>113</sup>

**Audits** (Oregon Revised Statutes Title 23 §§ 246.565, 254.529; Oregon Administrative Code 165-007-0290): All voting machines and vote tally systems are subject to audit at any time by the Secretary of State and the Secretary requires each county election official to produce and maintain an audit trail of statistical information. In addition, a random hand count of at least three percent of all precincts is required for every general election (the percentage of precincts audited increases as the margin of victory between the two candidates receiving the largest number of votes narrows, reaching ten percent if the margin of victory is less than one percent). Hands counts are required to begin no later than 20 days after the election and must be completed no later than the 30<sup>th</sup> day after the election.

## **Voter Access and Education**

**Vote by Mail and Early Voting** (Oregon Revised Statutes §§ 253.030, 253.135, 254.465, 254.470, 254.474): Oregon conducts all of its elections by mail according to rules established by the Secretary of State, who provides a statewide vote-by-mail manual to all county elections officials. All “active” registered voters are mailed a ballot by non-forwardable mail between the 18<sup>th</sup> and 14<sup>th</sup> days before an election and ballots must be returned by 8pm on Election Day to be counted. Ballots may be returned via mail or at designated drop boxes. An elector may obtain a replacement ballot if the ballot is destroyed, spoiled, lost or not received by the elector. In addition, each county is required to maintain at least one voting booth for voters who wish to vote in person on Election Day.

Oregon also allows for no-excuse absentee voting either by mail or in person at the elections office of any county clerk, though out of county voters will be issued a provisional ballot so that their eligibility can be verified.

**Military and Overseas Voting** (Oregon Revised Statutes §§ 247.025, 253.030, 253.045, 253.065, 253.070, 253.540, 253.545, 253.565): All voters must be registered by the 21<sup>st</sup> day prior to an election or their registration card must be postmarked no later than 21 days before an election and received no later than 5 days before an election. UOCAVA voters may request ballots by mail, fax or e-mail (but originals must also be mailed, postmarked by 21 days prior to

---

<sup>113</sup> Approved Revisions to the Oregon Elections Plan (2007). Available at [http://www.sos.state.or.us/elections/HAVA/HAVAUupdatefinal\\_12\\_07.doc](http://www.sos.state.or.us/elections/HAVA/HAVAUupdatefinal_12_07.doc)

the election) and requests must be received by the County Clerk by the Thursday immediately preceding the election. Ballots are mailed no later than 45 days before an election and must be received by a county clerk not later than 8 p.m. of the day of the election to be counted. Oregon also makes available special write-in absentee ballots to voters residing outside the U.S. unable to vote using the regular absentee voting process.

**Voter and Civic Education** (Oregon Revised Statutes §§ 251.022, 251.026, 251.165, 251.175, 251.185, 251.295, 251.305, 251.315, 254.068): In addition to the informational materials required by HAVA, about three weeks before a statewide election the State provides every household with a voter's pamphlet for every election, which contains voting instructions, information on ballot measures, candidate statements and a list of ballot drop site locations. County elections offices may also provide a county voter pamphlet with information on local races. In addition to voters' pamphlets, counties include voting instructions as inserts in vote by mail ballot packets instructing voters on the correct means of casting a ballot. These ballot inserts usually include information on how to obtain replacement ballots if the voter loses, damages, or otherwise spoils their original ballot.

Voter registration and general election information are provided through the *Voting in Oregon* brochure, printed and distributed by the Secretary of State in both English and Spanish language versions and available online. The State Elections Division also maintains information for voters on two websites: [www.oregonvotes.org](http://www.oregonvotes.org) and [www.sos.state.or.us/elections](http://www.sos.state.or.us/elections). Voter information is also available on county websites, through a toll-free telephone line operated by the Secretary of State's Office and through public service announcements on radio and TV. In addition, Oregon requires all community colleges and state institutions of higher education to develop plans to increase student voter registration and voting in elections and conducts simulated elections for students under 18.<sup>114</sup>

**Vote Centers:** Not in use, though ballot drop locations function similarly to vote centers in that voters from any part of a county can utilize them.

**Reenfranchisement of Ex-Felons** (Oregon Constitution Article II, § 3; Oregon Revised Statutes § 137.281): Voting rights are restored upon release from imprisonment.

### **Election Administration**

**Election Management** (Oregon Revised Statutes §§ 246.110, 246.120, 246.140, 246.150, 246.160, 246.200, 246.210): An elected Secretary of State is the chief elections officer of Oregon with the responsibility to maintain uniformity in the application, operation and interpretation of the election laws through a detailed written directives, advice and instruction, and by providing a compilation of election laws to county clerks. County clerks are the local chief election officers and are responsible for voter registration and are required to regular election conferences convened by the Secretary of State. Oregon law places no restrictions on the partisan activity of election officials.

**Poll Workers** (Oregon Revised Statutes § 254.476): Since Oregon conducts its elections by mail, the state does not use poll workers in the same capacity as other states. Election workers (ballot counting clerks) other than existing employees are used mainly for counting ballots and are not allowed to be an immediate relative (by birth or marriage) of any candidate on the ballot.

---

<sup>114</sup> *Oregon Elections Plan*, pp. 18, 33-34

## **SOURCES**

Oregon Constitution: [www.leg.state.or.us/orcons/](http://www.leg.state.or.us/orcons/)

Oregon Revised Statutes: <http://www.leg.state.or.us/ors/>

Oregon Administrative Rules: <http://arcweb.sos.state.or.us/banners/rules.htm>

State HAVA Information

State Elections websites: [www.oregonvotes.org](http://www.oregonvotes.org) and [www.sos.state.or.us/elections](http://www.sos.state.or.us/elections)

## PENNSYLVANIA



### Voter Registration

**Statewide Voter Registration Database** (25 Pa.C.S.A. §§ 1201, 1222; 4 Pa.Code § 183.2—183.18): Pennsylvania began consideration of a statewide voter registration system in the late 1990s and passed legislation in 2002, prior to the passage of HAVA, to require such a database. Development of the Statewide Uniform Registry of Electors (SURE) began in 2004 and all counties were brought into the new system by the HAVA extended deadline of January 1, 2006, though upgrades continue. SURE is a top-down system maintained by the Department of State, but county commissioners retain responsibility for entering and updating data in the system through real time access to the database.<sup>115</sup> Voters can also access the system through the internet for voting registration information, polling place location, voting history, links to absentee ballot applications and other election news. The Secretary of State has adopted uniform regulations and provided training to ensure uniform administration of the SURE system.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (25 P.S. § 3050): Pennsylvania law outlines uniform procedures for issuing and processing provisional ballots and the Secretary of State has provided training and guidance to county and precinct election officials on the use of provisional balloting. Provisional ballots are counted (all offices for which the voter was eligible) if cast in the correct county.

### Voter Identification

**Voter Identification** (25 P.S. § 3050): Pennsylvania requires all voters who are voting for the first time in an election district to provide identification. Photo and non-photo identification are accepted.<sup>116</sup> First-time voters who are unable to produce proper identification may vote only by provisional ballot. All other voters are subject to signature verification for proving identity.

### Technology

**Voting Technology** (25 P.S. §§ 3006, 3007, 3011, 3015, 3031.5, 3031.7, 3031.11, 3031.14): The Department of State is responsible for the examination and certification of electronic voting systems for compliance with the Pennsylvania Election Code, but counties retain discretion in determining which approved voting system to purchase. Voting systems must meet FEC 2002

---

<sup>115</sup> InfoSentry Services, Inc (January 2004). *Statewide Uniform Registry of Electors In-Process Quality Assurance Review*. Available at: [http://www.dos.state.pa.us/sure/lib/sure/sure\\_docs/pados\\_sure\\_qa-review\\_200401230final2.pdf](http://www.dos.state.pa.us/sure/lib/sure/sure_docs/pados_sure_qa-review_200401230final2.pdf)

<sup>116</sup> A full list of acceptable identification is available at: <http://www.votespa.com/HowtoVote/GuideforFirstTimeVoters/tabid/77/language/en-US/Default.aspx>

standards and provide proof of federal certification before being presented to the Secretary for testing and all voting machines are subject to reexamination at any time. Preparation of the voting systems for an election is open to party representatives and county boards of elections are required to publicly exhibit voting systems for the instruction and information of voters. Pennsylvania law does not require voting systems to produce a voter-verifiable paper audit trail and a combination of optical scan and DREs are used in the Commonwealth.<sup>117</sup>

**Audits** (25 P.S. § 3031.17): Pennsylvania law requires a statistical recount of a random sample of at least two percent or 2,000 votes, whichever is the lesser, in a county following every election.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (25 P.S. §§ 3146.1, 3146.2, 3146.2a): Pennsylvania requires an excuse for absentee voting and does not allow early voting (other than absentee) except in the case of emergencies.

**Military and Overseas Voting** (25 Pa.C.S.A. §§ 1324, 1326; 25 P.S. §§ 3146.1, 3146.2, 3146.2a 3146.3, 3146.5, 3146.8): All voters must register to vote by 30 days prior to the election (or postmarked by the deadline and received within 5 days after the deadline) and military voters in 33 Pennsylvania counties may utilize an online tool provided by the Federal Voting Assistance Program to register, request and receive a ballot electronically. Requests for an absentee ballot must be made no later than 5pm the Tuesday immediately prior to any election. Regular absentee ballots are mailed to UOCAVA voters forty-five days before a primary or general election. Pennsylvania also provides special write-in absentee ballots fifty days before a primary and seventy days before a general election for voters unable to vote a regular absentee ballot. All ballots must be postmarked by 5pm the day before the election and received by 5pm the seventh day following the election to be counted.

**Voter and Civic Education** (25 P.S. § 2621.1): Pennsylvania statutes incorporate all of HAVA's voter information requirements and also require the Secretary of State to publish and make publicly available information on ballot initiatives/referenda. Other voter education provisions are not statutory, but are derived from the Commonwealth's state HAVA plan. The Department of State coordinates with county governments and advocacy groups to develop voter education and outreach plans and materials, which include informational brochures, training programs, public service announcements, alternative language resources, a Mock Election program, and the *PAVotes!* website that is available in English and Spanish and includes voting equipment demonstration videos for each county. The Department of State also produces a Pennsylvania Voter Guide with comprehensive information about registering and voting, which is distributed to county boards of elections and state agencies that participate in voter registration.<sup>118</sup>

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (25 Pa.C.S.A. § 1301): State law specifies that ex-felons may not vote until five years after they have been released from prison. However, the Commonwealth Court of Pennsylvania held that provision unconstitutional in 2000 (*Lorenzo M.*

---

<sup>117</sup> Pennsylvania State HAVA Plan - As Amended for 2005, pp. 11, 34. Available at: [http://www.hava.state.pa.us/hava/lib/hava/stateplan/state\\_plan.pdf](http://www.hava.state.pa.us/hava/lib/hava/stateplan/state_plan.pdf)

<sup>118</sup> *Ibid.* pp. 15, 31-32, 61

*Mixon, et al. v. Commonwealth of Pa., et al.*, No. 384 M.D. 1999) and ex-felons are now eligible to vote after they have been released from prison.

## **Election Administration**

**Election Management** (25 P.S. §§ 2621, 2641, 2642): The Secretary of the Commonwealth, appointed by the Governor with approval of the state Senate, is the chief election officer of Pennsylvania and serves as the head of the Department of State. The Secretary has regulatory authority over all aspects of elections and is responsible for designing, implementing and administering the Statewide Uniform Registry of Electors (SURE). At the local level, the county commissioners or other officers who perform the duties of the county commissioners serve as the county board of elections and the voter registration commission. County boards retain significant authority for the purchase of voting equipment, the conduct of voter education and poll worker training, and are responsible for inputting data into SURE. Following passage of HAVA, counties were required to develop county plans for HAVA implementation to be incorporated into the state plan.

Pennsylvania law places no restrictions on the political activity of election officials, except that county board members may not be candidates for public office.

**Poll Workers** (Pennsylvania Constitution Art.VII, §§ 11-12; 25 P.S. §§ 2671, 2672, 2674, 2684, 2685, 3013): Poll workers (inspectors, judges and clerks) in Pennsylvania precincts consist of both elected and appointed members. One judge and two inspectors for each precinct (election district) are elected in municipal elections to serve 4 year terms. All poll workers must be residents of the district in which they will serve and may not hold any elective or appointed government office. The inspectors must be from opposite parties and each appoints a clerk and machine operator from his/her respective party. Citizen students who are at least seventeen years old and residents of the county in which they will serve may serve as clerks or machine operators with permission from their parents and school principals. All poll workers are required to attend training provided by the county board of elections prior to each election and some training materials have been made available online. In addition, upon petition from voters, overseers of elections, one from each party, may be appointed by the district court to supervise poll workers and arbitrate disputes.

## **SOURCES**

Pennsylvania Constitution:

[http://www.legis.state.pa.us/WU01/VC/visitor\\_info/creating/constitution.htm](http://www.legis.state.pa.us/WU01/VC/visitor_info/creating/constitution.htm)

Pennsylvania Statutes (P.S. and C.S.A):

<http://government.westlaw.com/linkedslice/default.asp?SP=pac-1000>

State HAVA Information: <http://www.hava.state.pa.us/hava/site/default.asp>

State Elections Websites: <http://www.dos.state.pa.us/bcel/site/default.asp> and <http://www.votespa.com/>

## RHODE ISLAND



### Voter Registration

**Statewide Voter Registration Database** (Rhode Island General Laws §§ 17-6-1.1, 17-6-1.2): Rhode Island employs a top-down, central voter registration system (CVRS) that was completed at the end of 2004. The database is maintained within the Elections and Civics Division of the Department of State and provides real-time access to Rhode Island's 39 cities and towns to input and update all voter registration and voting history information. The system is also integrated with the state's mail-ballot system and maintains all relevant data regarding street files, voting districts and polling places. Responsibility for voter registration list maintenance is shared by state and local election officials, though local boards of canvassers retain the sole authority for any addition, correction, or deletion of information from their local voting records.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (Rhode Island General Laws § 17-19-24.1, BOE Rule 3385): Rhode Island law gives the State Board of Elections responsibility for establishing the rules for provisional voting, which were promulgated in 2004. The State Board of Elections also provides uniform training on provisional balloting procedures through its poll worker manual and instructional programs for local election officials conducted jointly with the department of state. Provisional ballots are at least partially counted (federal offices only) if an eligible voter casts the ballot out of precinct but within the correct congressional district.

### Voter Identification

**Voter Identification** (Rhode Island General Laws § 17-19-24; State Board of Elections Website<sup>119</sup>): Rhode Island maintains the HAVA minimum identification requirements for first time voters who register by mail. All other voters are required to state their name and address and sign the precinct register in order to be issued a ballot.

### Technology

**Voting Technology** (Rhode Island General Laws §§ 17-19-2, 17-19-2.1, 17-19-3, 17-19-8.2, 17-19-13, 17-19-14): Rhode Island law requires that all voting machines meet standards jointly established by the Secretary of State and State Board of Elections and mandates that voting systems be uniform statewide. The department of administration is responsible for the purchase of all voting machines and vendors must supply proof of compliance with Federal Election Commission standards from an independent testing company and meet other requirements as stipulated in state law. The State Board of Elections is responsible for ongoing

---

<sup>119</sup> See <http://www.elections.ri.gov/voting/votepolls.php>

testing and maintenance of voting machines. Rhode Island law mandates the use of a voting system that produces a physical ballot. The state currently deploys optical scan precinct-count voting systems and AUTOMark ballot marking devices for accessible voting. All voting machines must be tested prior to an election and local boards must make voting equipment available for instructional purposes prior to the election.

**Audits:** No requirement.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (Rhode Island General Laws §§ 17-20-1, 17-20-2, 17-20-2.1, 17-20-2.2 ): An excuse is required to request a mail (absentee) ballot in Rhode Island and no other form of early voting is authorized, except in the case of emergencies. Both the application for a mail ballot and the signature on the ballot return envelope must be either notarized or witnessed by two other people.

**Military and Overseas Voting** (Rhode Island General Laws §§ 17-20-2.1, 17-20-4, 17-20-6, 17-20-6.1, 17-20-9.2, 17-20-10.2, 17-20-16): In Rhode Island, UOCAVA voters are exempt from the state's voter registration requirements and exempt from requirements that ballot requests and signatures be notarized or witnessed. UOCAVA voters may submit a mail ballot request and return their voted ballot either by mail or by fax. All requests must be received no later than 4pm on the twenty-first day before any election, except in the case of emergencies. Written requests must be mailed to local boards and electronic requests must be sent to the Secretary of State. The Secretary of State is responsible for electronic transmission of ballots through the FVAP and faxed ballots must be returned to the state board of elections. State election officials begin mailing regular mail ballots approximately 21 days before the election and issue an official state blank ballot 45 days before an election if the official ballot is not yet available. Voted ballots must arrive at the State Board of Elections by 9:00 p.m. on Election Day to be counted.

**Voter and Civic Education** (Rhode Island General Laws §§ 16-22-10, 16-59-25, 17-5-3, 17-6-13, 17-8-10, 17-9.1-4.1): In addition to the voter information requirements mandated by HAVA, Rhode Island law requires the Secretary of State to partner with community organizations to conduct voter outreach and education in communities of need. It also requires that the secretary and local boards provide all registered voters with information on any ballot initiatives. Voter registration information must be included in admissions information at state universities and requires that high schools conduct annual voter registration drives and that high school seniors receive school a course of instruction and demonstration in the operation of a voting machine, and of the manner of casting a valid ballot. Beyond statutory requirements, Rhode Island has utilized federal HAVA funding to improve voter education materials, to develop a new outreach program, *RIVote!*, which includes new initiatives targeting first-time voters, college students, and ex-felons, to implement a new voter education curriculum for youth, and to improve the state elections website. Additionally, a *Voter Information Handbook* is updated and re-issued by mail to every registered voter before every election and public service announcements about voting are issued in a variety of formats.<sup>120</sup>

**Vote Centers:** Not in use.

---

<sup>120</sup> Rhode Island State Plan: Help America Vote Act – Revised and Updated 2008, p.18. Available at: <http://www.sec.state.ri.us/elections/publications/hava-draftplan-08.pdf>

**Reenfranchisement of Ex-Felons** (Rhode Island General Laws §§ 17-9.2-3): Voting rights to ex-felons are restored upon discharge from prison and Rhode Island law requires the department of corrections to inform ex-felons of their right to vote and to serve as a voter registration agency.

## **Election Administration**

**Election Management** (Rhode Island General Laws §§ 17-6-1, 17-6-1.3, 17-7-1, 17-7-3, 17-7-5, 17-8-1, 17-8-2, 17-8-5): Statewide authority over elections in Rhode Island is split between an elected Secretary of State and a seven member, independent State Board of Elections appointed by the Governor. The Secretary of State is responsible for maintaining the central voter register and training local officials on its use, preparing ballots and other voting materials, and taking the lead in voter education programs. The State Board of Elections is responsible for general election supervision and oversight of local election boards, providing general election supplies (non-ballot materials) to cities and towns, appointing and training all state inspectors of elections and developing instructional materials for local election officials and poll workers, canvassing and certifying vote totals, and regulating voter registration outreach. Responsibilities for the implementation of HAVA are shared by the Secretary of State and the State Board of Elections. Elections and voter registration are managed at the local level by bipartisan city and town canvassing boards, appointed by the local legislative authority.

Members of the State Board of Elections are prohibited from holding public office or being employed by anyone who holds public office. Local board members are prohibited from holding any other public office and from being candidates for office.

**Poll Workers** (Rhode Island General Law §§ 17-11-3—17-11-15, 17-19-16, 17-19-22.1): Rhode Island employs a combination of appointed and elected poll workers to serve in precincts on Election Day. Moderators/wardens and clerks are either appointed by the city/town council or the local election board or are elected, must be from different parties, and must be registered voters in Rhode Island, though preference is given to electors of the city, town, senatorial or representative district, or voting district in which they are appointed to serve. Local election boards also appoint two pairs (each pair consisting of members of different political parties) of election supervisors for each polling place. A person cannot work as a poll worker if they are a candidate for public office, or if they have been convicted for any crime which involves moral turpitude or which constitutes a violation of any of the election or caucus laws of this or any other state. State and municipal employees are prohibited from working as poll workers in a primary election, but they are permitted to work in a general election. High school students who are citizens and at least 16 years old may be appointed as poll workers provided they meet certain academic requirements. In any location in which the local board determines that bilingual ballots must be printed, at least one bilingual poll worker must be appointed. All poll workers must attend training and are provided with a uniform poll worker manual designed by the State Board of Elections.

The State Board provides an election official certification program and poll workers who complete the program are eligible for additional compensation when they serve. The State Board is also using HAVA funding to develop a poll worker performance management and evaluation system to improve the delivery of high quality customer service and voter assistance.<sup>121</sup>

---

<sup>121</sup> *Ibid.*

## **SOURCES**

Rhode Island General Laws: <http://www.rilin.state.ri.us/Statutes/>

Rhode Island Rules: <http://www.sec.state.ri.us/rules/>

State HAVA Information: <http://www.sec.state.ri.us/elections/hava.html>

State Elections Websites: <http://www.sec.state.ri.us/elections> and  
<http://www.elections.state.ri.us/>

## SOUTH CAROLINA



### Voter Registration

**Statewide Voter Registration Database** (SC Code of Laws §§ 7-3-20, 7-3-30, 7-5-340): South Carolina has had a statewide voter registration system in place since the late 1960s and it was upgraded and expanded in the early 1990s to give all counties interactive access.<sup>122</sup> The top-down system is maintained by the State Election Commission (SEC), which has the sole authority to delete records from the file. List maintenance is also conducted by the SEC with assistance in verifying info provided by county registration boards.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law, but has participated in limited data exchanges with other states.<sup>123</sup>

### Provisional Voting

**Provisional Ballots** (SC Code of Laws §§ 7-5-440, 7-13-820, 7-13-830): South Carolina Law establishes procedures for issuing, processing and counting provisional ballots and these procedures are outlined in the Poll Manager Manual provided by the State Election Commission. Provisional ballots are counted if cast in the correct precinct by an eligible voter. A website and a toll-free number are available for voters to determine if their provisional ballot was counted.<sup>124</sup>

### Voter Identification

**Voter Identification** (SC Code of Laws § 7-13-710): All voters are required to present a South Carolina driver's license, a non-driver photo ID from the Department of Motor Vehicles or their voter registration card.<sup>125</sup> If a voter does not have ID, he/she is required to cast a provisional ballot and s/he must go to the county board of elections office and present acceptable ID at the election commission hearing on the Friday after Election Day to ensure that the ballot will be counted.

### Technology

**Voting Technology** (SC Code of Laws §§ 7-13-1620, 7-13-1640, 7-13-1655): State law requires the State Election Commission to approve all voting systems in use in South Carolina. All voting systems must be certified by a testing laboratory accredited by the Federal Election Assistance Commission as meeting or exceeding the minimum requirements of federal voting

---

<sup>122</sup> *South Carolina HAVA 2002 State Plan* (August 2006), p.9. Available at: [http://www.scvotes.org/files/Final\\_State\\_Plan\\_2006.pdf](http://www.scvotes.org/files/Final_State_Plan_2006.pdf)

<sup>123</sup> Sean Greene *op.cit.*

<sup>124</sup> *South Carolina HAVA 2002 State Plan* (August 2006), p.18.

<sup>125</sup> A voter registration card is an acceptable form of ID unless the voter is a first-time voter who registered by mail and failed to provide an identification number with their registration. These first-time voters are subject to the HAVA minimum requirements.

system standards and must be field tested in an election before approval. Utilizing HAVA funding, South Carolina has implemented a statewide uniform voting system, Election Systems & Software iVotronic DRE.<sup>126</sup> A voter-verified paper audit trail is not required by law and not provided on the voting system used by South Carolina.

**Audits:** No requirement.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (SC Code of Laws §§ 7-15-320, 7-15-330): South Carolina allows absentee voting by mail or in person, but an excuse is required for both.

**Military and Overseas Voting** (SC Code of Laws §§ 7-5-150, 7-15-110, 7-15-220, 7-15-230, 7-15-330, 7-15-400, 7-15-405, 7-15-460): UOCAVA voters must register no later than 30 days prior to an election, but may request a ballot until the 5pm on the 4<sup>th</sup> day preceding an election. Requests and ballots may be sent electronically. Regular absentee ballots are available 45 days before an election and a special write-in absentee ballot is available beginning 90 days prior to an election for voters unable to vote a regular ballot. Ballots may be returned by fax or e-mail. All ballots must be returned by the close of the polls and the voter oath, included on the ballot return envelope must be witnessed, in order to be counted.

**Voter and Civic Education:** Apart from HAVA's voter information requirements, South Carolina law does not specify other voter education mandates and most voter education is left to the discretion of county election commissions. The state's HAVA plan outlines voter education programs around new voting equipment and procedures that include an updated website, new brochures, public demonstrations of voting equipment and an instructional video.<sup>127</sup> The State Election Commission also encourages county commissions to participate in student mock elections.

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (SC Code of Laws § 7-5-120): Voting rights of ex-felons are restored upon completion of their sentence, including probation and parole.

### **Election Administration**

**Election Management** (SC Code of Laws §§ 7-3-10, 7-3-20, 7-5-10, 7-5-35, 7-13-70, 7-13-75): Elections in South Carolina are overseen by a bipartisan State Election Commission (SEC) whose members are appointed by the Governor. The executive director of the SEC serves as the chief election official for the state. At the local level, elections are managed by bipartisan county election commissions and boards of registration, which are also appointed by the Governor. The SEC is responsible for maintaining a training and certification program for local election officials and local officials are required to attend training on an annual basis.

All members of the state and local election commissions are prohibited from participating in political management or in a political campaign during the member's term of office. Members are also prohibited from making a contribution to a candidate or knowingly attend a fundraiser held for the benefit of a candidate

---

<sup>126</sup> *South Carolina HAVA 2002 State Plan*, p.12.

<sup>127</sup> *Ibid*, p.34.

**Poll Workers** (SC Code of Laws §§ 7-13-72, 7-13-110, 7-13-120): Poll workers (poll managers) are appointed by county elections commission and must be registered voters in the county in which they will serve, except that sixteen and seventeen year olds may be appointed as assistants. All poll workers are required to attend state-standardized training provided by the county election commission and to attend a refresher course prior to an election.<sup>128</sup> Training materials and an online course are available on the SEC website.<sup>129</sup> Candidates and their immediate relatives are ineligible to serve as poll workers.

## **SOURCES**

South Carolina Code of Laws: <http://www.scstatehouse.gov/code/statmast.htm>

State HAVA Information: [http://www.scvotes.org/hava\\_help\\_america\\_vote\\_act\\_of\\_2002](http://www.scvotes.org/hava_help_america_vote_act_of_2002)

State Elections Website: <http://www.scvotes.org/>

---

<sup>128</sup> The SEC also provides a statewide poll worker manual, a copy of which is available at: [http://www.scvotes.org/files/PMHandbook/PollManagersHandbook\(March2009\)WebVersion.pdf](http://www.scvotes.org/files/PMHandbook/PollManagersHandbook(March2009)WebVersion.pdf)

<sup>129</sup> *South Carolina HAVA Plan* (August 2006), p.33. Training website: [http://www.scvotes.org/2008/06/09/online\\_poll\\_manager\\_training](http://www.scvotes.org/2008/06/09/online_poll_manager_training)

## SOUTH DAKOTA



### Voter Registration

**Statewide Voter Registration Database** (South Dakota Codified Laws §§ 12-4-2, 12-4-37, 12-4-38, 12-4-39, 12-4-40): South Dakota utilizes a bottom-up statewide voter registration database in which counties maintain the master registration records and upload them to the state database on a daily basis. Files maintained by the county auditor serve as the official record in the case of discrepancies, except for federal elections in which the statewide file serves as the official register. All changes or updates to voter registration files are made by county auditors according to rules promulgated by the Secretary of State.

**Voter Registration Data Exchanges/Interoperability:** No statutory requirement, but the state HAVA plan indicates that South Dakota is exploring cooperative cross-checks with other states to improve the reliability of its voter registration list.<sup>130</sup>

### Provisional Voting

**Provisional Ballots** (South Dakota Codified Laws §§ 12-18-7.1, 12-18-7.2, 12-20-5.1, 12-20-13.1, 12-20-13.2, 12-20-13.3, 12-20-13.4): The issuing, processing and counting of provisional ballots (emergency voting cards) is described in South Dakota law and training has been provided to both county auditors and poll workers on provisional ballot procedures. Provisional ballots are counted if the voter is determined to be eligible and casts the ballot in the correct precinct.

### Voter Identification

**Voter Identification** (South Dakota Codified Laws §§ 12-18-6.1, 12-18-6.2): All voters are required to provide identification before voting. Acceptable identification includes: a South Dakota driver's license or identification card; a passport or photo ID issued by the U.S. government; a tribal photo ID; or, a student identification card with a photo. If a voter does not have the required ID, the voter may complete an affidavit and vote a regular ballot.

### Technology

**Voting Technology** (South Dakota Codified Laws §§ 12-17B-2, 12-17B-2.1, 12-17B-3, 12-17B-5, 12-17B-12, 12-17B-17; South Dakota Administrative Rules Chapter 5:02:09): All voting systems must be approved by the State Board of Elections and must meet the requirements for election assistance commission standards certification (certified by an independent testing authority to Election Assistance Commission 2002 voting system standards) before being used in South Dakota. Local jurisdictions determine which of the approved voting systems they will

---

<sup>130</sup> South Dakota State HAVA Plan, 2008 Update, p.2. Available at: <http://www.sdsos.gov/electionsvoteregistration/havapdfs/stateplan07aftercommentpendingeacrevisionsforsp2008final.pdf>

use, except that the state has provided one accessible voting system (AUTOMark) for each precinct. All voting machines must be publicly tested prior to the election and the test must be repeated prior to the start of the official count of ballots. Testing requirements are set by the State Board of Elections in the Administrative Code Chapter 5:02:09. Although state law does not require a voter verifiable paper audit trail, all counties in South Dakota utilize paper ballots and optical scan technology with accessible ballot marking devices that produce a permanent paper record.

**Audits:** No requirement.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (South Dakota Codified Laws §§ 12-19-1, 12-19-2, 12-19-2.1): Any registered voter in South Dakota may vote by absentee ballot, but requests for ballots by mail must be notarized or witnessed by an official who can administer an oath or include a valid form of identification. Voters may also vote an absentee ballot in person at the county auditor's office until 3:00 p.m. on the day of the election.

**Military and Overseas Voting** (South Dakota Codified Laws §§ 12-4-4.6, 12-4-4.7, 12-19-2.3, 12-19-12): UOCAVA voters must register to vote 15 days prior to an election and an absentee ballot request received within that deadline and containing the appropriate information is sufficient to meet this requirement. Overseas voters who are already registered may submit an application or request for an absentee ballot by fax or e-mail and their requests need not be notarized or include a copy of an ID. County auditors are required to process UOCAVA registrations and ballot requests within 48 hours of receiving them and ballots mailed beginning six weeks prior to a primary or general election. Ballots must be returned by mail and received at the voter's local elections office in time to be delivered to the Superintendent of Elections of the voter's home precinct prior to the close of the polls.

**Voter and Civic Education** (South Dakota Codified Laws §§ 12-12-1, 12-13-2, 12-13-3, 12-13-23, 12-16-16, 12-18-3.1): In addition to HAVA's voter information requirements, South Dakota law requires the publication of registration information, election dates, sample ballots, and information on ballot measures to be published in newspapers throughout the state. In addition, the Secretary of State prepares general election information booklets and ballot question pamphlets which are made available to the public. Since the passage of HAVA the Secretary of State's website ([www.sdsos.gov](http://www.sdsos.gov)) has been updated with a voter information portal that includes a polling place locator and sample ballot generated specific to each registered voter. The State allows conducts simulated elections to allow students to observe and participate in the voting process.<sup>131</sup>

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (South Dakota Codified Laws § 24-5-2): Voting rights of ex-felons are automatically restored upon complete discharge of their sentence.

---

<sup>131</sup> *Ibid.*

## **Election Administration**

### **Election Management** (South Dakota Codified Laws §§ 12-1-5, 12-1-7, 12-1-9, 12-1-10

The chief election authority in South Dakota is a bipartisan State Elections Board of which the Secretary of State serves as the chair. Members of the Board include two county auditors of opposite parties appointed by the Speaker of the House, two members appointed by Democratic leaders in the state legislature, and two members appointed by Republican leaders in the state legislature. The Office of the Secretary of State serves as the secretariat of the State Election Board and assists in the implementation of election laws and rules.

State law places no restriction on the partisan political activity of election officials.

**Poll Workers** (South Dakota Codified Laws §§ 12-15-1, 12-15-2, 12-15-7, 12-15-3, 12-15-14.3): Poll workers (precinct election officials) in South Dakota are appointed by county auditors from lists provided by the county central committee of each party (that received at least 15% of the votes for Governor in the last election). The precinct superintendent (head of a precinct) is appointed from the party that received the majority of the votes in the last election and a majority of poll workers are also appointed from the majority party. Unaffiliated voters may be appointed to any vacancies. Poll workers must be registered voters in the precinct in which they will serve, though vacancies (except that of precinct superintendent or deputy) in any precinct can be filled by any registered voter of the county. All poll workers are required to attend training prior to each election provided by the county auditor with assistance from the state's attorney. No person may serve on a precinct election board or county board who is a candidate or a second degree relative of a candidate.

## **SOURCES**

South Dakota Codified Laws: <http://legis.state.sd.us/statutes/TitleList.aspx>

South Dakota Administrative Rules: <http://legis.state.sd.us/rules/RulesList.aspx>

State HAVA Information: <http://www.sdsos.gov/electionsvoteregistration/hava.shtm>

State Elections Website:

[http://www.sdsos.gov/electionsvoteregistration/electionsvoteregistration\\_overview.shtm](http://www.sdsos.gov/electionsvoteregistration/electionsvoteregistration_overview.shtm)

## TENNESSEE



### Voter Registration

**Statewide Voter Registration Database** (Tennessee Code Annotated §§ 2-2-302, 2-2-303; 2003 HAVA State Plan, p.8): Tennessee employs a bottom-up statewide voter registration list (the Automated Electoral System or AES), which is maintained by the counties and combined and maintained at the state level by the state coordinator of elections. County election officials are responsible for all changes and updates to voter registration records and are required to transfer data to the state list at least once daily. The AES serves as the official voter registration list for elections in Tennessee, but not all data is fully compatible between counties.<sup>132</sup>

**Voter Registration Data Exchanges/Interoperability** (Tennessee Code Annotated § 2-2-140): Tennessee has conducted some comparisons of its voter list with Kentucky and South Carolina and state law encourages the state coordinator of elections to enter into agreements with other states to conduct voter registration data comparisons to identify duplicate registrations.<sup>133</sup> The state coordinator of elections is required to file annual reports (beginning in 2009) with the state legislature regarding the status of any agreements entered into with other states.

### Provisional Voting

**Provisional Ballots** (Tennessee Code Annotated § 2-7-112): Tennessee adopted legislation in 2003 to implement provisional voting. State law outlines procedures for issuing, processing and counting provisional ballots, but does not specify training for poll workers. Provisional ballots are counted if cast in the correct precinct by an eligible voter.

### Voter Identification

**Voter Identification** (Tennessee Code Annotated §§ 2-2-115, 2-7-112): Tennessee requires all first-time voters who register by mail to present signature-bearing identification at the polls or if voters do not have such identification, they may sign an affidavit certifying their identity and vote a regular ballot if they provide another form of identification (current photo ID, utility bill or bank statement, government or pay check, or any government document with the voter's name and address) without the voter's signature. All other voters must provide evidence of their signature or sign an affidavit certifying their identity so that their signature may be compared to the signature on a copy of the voter's registration form.

---

<sup>132</sup> Tennessee Advisory Committee on Intergovernmental Relations (2008). *Keeping the List: Voter Registration and Eligibility*, p.29-30. Available at: [http://tennessee.gov/tacir/PDF\\_FILES/Other\\_Issues/keeping%20the%20list.pdf](http://tennessee.gov/tacir/PDF_FILES/Other_Issues/keeping%20the%20list.pdf)

<sup>133</sup> *Ibid.*

## **Technology**

**Voting Technology** (Tennessee Code Annotated §§ 2-9-101—117, 2-20-101, 2-20-104; Rules of the Tennessee Department of State, State Coordinator of Elections, Chapters 1360-2-12, 1360-2013): All voting machines must be certified by the state commissioner of elections and the state election commission, but counties have discretion to choose which voting system to use among those certified. To be certified by the state, voting systems must have also been certified by the election assistance commission as having met the applicable voluntary voting systems guidelines. Pre-election public demonstration and testing of voting equipment are also required. As of the 2010 general election, all voting systems must use precinct-based optical scan technology.

A list of current voting systems is available at [http://state.tn.us/sos/election/voting\\_systems/index.htm](http://state.tn.us/sos/election/voting_systems/index.htm), but equipment will be changing prior to the 2010 election.

**Audits** (Tennessee Code Annotated § 2-20-103): Beginning with the 2010 general election, all county election commission are required to conduct a mandatory, public hand count audit of the voter-verified paper ballots of at least the top race in the federal, state, county or municipal election. At least 3% of early voting ballots and at least 3% of precincts from Election Day voting, drawn from random, must be audited. If the initial audit reveals a variance of more than 1% between the hand count and the unofficial machine count, additional hand counting is triggered until the county election commission is satisfied with the accuracy of the results for certification. No county may certify election results until the hand count audit has been completed.

## **Voter Access and Education**

**Vote by Mail and Early Voting** (Tennessee Code Annotated §§ 2-6-102, 2-6-103, 2-6-201, 2-6-202): An excuse is required to vote absentee in Tennessee, but the state offers in-person early voting from twenty days before an election until five days before an election. Early voting is available at county election commission offices or satellite locations established by the county election commissions and must be available for at least a minimum number of hours during that period. Tennessee also offers permanent absentee voting for any person who is, because of sickness, hospitalization or physical disability unable to appear at either the commission office or at the person's polling place for the purpose of voting.

**Military and Overseas Voting** (Tennessee Code Annotated §§ 2-2-109, 2-6-202, 2-6-310 2-6-502, 2-6-503): All voters must register (voter registration application must be postmarked) by 30 days prior to an election. UOCAVA voters must request an absentee ballot no later than seven days prior to an election and may be made by mail or fax. Regular absentee ballots are available at least 30 days prior to an election and special write-in absentee ballots are available 45 days before an election. All ballot materials are mailed (not faxed) to UOCAVA voters and must be returned by mail by the close of the polls on Election Day.

**Voter and Civic Education** (Tennessee Code Annotated §§ 2-5-211, 2-12-111): In addition to HAVA voter information requirements, Tennessee requires the publication of election notices and sample ballots in local newspapers and some counties opt to mail sample ballots to voters in lieu of newspaper publication. Additional voter education activities are not detailed in state law or the State HAVA plan.

**Vote Centers** (Tennessee Code Annotated §§ 2-3-301—2-3-308): Tennessee law provides for a pilot project on voting centers for the 2009 municipal elections after which the pilots will be evaluated for potential application statewide.

**Reenfranchisement of Ex-Felons** (Tennessee Code Annotated §§ 2-2-139, 2-19-143): Tennessee law requires ex-felons to petition the Board of Probation and Parole or obtain a court order for restoration of voting rights. The manner in which a person may restore a lost voting right depends upon the crime committed and the year in which the conviction occurred. Those convicted of certain violent felonies, treason or voter fraud cannot have their voting rights restored and all ex-felons must be current in the payment of any child support obligations to be eligible for voting rights restoration.

### **Election Administration**

**Election Management** (Tennessee Code Annotated §§ 2-1-112, 2-11-101—2-11-112, 2-11-201, 2-11-202, 2-12-101—2-12-103, 2-12-201): The chief election official in Tennessee is the State Coordinator of Elections appointed by the Secretary of State (him/herself appointed by a joint vote of the state legislature) and is responsible for publishing and keeping up to date a election law manual and providing materials and training to ensure uniformity in the application of election laws. The State Coordinator of Elections is assisted by the State Election Commission, a bipartisan body appointed by a joint vote of the state legislature. The State Election Commission appoints members of bipartisan county election commissions who oversee voter registration and elections at the local level with an appointed administrator of elections who serves the chief administrative officer. Local election officials are required to attend training provided by the State Coordinator of Elections at least once a year and the State Coordinator of Elections along with the State Election Commission also administers a certification program for local election administrators. Members of the state and county election commissions are prohibited from being candidates or from serving as the campaign manager or treasurer's of any political campaign.

**Poll Workers** (Tennessee Code Annotated §§ 2-4-102—2-4-110, 2-12-202; Rules of the Tennessee Department of State Elections Division 1360-2-5-.03): Poll workers in Tennessee (officers of elections, judges, clerks, machine operators and precinct registrars) are appointed by the county election commissions from lists provided by the local political parties (and from the general pool of registered voters as necessary). Poll workers must be registered voters and may serve at any polling place within the state house legislative district of which they are an inhabitant. Each county elections commission also appoints inspectors who represent the commission in its investigation of the conduct of elections and report on any irregularities that occur. Inspectors must be registered voters in the county in which they serve. Students who are at least seventeen may be appointed as poll workers. No more than half of the number of election officials in any polling place may be members of the same party. All poll workers are required to attend training, within 30 days before each election, provided by the county election commissions according to minimum standards established by the state coordinator of elections.

### **SOURCES**

Tennessee Code Annotated: <http://www.michie.com/tennessee/lpext.dll?f=templates&fn=main-h.htm&cp=tncode>

Tennessee State Rules: <http://www.state.tn.us/sos/rules/rules2.htm>

State HAVA Information: <http://www.tennessee.gov/sos/election/hava/index.htm>

State Elections Website: <http://www.tennessee.gov/sos/election/>

## TEXAS



### Voter Registration

**Statewide Voter Registration Database** (Texas Statutes, Election Code §§ 13.101, 18.061): Texas employs a hybrid statewide voter registration database and election management system (the Texas Election Management System or TEAM) in which some counties are connected to the state system on a real-time basis and others are “offline” and provide daily updates to the statewide system.<sup>134</sup> The database is accessible via the internet to local election officials and also to the public to check voting registration and polling place information. Counties retain responsibility for maintaining and updating voter registration data

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (Texas Statutes, Election Code §§ 63.011, 65.054; Texas Administrative Code §§ 81.172—81.176): Texas law authorizes provisional voting and requires the Secretary of State to promulgate rules for issuing, processing and counting provisional ballots. The Secretary of State provides uniform manuals to poll workers and election officials detailing provisional balloting procedures. Provisional ballots are counted if cast in the correct precinct by eligible voters.

### Voter Identification

**Voter Identification** (Texas Statutes, Election Code §§ 63.001, 63.007-63.009, 63.0101): All voters in Texas are required to present their voter registration certificate in order to vote. If a voter does not have his/her voter registration certificate, he/she must present proof of identification (photo and non-photo accepted) and sign the appropriate affidavit to be allowed to vote a regular ballot. Voters without acceptable identification or who do not appear on the precinct register must vote provisionally.

### Technology

**Voting Technology** (Texas Statutes, Election Code §§ 122.001—122.099, 123.001, 127.091—127.098, 127.152, 129.001; Texas Administrative Code §§ 81.45, 81.60, 81.61): All voting systems in Texas must be inspected and approved by the Secretary of State and be certified by a Nationally Recognized Test Laboratory (NRTL) as meeting the voting standards developed by the Federal Election Commission. The Secretary is required to hold a public hearing and produce a public report following the examination of any voting system. Systems are subject to reexamination at the discretion of the Secretary. Pre- and post-election testing is required and as are daily audits of DRE machines during the early voting period to ensure accuracy.

---

<sup>134</sup> See TEAM website at: <http://www.sos.state.tx.us/elections/team/architecture.shtml>

Localities may choose among approved voting systems and a full list of systems in use in Texas is available at: <http://www.sos.state.tx.us/elections/forms/sysexam/voting-sys-bycounty.pdf>

**Audits** (Texas Statutes, Election Code §§ 127.201, 127.202): At the discretion of the Secretary of State, a post-election manual count of selected races in at least one percent of election precincts or three precincts (whichever is greater) may be required. In addition, the Secretary of State may conduct a manual or automatic count of any portion of any number of ballots from any precinct in which the electronic voting system was used.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (Texas Statutes, Election Code §§ 81.001—81.004, 82.005, 85.001—85.0072): Absentee voting by mail in Texas requires an excuse, but in-person early voting is available to all qualified voters. In-person early voting begins the 17<sup>th</sup> day before Election Day and continues through the fourth day before Election Day for regular elections. Every county must have at least one early voting location and additional sites may also be established.

**Military and Overseas Voting** (Texas Statutes, Election Code §§ 86.004, 86.007, 101.003, 101.004, 101.0071, 105.002; Texas Administrative Code, Rule § 81.39): To receive a full ballot (all federal, state, and local offices), UOCAVA voters who are not permanently registered must submit a Federal Postcard Application (FPCA) to the Early Voting Clerk in the appropriate county no later than the 20<sup>th</sup> day before the election. Unregistered UOCAVA voters who submit a FPCA between the between the 19<sup>th</sup> and the 7<sup>th</sup> day before the election are eligible to receive a ballot for federal offices only. Registered UOCAVA voters must request a ballot using the FPCA no later than the 7<sup>th</sup> day before the election. Regular ballots are forwarded to UOCAVA voters beginning 45 days before an election. For the 2008 general election Texas implemented a pilot program which allowed the state to transmit ballots to overseas armed services voters via e-mail. The state also provides a write-in ballot, which can be requested as early as 180 days before an election. All ballots must be returned by mail, common or contract carrier, or courier and must be postmarked by Election Day and received no later than the 5<sup>th</sup> day after the election (if sent from overseas) to be counted.

**Voter and Civic Education** (Texas Statutes, Election Code §§ 4.003, 13.046, 31.0055, 274.021): In addition to the voter information mandates of HAVA, Texas law requires election announcements and information on any ballot initiative to be published in newspapers before an election. It also requires voter registration to be made available in high schools and authorizes mock elections for K-12 students. In addition, the Secretary of State is authorized to implement a voter information service program by providing candidate information online. As required by HAVA, Texas developed a voter education plan to explain new HAVA requirements and also updated brochures on voting and registration targeting different populations, developed new brochures explaining election procedures, created a new voter education curriculum for the Student Mock Election Program, and developed a voter information website (<http://www.votexas.org>).

**Vote Centers** (Texas Statutes, Election Code § 43.007,): In 2006, Texas began a pilot program with vote centers in Lubbock County and the pilot was extended to an additional county for the 2008 May uniform election date and the November 4, 2008 General Election. The Secretary of

State has recommended that the pilot program be continued to encourage additional county participation.<sup>135</sup>

**Reenfranchisement of Ex-Felons** (Texas Statutes, Election Code § 11.002): Voting rights are restored to ex-felons in Texas upon full discharge of their sentence including any term of incarceration, parole, or probation.

## **Election Administration**

**Election Management** (Texas Constitution, Art. IV, § 21; Texas Statutes, Election Code § 31.001—31.010, 31.031—31.045): The Secretary of State, appointed by the governor with the advice and consent of the state senate, is the chief election officer in Texas has authority to adopt administrative rules to gain uniformity in interpretation of state election laws and procedures. The secretary is responsible for preparing detailed directives and instructions on election laws for all state and local officials who administer elections and is required to maintain a voter rights hotline to allow for the report of any election law violation or abuse of voting rights.<sup>136</sup> An appointed county clerk or county election administrator (in those counties that have created the office), is generally the official charged with overseeing elections at the county level. County voter registrars (either the county tax assessor-collector the election administrator) maintain the official list of registered voters. County election administrators are prohibited from being candidates for public office or an office of a political party and from holding public office or a position in a political party, but no restrictions are placed on other election officials.

**Poll Workers** (Texas Statutes, Election Code §§ 32.001, 32.002, 32.031, 32.033, 32.034, 32.051—31.0552, 32.072, 32.111-32.114, 34.001): Each precinct in Texas is served by a presiding election judge (and an alternate from the other major political party) appointed by the county commissioners court from lists provided by the two major political parties. The presiding judge appoints other poll workers (election clerks) and partisan balance is required in each precinct to the extent possible. To serve as an election judge, a person must generally be a registered voter in the precinct in which they serve. Other poll workers must be registered voters in either the county or political subdivision in which they serve, depending on the type of election. No one who holds public office or is a candidate for public office may serve as a poll worker. Relatives of candidates, certain campaign employees and anyone convicted of an election offense are also prohibited from serving as poll workers. All poll workers are required to attend training, including a testing component, according to a standardized curriculum provided by the Secretary of State and the state has developed an online poll worker training program.<sup>137</sup> Poll workers may serve in shifts. The Secretary of State also has the discretion to appoint state inspectors for each county to observe the election process.

## **SOURCES**

Texas Constitution: <http://www.constitution.legis.state.tx.us/>

Texas Statutes: <http://www.statutes.legis.state.tx.us/>

State HAVA Information: <http://www.sos.state.tx.us/elections/hava/index.shtml>

State Elections Websites: <http://www.sos.state.tx.us/elections/index.shtml> and <http://www.votexas.org>

---

<sup>135</sup> Report to the 81st Legislature on House Bill 3105, Relating to Countywide Polling Place Pilot Program. Available at: <http://www.sos.state.tx.us/elections/laws/pilot1.shtml>

<sup>136</sup> *Amended Texas State Plan Pursuant to the Help America Vote Act of 2002*, pp.11-12. Available at: <http://www.sos.state.tx.us/elections/forms/stateplan0105.pdf>

<sup>137</sup> See <http://www.texaspollworkertraining.com/>

## UTAH



### Voter Registration

**Statewide Voter Registration Database** (Utah Code §§ 20A-2-109, 20A-2-104): The lieutenant governor maintains a top-down, statewide voter registration database (Voter Information and State Tracking Application or VISTA) that each county clerk must use when recording or modifying voter registration records. VISTA provides real time access through the internet to county clerks who retain responsibility for list maintenance according to rules adopted by the Lieutenant Governor.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (Utah Code § 20A-3-105.5; 20A-4-107, 20A-6-105, 20A-6-105.5): Uniform procedures for provisional voting are outlined in state law. Counties are required to provide a free access (phone or internet) system for voters to determine if their provisional ballot was counted. Provisional ballots are counted if cast in the correct precinct by an eligible voter.

### Voter Identification

**Voter Identification** (Utah Code §§ 20A-1-102, 20A-3-104): All voters are required to present identification before voting. Photo and non-photo ID are accepted. Voters without ID may vote provisionally have 5 days following the election to present proper ID to the county clerk at the county clerk's office in order for their vote to be counted.

### Technology

**Voting Technology** (Utah Code §§ 20A-5-302, 20A-5-402.5, 20A-5-402.7): All voting equipment must be examined by the Voting Equipment Selection Committee and certified by the lieutenant governor, certified by an independent testing authority approved by the National Association of State Election Directors and meet the Federal Voting Systems Standards established by the Federal Election Commission. Local jurisdictions are responsible for purchasing equipment from among the certified voting systems. State law requires that all voting systems produce a permanent paper record that serves as the official record in case of any discrepancy in a recount.

**Audits:** No requirement

### Voter Access and Education

**Vote by Mail and Early Voting** (Utah Code §§ 20A-3-301, 20A-3-601, 20A-3-302, 20A-3-302.5): Utah allows both no-excuse absentee voting and in-person early voting. A person

registered to vote may vote early beginning 14 days before an election through the Friday before the election. During the early vote period, the election officer must conduct early voting for at least four days during each week and may elect to conduct early voting on Saturdays, Sundays or holidays. In addition, Utah allows certain jurisdictions to conduct certain elections entirely by mail if they meet certain conditions.

**Vote Centers** (Utah Code §§ 20A-5-303): Counties may combine polling places provided that they give voters sufficient notice and maintain at least two polling places in the county.

**Military and Overseas Voting:** (Utah Code §§ 20A-3-304, 20A-3-306, 20A-3-404, 20A-3-406, 20A-3-408.5): UOCAVA voters must generally register and request an absentee ballot at least 20 days prior to election. Military voters within the United States may request a ballot until the Friday before an election. Under certain circumstances registration/ballot applications may be sent electronically. Regular ballots are available no later than 30 days prior to the election and special write-in absentee ballots are available approximately 90 days before a general election and voters may request that the ballot be faxed. Ballots may be returned electronically in certain circumstances and all ballots must postmarked (or submitted electronically) by the day before Election Day and be received by noon the day before the official canvass (or 14 days after a general election) in order to be counted.

**Voter and Civic Education** (Utah Code §§ 20A-5-101, 20A-5-405, 20A-7-402, 20A-7-701, 20A-7-801, 53A-13-109): In addition to HAVA's voter information requirements, Utah law mandates the publishing of election notices and sample ballots in newspapers and requires that the lieutenant governor and county clerks mail a voter pamphlet to all registered voters when any initiative is to appear on the ballot. In addition, the lieutenant governor is required to coordinate with county clerks to develop and maintain a statewide voter information website including information on voting rights and procedures, candidates, and ballot initiatives. Utah has also established Civic and Character Education requirements for public schools and a College Council on Civic Awareness to encourage voter registration and outreach on campuses and to recruit college students to serve as poll workers. Public service announcements, Student/Parent Mock Elections, and birthday card/voter registration for 18 year olds are also part of Utah's voter outreach.<sup>138)</sup>

**Reenfranchisement of Ex-Felons** (Utah Code §§ 20A-2-101.5): Ex-felons voting rights are automatically restored upon release from incarceration. Ex-felons may register to vote while on probation or parole.

### **Election Administration**

**Election Management** (Utah Constitution Art. VII, § 2; Utah Code §§ 20A-1-305, 20A-2-300.6, 20A-1-402, 20A-5-402.5, 67-1a-2): An elected lieutenant governor is chief election officer for the state of Utah with rulemaking authority over elections. The lieutenant governor is responsible for publishing and providing each local election officer with a manual of the election code and any other provisions of law that govern elections. The chief local election officer is generally the county clerk, who is also responsible for voter registration.

There are not restrictions on political activity by election officers in Utah law.

---

<sup>138</sup> *Utah State Plan on Election Reform*, Amended on November 8, 2004, p.2. Available at: <http://elections.utah.gov/stateplan.amended.11.8.04.pdf>

**Poll Workers and Poll Operations** (Utah Code §§ 20A-5-601): Poll workers (election judges) are appointed by county clerks from lists provided by local political parties or from the general list of registered voters as needed. Certain partisan balance requirements must be maintained in each precinct. Poll workers must be registered voters in the county in which they will serve and must not have any significant relationship to any of the candidates running for office. Seventeen years olds are eligible to serve as poll workers. Training requirements are not specified in state law, but the Utah State HAVA Plan states that a uniform and standardized training for all judges is mandatory.<sup>139</sup>

## **SOURCES**

Utah Constitution: <http://le.utah.gov/~code/const/const.htm>

Utah Code: <http://www.le.state.ut.us/~code/TITLE20A/TITLE20A.htm>

State HAVA Information: <http://www.elections.utah.gov/stateplancommittee.html>

State Elections Website: <http://elections.utah.gov/>

---

<sup>139</sup> *Utah State Plan on Election Reform*, p.4.

## VERMONT



### Voter Registration

**Statewide Voter Registration Database** (Vermont Statutes Annotated, Title 17 §§ 2142, 2144, 2147, 2154; Vermont State Plan to Implement the Help America Vote Act of 2002, p.3): Vermont utilizes a top-down statewide voter registration database that is maintained by the IT staff in the Office of the Secretary of State. The database was developed “in-house” by compiling voter check lists from the 246 election jurisdictions in the state. Local election officials retain responsibility for adding, updating or deleting voter registration files for their jurisdiction and access the database through the internet. Checks for duplicate records and checks against DMV and death records and are conducted at the state level and then notifications are forwarded to local election officials for review and action.

**Voter Registration Data Exchanges/Interoperability:** No statutory requirement, but the Secretary of State has indicated interest in conducting cross-checks with other New England states.<sup>140</sup>

### Provisional Voting

**Provisional Ballots** (Vermont Statutes Annotated, Title 17 § 2555-2557): Vermont law establishes uniform procedures for issuing, processing and counting provisional ballots for federal elections and provided instruction to local election officials on these procedures through elections memoranda and the Elections Procedures manual, which the Secretary of State updates every two years. All votes for federal offices are counted if the ballot is cast in the correct town/city.<sup>141</sup>

### Voter Identification

**Voter Identification** (Vermont Statutes Annotated, Title 17 § 2563): Vermont maintains the HAVA minimum voter identification requirements for first-time voters who register by mail. No identification is required of other voters.

### Technology

**Voting Technology** (Vermont Statutes Annotated, Title 17 §§ 2491—2493; Code of Vermont Rules §§ 04 010 001) Many smaller jurisdictions in Vermont still use hand counted paper ballots, but Vermont law requires all localities that use voting machines to use a uniform voting system approved by the Secretary of State.<sup>142</sup> All voting systems must provide a permanent paper

<sup>140</sup> See March, 2, 2006 Press Release, “New Statewide Voter Checklist Lets Towns Better Manage Vermont Voter Registrations. Available at: [http://www.sec.state.vt.us/secdesk/pressreleases/2006/2006\\_March\\_AllPressReleases.html#1%20PR](http://www.sec.state.vt.us/secdesk/pressreleases/2006/2006_March_AllPressReleases.html#1%20PR)

<sup>141</sup> Vermont State Plan to Implement the Help America Vote Act of 2002, pp.6, 10. Available at: [http://vermont-elections.org/elections1/HAVA\\_final.doc](http://vermont-elections.org/elections1/HAVA_final.doc)

<sup>142</sup> *Ibid*, pp. 11-13.

record with manual audit capacity, which serves as the official record in any recount. For accessible voting, the Office of the Secretary of State has provided a vote-by-phone system for every precinct which allows voters to “mark” and correct a paper ballot using a regular telephone at the polling place.<sup>143</sup> All voting machines must be tested using official ballots at least ten days prior to an election. A full list of voting methods utilized in 2008 is available at: <http://vermont-elections.org/elections1/2007VTTownsVoteMethod12.26.07.xls>

**Audits** (Vermont Statutes Annotated, Title 17 § 2493): The Secretary of State is authorized, though not required, to conduct a random post election audit of any polling place within 30 days of an election.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (Vermont Statutes Annotated, Title 17 § 2531, 2532a, 2537): Vermont law allows no-excuse absentee voting by mail and early in-person absentee voting. In-person absentee voting is available the office of the town clerk from 30 days before a primary or general election or 20 days before a municipal election until 5pm the day before the election. Through the 2008 general election, Vermont law also authorized the use of mobile polling stations for absentee voting.

**Military and Overseas Voting** (Vermont Statutes Annotated, Title 17 § 2144, 2531, 2539, 2543, 2549): All voters are required to register by the Wednesday preceding any election. UOCAVA voters may request an early or absentee ballot by telephone, fax, e-mail, or in writing and requests must be made by 5pm the day before the election. Ballots are mailed beginning 30 days prior to an election and may be faxed or e-mailed, but only when the voter is in a location where a mailed ballot would not reach the voter in sufficient time to vote and return the ballot. All ballots must be physically received in an Absentee Certificate envelope by the close of the polls on Election Day to be counted.<sup>144</sup>

**Voter and Civic Education** (Vermont Statutes Annotated, Title 17 § 2153, 2521, 2522;): In addition to the voter information required by HAVA, Vermont mandates that election notices including detailed voting information (30 days prior to an election) and sample ballots (20 days prior to a primary or general election, 10 days prior to a municipal election) prepared by the Secretary of State be publicly posted at the town clerk’s office and at least two other public locations in each jurisdiction. Sample ballots are also to be made available to high schools and other educational institutions upon request. The Elections Division in the Office of the Secretary of State maintains a toll-free voting hotline and a voter information website that includes a voter education video, a “Candidate Information Publication” with information on each federal and statewide candidate along with a sample ballot. The Secretary of State and a number of municipal clerks also prepare taped public service announcements.<sup>145</sup>

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (Vermont Statutes Annotated, Title 17 § 2121): Vermont does not prohibit voting by felons, who may vote from prison.

---

<sup>143</sup> Details available at: <http://vermont-elections.org/elections1/VoteByPhone.html>

<sup>144</sup> 2008 Election Perspectives Manual, pp. 13-14. Available at: <http://vermont-elections.org/elections1/2008EPBody.pdf>

<sup>145</sup> Vermont State Plan to Implement the Help America Vote Act of 2002, pp.6, 8-9

## **Election Administration**

**Election Management** (Vermont Constitution § 43; Vermont Statutes Annotated, Title 17 §§ 2103, 2451—2453, 2457): An elected Secretary of State is the Chief Election Officer for the state of Vermont and is responsible for ensuring uniform application of election laws and providing all ballots, election notices, and election supplies for all statewide elections and election involving federal candidates. At the local level the board of civil authority is responsible for the conduct of elections with the town clerk serving as registrar and presiding officer on Election Day. The Secretary of State is required to conduct training sessions for local election officials at least once every two years and also provides memoranda and an Election Perspectives manual that is updated every two years.<sup>146</sup>

Vermont law does not place any restrictions on the political activity of election officials, except for poll workers as detailed below.

**Poll Workers** (Vermont Statutes Annotated, Title 17 §§ 2452—2457): Each polling place is headed by a presiding officer, who is the town clerk or if a town has more than one polling place a voter appointed by the board of civil authority. Poll workers (assistant election officials) in Vermont are appointed by the board of civil authority and are required to be residents of the voting district in which they serve. As far as possible, partisan balance among poll workers is required for each polling site. Students who are 16 or 17 years old may be appointed as assistant election officials in the voting district of which they are residents. Candidates for public office (except for the offices of moderator, justice of the peace, town clerk, treasurer, ward clerk, or inspector of elections) are prohibited from being poll workers.

Only presiding officers are required to attend training sessions every two years, but videotapes of the trainings are made available to any election official at no cost and are also shown on public access TV stations throughout the State of Vermont. In addition, every two years the Elections Division reprints the Vermont Election Laws in a large type, easy to use format for election officials, candidates and interested citizens.<sup>147</sup>

## **SOURCES**

Vermont Constitution: <http://www.leg.state.vt.us/statutes/const2.htm>

Vermont Statutes Annotated: <http://www.leg.state.vt.us/statutes/statutes2.htm>

State HAVA Information: <http://vermont-elections.org/elections1/hava.html>

State Elections Website: <http://www.vermont-elections.org/>

---

<sup>146</sup> *Ibid*, pp. 1, 7, 10

<sup>147</sup> *Ibid*, pp. 10-11.

## VIRGINIA



### Voter Registration

**Statewide Voter Registration Database** (Code of Virginia §§ 24.2-404, 24.2-404.1 § 24.2-445): Virginia employed a centralized voter registration system prior to the passage of HAVA (Virginia Voter Registration System or VVRS), but developed a new system, the Virginia Voter Registration and Information System or VERIS, to be fully compliant with HAVA. VERIS is maintained by the State Board of Elections (SBE), provides immediate electronic access to local registrars to input and correct voter registration data, and interfaces with four other state agencies for the purposes of list maintenance.<sup>148</sup> The SBE provides official precinct lists to each general registrar for use as the official poll register on Election Day. List maintenance is jointly conducted by the SBE and local registrars.

**Voter Registration Data Exchanges/Interoperability** (Code of Virginia §§ 24.2-405): Virginia's code authorizes the State Board to furnish information from the voter registration system to the Chief Election Officers of other states for maintenance of voter registration systems.

### Provisional Voting

**Provisional Ballots** (Code of Virginia § 24.2-653): Virginia law has allowed some form of provisional or conditional voting since 1975. Minor legislative changes were made in 2004 to include provisions applicable to HAVA and the SBE developed comprehensive provisional ballot procedures, instructions and materials in order to achieve uniformity in the issuing, tracking, and counting of provisional ballots. Provisional ballots are counted if cast in the correct precinct by an eligible voter and the state provides a toll-free hotline for voters to check the status of their provisional ballot.<sup>149</sup>

### Voter Identification

**Voter Identification** (Code of Virginia § 24.2-643): Virginia law requires all voters to present identification before voting or to sign a statement, subject to felony penalties for false statements, affirming their identity if they do not have acceptable ID (this option is not available to first-time voters subject to the HAVA minimum identification requirements). Acceptable identification includes: a Commonwealth of Virginia voter registration card, social security card, valid Virginia driver's license, or any other identification card issued by a government agency of the Commonwealth, one of its political subdivisions, or the United States; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

---

<sup>148</sup> HAVA Virginia State Plan, Amended 2006, pp. 6, 9-10. Available at: [http://www.sbe.virginia.gov/cms/documents/HAVA/Hava\\_State\\_Plan\\_Amendment\\_2006.pdf](http://www.sbe.virginia.gov/cms/documents/HAVA/Hava_State_Plan_Amendment_2006.pdf)

<sup>149</sup> *Ibid.* pp. 5, 26.

## **Technology**

**Voting Technology** (Code of Virginia §§ 24.2-626, 24.2-626.1, 24.2-629, 24.2-632, 24.2-633, 24.2-635; HAVA Virginia State Plan, Amended 2006, pp. 4, 14): Virginia law requires that all voting systems be certified by both an independent testing authority and the State Board of Elections before any locality may purchase it. Before final approval of any voting system, the SBE also requires it be tested in an actual election in one or more cities or counties. Cities and counties have discretion to choose among approved voting systems, but state law now prohibits the purchase of direct recording electronic voting systems, though DREs purchases prior to July 1, 2007 may still be used and a voter verifiable paper audit trails is not required. Pre-election public testing and demonstration of voting systems is required. A full list of voting systems in use in Virginia is available at:

[http://www.sbe.virginia.gov/cms/Election\\_Information/Voting\\_Systems\\_Ballots/Index.asp](http://www.sbe.virginia.gov/cms/Election_Information/Voting_Systems_Ballots/Index.asp)

**Audits** (Code of Virginia § 24.2-671.1): Virginia law authorizes pilot programs in localities using optical scan tabulators, but these are to be conducted post-certification and only in races in which the margin between the top two candidates for each office on the ballot exceeds 10 percent.

## **Voter Access and Education**

**Vote by Mail and Early Voting** (Code of Virginia §§ 24.2-700, 24.2-701, 24.2-712): Virginia law requires an excuse to vote absentee by mail or in person. In-person absentee voting is available up until 3 days prior to the election (with limited exceptions for emergencies) and cities and counties are allowed to establish central absentee voter precincts for in-person absentee voting.

**Military and Overseas Voting** (Code of Virginia §§ 24.2-416, 24.2-419, 24.2-440, 24.2-441, 24.2-443.1, 24.2-612, 24.2-614, 24.2-701, 24.2-702, 24.2-703, 24.2-707, 24.2-709): UOCAVA voters are generally required to register by the regular registration deadline (currently 29 days prior to the election, but moving to 21 days prior to the election in 2010), but active duty military personnel and their spouses/dependents may register using the FPCA up until the deadline to request an absentee ballot by mail (7 days prior to an election). Absentee ballots must be requested by 5pm on the 7<sup>th</sup> day prior to an election and may be requested by mail, fax or e-mail. Absentee ballots are mailed at least 45 days prior to a general election and, as of 2008, UOCAVA voters may request to have their ballot e-mailed to them.<sup>150</sup> Voted and sealed ballots must be witnessed by another person and returned by mail or commercial delivery by the close of the polls on Election Day to be counted.

Virginia also provides an early absentee ballot for the elections for governor, lieutenant governor or attorney general only. These are available 90 days before the election to military personnel and their spouses/dependents unable to vote by regular absentee ballot.

**Voter and Civic Education** (Code of Virginia §§ 24.2-105.1, 24.2-622, 30-19.9, 30-19.10): In addition to the voter information mandates of HAVA, Virginia law requires that certain voter information, including candidate lists and information on ballot initiatives, be made available on the internet and at all local elections offices. The SBE has chosen to make additional

---

<sup>150</sup> See SBE Guidelines at: [http://www.sbe.virginia.gov/cms/Absentee\\_Documents/Guidelines\\_for\\_voters\\_that\\_request\\_e-mail\\_ballots.doc](http://www.sbe.virginia.gov/cms/Absentee_Documents/Guidelines_for_voters_that_request_e-mail_ballots.doc)

information available on the its website including sample ballots and tools to check voter registration status and polling place locations, track absentee ballot applications, and view campaign finance information. In addition, law authorizes (though doesn't require) the provision of sample ballots to voters via mail or in newspapers. Virginia also provides voter information to every voter when their voter registration card is mailed. As part of its HAVA voter education plan, the SBE has issued Public Service Announcements regarding voting rights and responsibilities and developed new voter guides and voting rights and responsibilities cards that were distributed to all public libraries, colleges, universities, and general registrars' offices throughout the state.<sup>151</sup>

**Vote Centers:** Not in use.

**Reenfranchisement of Ex-Felons** (Constitution of Virginia Article II § 1, Article 5 § 12; Code of Virginia §§ 53.1-231.1, 53.1-231.2): Ex-felons are required to petition the Governor to have voting rights restored. Individuals convicted of most felonies may apply for a gubernatorial restoration of voting rights three years after completion of their sentence (including supervised probation). People convicted of violent felonies, drug sales, and electoral offenses must wait five years.

### **Election Administration**

**Election Management** (Constitution of Virginia Article II § 8; Code of Virginia §§ 24.2-102, 24.2-103, 24.2-105, 24.2-106, 24.1-209, 24.1-210): The State Board of Elections (SBE) is the chief election authority in Virginia with the Secretary of the Board serving as the chief election official. The SBE is made up of three members appointed by the Governor (two from the leading political party and one from the second leading party) with one member designated as the Secretary. The SBE has authority to supervise and coordinate the work of the county and city electoral boards and of the registrars and to promulgate rules necessary to obtain uniformity in the application of election laws. At the local level, elections are managed by county and city electoral boards, the three members (two from the leading political party and one from the second leading party) of which are appointed by the circuit judges. The local electoral board appoints a general registrar to oversee voter registration. At least one member of a local electoral board is required to attend an annual training program provided by the SBE.

Members of the SBE and local electoral boards are prohibited from holding or running for elective office while serving on the Board and are also prohibited from serving as the chairman of a state, local, or district level political party committee or as a paid worker in the campaign of a candidate. Registrars (and paid assistant registrars) are prohibited from holding any other elective or appointed office, from being a candidate for office while serving as registrar and for the six months thereafter, and from serving a paid or volunteer worker in the campaign of a candidate.

**Poll Workers** (Code of Virginia §§ 24.2-115, 24.2-115.1, 24.2-117, 24.2-119, 24.2-636): Local electoral boards are responsible for appointing poll workers (officers of election), who are required to be qualified voters in Virginia. Preference is given to qualified voters of the precinct in which they will serve and to voters nominated by their respective political parties. Each precinct is required to have an equal number of poll workers from the two major political parties and to the extent possible the chief officer and the assistant chief are to be from different

---

<sup>151</sup> HAVA Virginia State Plan, Amended 2006, pp. 7, 13, 23. Available at [http://www.sbe.virginia.gov/cms/documents/HAVA/Hava\\_State\\_Plan\\_Amendment\\_2006.pdf](http://www.sbe.virginia.gov/cms/documents/HAVA/Hava_State_Plan_Amendment_2006.pdf)

parties. All poll workers are required to attend some form of training provided by the local election board. Local election board may establish shifts to allow poll workers to work part of the day, but the chief and assistant chief are required to work the full day.

No one who holds elective or appointed office in government or who is the employee of an elected official may serve as a poll worker and a candidate may request that the immediate relatives of opposing candidates be removed from service.

## **SOURCES**

Constitution of Virginia: <http://legis.state.va.us/Laws/search/ConstitutionTOC.htm>

Code of Virginia: <http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC2402000>

State HAVA Information: [http://www.sbe.virginia.gov/cms/Misc/Election\\_Laws.html](http://www.sbe.virginia.gov/cms/Misc/Election_Laws.html)

State Elections Website: <http://www.sbe.virginia.gov/cms/Index.html>

## WASHINGTON



### Voter Registration

**Statewide Voter Registration Database** (Revised Code of Washington §§ 29A.08.105, 29A.08.125, 29A.08.510, 29A.08.520, 29A.08.610, 29A.08.620; Washington Administrative Code Chapter 434-324): Washington maintains a bottom-up statewide voter registration database in which county retain lists at the local level and transfer them to the statewide database on a regular basis to be combined into the official list for the conduct of elections. Each county maintains its own voter registration and election management software, but it must be able to interface with the statewide database. Voter registration list maintenance is conducted jointly by the Secretary of State and county auditors, who serve as chief registrars.

**Voter Registration Data Exchanges/Interoperability** (Revised Code of Washington § 29A.08.125): Washington law gives the Secretary of State authority to enter into agreements with other states to cross-check voter registration data.

### Provisional Voting

**Provisional Ballots** (Revised Code of Washington §§ 29A.04.008, 29A.44.207, 29A.44.265, 29A.60.195; Washington Administrative Code §§ 434-253-045—434-253-049): Washington has had some form of provisional voting since the late 1970s and updated its laws and administrative code to establish uniform procedures for issuing, processing and counting provisional ballots and to require each county to provide a free access system for voters to determine the status of their provisional ballot.<sup>152</sup> If a voter is determined to be eligible, all offices on the ballot for which the voter is eligible to vote will be counted.

### Voter Identification

**Voter Identification** (Revised Code of Washington § 29A.44.205; Washington Administrative Code § 434-253-024): All voters are required to show identification before voting. Acceptable IDs include: Valid photo identification, such as a driver's license, state identification card, student identification card, or tribal identification card; a voter registration card; a current utility bill; a current bank statement; a current paycheck; a government check; or another government document. Voters who do not have ID are allowed to vote provisionally and their ballots are counted if their signature matches the signature from their registration.<sup>153</sup>

---

<sup>152</sup> HAVA— Washington State Plan 2003, p.8. Available at:  
<http://www.secstate.wa.gov/Elections/pdf/WashingtonStatePlanHAVAFinal.pdf>

<sup>153</sup> First-time voters subject to HAVA minimum requirements *must* provide ID for their vote to be counted.

## **Technology**

**Voting Technology** (Revised Code of Washington §§ 29A.12.020, 29A.12.040, 29A.12.050, 29A.12.080, 29A.12.085, 29A.12.130, 29A.12.140; Washington Administrative Code Chapter 434-335): All voting systems used in Washington must be certified by the Secretary of State, have been approved by the appropriate voting system test laboratory approved by the EAC and meet the 2002 Federal Election Commission standards concerning voting systems and software escrow. Counties are responsible for purchasing and maintaining approved voting equipment and must conduct pre-election testing of all voting systems. All voting systems are required to produce a machine countable and human readable paper record for each vote. A full list of voting systems in use in Washington

**Audits** (Revised Code of Washington § 29A.60.185, 29A.04.570; Washington Administrative Code § 434-262-105): Washington law requires a post-election, pre-certification audit of all the results of votes cast on the DREs in use in the state. At least 4% or one DRE per county (randomly selected) and at least three races or issues (randomly selected) must be audited. State law also requires the Secretary of State to conduct a full review of election administration in each county once every 5 years.

## **Voter Access and Education**

**Vote by Mail and Early Voting** (Revised Code of Washington §§ 29A.40.010, 29A.40.040, 29A.48.010, 29A.48.040, Chapter 29A.46; Washington Administrative Code Chapter 434-250): All counties in Washington have the option to conduct elections by mail and all except Pierce have adopted mail voting. Vote-by-mail counties must establish at least two locations for the deposit of ballots not returned by mail and all counties must make in-person voting available from at least 20 days prior to an election through Election Day for voters with disabilities and any others who wish to vote in person. Washington also allows no-excuse absentee voting and voters can request to be registered as permanent absentee voters.

**Military and Overseas Voting** (Revised Code of Washington §§ 29A.40.020, 29A.40.050, 29A.40.070, 29A.40.150; Washington Administrative Code §§ 434-235-020, 434-235-030, 434-235-040): UOCAVA voters may register and request a ballot up until the day before an election and requests may be made in person, by telephone, electronically, or in writing. Regular absentee ballots are available at least 30 days prior to an election and special write-in absentee ballots may be requested as early as 90 days before the election. UOCAVA may elect to receive their ballot by mail, fax or e-mail and may return their ballots by fax if they sign a statement waiving secrecy. Ballots are counted if postmarked (or otherwise dated in the absence of a postmark) by Election Day and received prior to certification (certification for primary and special elections is 15 days after Election Day and 21 days after Election Day for general elections).

**Voter and Civic Education** (Revised Code of Washington §§ 29A.04.220, 29A.04.250, 29A.08.310, 29A.32.010—29A.32.280, 29A.36.151 ; Washington Administrative Code Chapter 434-381; HAVA— Washington State Plan 2003, p. 15): In addition to the HAVA's voter information requirements, Washington law requires the Secretary of State to maintain a website and toll-free number for voter information. The secretary is also required to publish and mail a state pamphlet with information on voting procedures, candidates and ballot measures (counties are also authorized to produce local voter pamphlets). Voter outreach is conducted through high school voter education tours and mock elections for grades K-12, a college civics program (and mandate that all colleges and universities link to the Secretary of State's voter registration web

site), booths at public events, and partnerships with community organizations.

**Vote Centers:** In-person voting locations (including the County Auditors' offices) in vote-by-mail counties function as voter centers.

**Reenfranchisement of Ex-Felons** (Washington State Constitution Article VI § 3; Revised Code of Washington § 29A.08.520): Voting rights of ex-felons convicted after July 1, 1984 are restored upon complete discharge of the terms of a sentence including parole and probation. Those convicted before July 1, 1984 who have completed the requirements of their sentence must petition the Indeterminate Sentencing Review Board for restoration of voting rights.<sup>154</sup>

## **Election Administration**

**Election Management** (Revised Code of Washington §§ 29A.04.230, 29A.04.235, 29A.04.216, 29A.04.530, 29A.04.540, 29A.04.590, 29A.04.611, 43.07.310; Washington Administrative Code §§ 434-260-220—460-260-350; Washington State Plan 2003, p.4, 13): An elected Secretary of State is the chief election officer in Washington and is responsible for promulgating all regulation governing election and for maintaining training and certification programs for state and county elections administration officials and personnel. The Secretary is also responsible for maintaining an election assistance and clearinghouse program for state and local election officials to access relevant information. Elected County Auditors are the chief election officials at the local level (with the exception of King County in which the chief election officer is an appointed Director of Records, Elections, and Licensing Services Division). Each county must have at least two certified election administrators on staff.

Aside from three counties (Clallam, Snohomish, and Whatcom) in which the auditor position is nonpartisan, there are no restrictions on the political activities of election officials.

**Poll Workers** (Revised Code of Washington §§ 29A.12.120, 29A.44.410, 29A.44.420, 29A.44.430): As elections in Washington are primarily conducted by mail, few traditional poll workers (precinct election officers) are utilized. Where precincts are still used, poll workers are appointed by the county auditor from lists provided by the local party central committees with the goal of maintaining balance of representation between the parties. Poll workers are generally required to be registered voters in the precinct (or county in the case of workers at in-person voting centers) in which they serve and must attend training prior to service.

## **SOURCES**

Washington Constitution: <http://www.leg.wa.gov/LawsAndAgencyRules/constitution.htm>

Revised Code of Washington: <http://apps.leg.wa.gov/rcw/default.aspx>

Washington Administrative Code: <http://apps.leg.wa.gov/wac/>

State HAVA Information: [http://www.secstate.wa.gov/elections/reform\\_federal.aspx](http://www.secstate.wa.gov/elections/reform_federal.aspx)

State Elections Website: <http://www.secstate.wa.gov/elections/>

---

<sup>154</sup>See also: <http://wei.secstate.wa.gov/osos/en/voterinformation/Pages/felons.aspx>

## WEST VIRGINIA



### Voter Registration

**Statewide Voter Registration Database** (West Virginia Code §§ 3-2-3, 3-2-4A, 3-2-21, 3-2-25): The Secretary of State maintains a single, official, statewide, centralized, interactive computerized voter registration list of every legally registered voter in the state which serves as the official register for election. The Secretary of State and any county clerks have immediate electronic access to information from list and voter registration is entered immediately. List maintenance is jointly conducted by the Secretary of State and county clerks.

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Ballots

**Provisional Ballots** (West Virginia Code §§ 3-1-3, 3-1-20, 3-1-41, 3-2-1; West Virginia Code of State Rules § 153-18-6.): Uniform procedures for issuing, processing and counting provisional ballots are established under state law and a canvassing manual is provided by the Secretary of State explaining the procedures to ensure uniform application of counting requirements. Ballot are generally not counted if they are cast outside the correct precinct, though exceptions are made for poll workers working outside their precinct and people with disabilities, so long as the ballot is cast in the correct county. The Secretary of State is responsible for establishing and maintaining a free access system through which voters can determine if their provisional vote is counted.

### Voter Identification

**Voter Identification** (West Virginia Code §§3-1-34, 3-2-10): West Virginia maintains the HAVA minimum requirements for first-time voters who register by mail. All other voters are required to state their name and address and sign the poll register in order to receive a ballot.

### Technology

**Voting Technology** (West Virginia Code §§ 3-1-49, 3-1A-5, 3-1C-1—3-1C-4, 3-4A-3, 3-4A-8, 3-4A-9, 3-4A-9a, 3-4A-13, 3-4A-26): Voting systems in West Virginia must be approved by the State Election Commission and certified by an independent testing authority, according to current federal voting system standards. Any system upgrades or replacements to existing voting systems must be certified by the Secretary of State/State Election Commission. Pre-election public testing of precinct-based voting systems is required as well as pre-count testing of any central-count vote tabulating systems. All direct recording electronic voting systems must produce a paper record of votes capable of being reviewed by the voter before the ballot is cast. Counties are allowed to select among approved voting systems and are responsible for maintaining voting equipment. A full list of voting systems in use in West Virginia is available at: <http://www.wvsos.org/elections/ballots/votingsystems.htm>

**Audits** (West Virginia Code § 3-4A-28; West Virginia Code of State Rules § 153-18-8): During the canvass and any requested recount, at least five percent of precincts (randomly selected) are to be manually audited using the voter-verified paper ballots. In the case of a discrepancy of 1% or greater between the machine and hand count, a full hand count of all precincts is required.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (West Virginia Code §§ 3-3-1, 3-3-3, 3-3A-1—3-3A-5): West Virginia requires an excuse to vote absentee by mail, but allows no-excuse in-person early voting beginning on the twentieth day before the election and continuing through the third day before the election. In addition, West Virginia has recently enacted a vote-by-mail pilot project for municipal elections.

**Vote Centers:** Not in use.

**Military and Overseas Voting** (West Virginia Code §§ 3-2-6, 3-3-5, 3-3-5b, 3-3-11): UOCAVA voters must register no later than 21 days before an election and must request a ballot no later than the sixth day preceding the election. Ballots may be requests by mail, e-mail or fax and county clerks are required to transmit ballots to within one day of receiving a request. Ballots may be sent to and returned by voters using the Federal Voting Assistance Program Electronic Transmission System and are available beginning 42 days before an election. West Virginia also makes available a special write-in absentee ballot for UOCAVA voters unable to vote a regular absentee ballot. Ballots are counted if received no later than the hour at which the board of canvassers convenes to begin the canvass (the Friday following a primary and 5 days after a general or special election) following the election if mailed or by the close of polls if faxed.

**Voter and Civic Education** (West Virginia Code §§ 3-2-8, 3-6-3): In addition to the voter information requirements of HAVA, West Virginia law requires county clerks to publish election information and sample ballots in local newspapers prior to an election and requires them to conduct voter registration campaigns for high school students. The Secretary of State also developed a new voter education program called SHARES (Saving History and Reaching Every Student) and a voter information website.<sup>155</sup>

**Reenfranchisement of Ex-Felons** (West Virginia Code §§ 3-1-3, 3-2-2): Ex-felons voting rights are restored upon completion of their full sentence, including probation and parole.

### **Election Administration**

**Election Management** (West Virginia Constitution Art. 7, § 2; West Virginia Code §§ 3-1-3a, 3-1A-1—3-1A-8, 3-1-46, 29-6-20): An elected Secretary of State is the chief elections officer in the state and provides uniform guidance for election activities with the assistance of a bipartisan State Election Commission appointed by the Governor. The clerks of county commissions administer elections at the local level. All local election officers are required to attend a training provided by the Secretary of State every two years and the Secretary of State also provides election law and procedures manuals to ensure uniform application of election laws.

---

<sup>155</sup> State HAVA Plan, pp.9-10.

Members of the State Election Commissions and any employees classified under the Division of Personnel's civil service system are prohibited from being candidates for elective office or from serving as members of any committee of a political party.

**Poll Workers** (West Virginia Code §§ 3-1-28—3-1-30, 3-1-46): Poll workers for statewide elections in West Virginia are appointed by county commissions from lists provided by the local political parties and must be registered voters of the county in which they serve. Candidates, immediate relatives of candidates and anyone who has ever been convicted of an election-related crime are ineligible to serve as poll workers. Sixteen and seventeen year olds may serve as volunteer election trainees. All poll workers must attend training as designed by the Secretary of State.

## **SOURCES**

West Virginia Constitution: [http://www.legis.state.wv.us/WVCODE/WV\\_CON.cfm](http://www.legis.state.wv.us/WVCODE/WV_CON.cfm)

West Virginia Code: <http://www.legis.state.wv.us/WVCODE/code.cfm>

West Virginia Code of State Rules: <http://www.wvsos.com/csr/>

State HAVA Information: <http://www.wvotes.com/election-officials/hava-information.php>

State Elections Website: <http://www.wvsos.com/elections/> and <http://www.wvotes.com/>

## WISCONSIN



### Voter Registration

**Statewide Voter Registration Database** (Wisconsin Statutes §§ 5.05, 6.36, 6.50): Wisconsin has been one of the last states to complete its statewide voter registration database (Statewide Voter Registration System or SVRS), bringing the system fully online in the first half of 2008. The database is housed within the Government Accountability Board and provides real-time access to county and municipal clerks in charge of voter registration activities and serves as the official list for all elections. SVRS also provides access to voters through the internet to check their registration status, look up their polling place, and check provisional and absentee ballot status.<sup>156</sup> List maintenance is conducted by the Government Accountability Board.

**Voter Registration Data Exchanges/Interoperability** (Wisconsin Statutes §§ 6.36): There is no specific requirement for full data exchanges, but Wisconsin does require the Government Accountability Board to contact the chief election official of each state from which an elector who voted in that election presented a valid driver's license as proof of identity to determine whether the holder of the driver's license voted in that election in that state.

### Provisional Voting

**Provisional Ballots** (Wisconsin Statutes §§ 6.77, 6.97): Provisional ballots in Wisconsin are only utilized for voters who fail to provide proof of residency/identification. The provisional ballot will be counted if the voter appears in person at the office of the municipal clerk with the appropriate identification no later than 4pm on the day after an election. Because Wisconsin allows Election Day registration, provisional ballots are not issued to voters attempting to vote in the wrong precinct. Voters attempting to register and vote on Election Day without acceptable proof of residence may not receive a provisional ballot.<sup>157</sup> The Government Accountability Board provides website access for voters to check their provisional ballot status.

### Voter Identification

**Voter Identification** (Wisconsin Statutes §§ 6.34, 6.55, 6.79): Wisconsin maintains the HAVA minimum voter identification requirements for first-time voters who register by mail, except that voters who wish to register and vote on Election Day must provide proof of residence when they register at the polls. All other voters are required to state their name and address in order to receive a ballot.

---

<sup>156</sup> Information on the development of SVRS is available at: [http://elections.state.wi.us/section\\_detail.asp?linkcatid=639&linkid=304&locid=47](http://elections.state.wi.us/section_detail.asp?linkcatid=639&linkid=304&locid=47)

<sup>157</sup> Details on provisional voting in Wisconsin are available at: <http://elections.state.wi.us/docview.asp?docid=9192&locid=47>

## **Technology**

**Voting Technology** (Wisconsin Statutes §§ 5.40, 5.76, 5.84, 5.905, 5.91; GAB 7.01—7.03): All voting equipment must be approved by the government accountability board and must be certified according to the most current national voting system standards by an independent testing laboratory. Pre-election public testing of all voting systems is mandatory and all systems must produce a voter-verifiable permanent paper audit trail. A full listing of voting equipment in use by municipality is available at:

<http://elections.state.wi.us/docview.asp?docid=2728&locid=47>

**Audits** (The Wisconsin Statutes §§ 7.08, 7.41; GAB 4): Following each general election, the Government Accountability Board is required to conduct and audit the performance of each voting system used in this state to determine the error rate of the system in counting ballots that are validly cast by electors.

Wisconsin also authorizes election observation by nonpartisan and bipartisan organizations not affiliated with candidates in order to monitor compliance with election laws by local election officials.

## **Voter Access and Education**

**Vote by Mail and Early Voting** (Wisconsin Statutes §§ 6.85, 6.86): Wisconsin allows no-excuse absentee voting, which can be done by mail or in-person up until 5pm on the day before an election.

**Vote Centers:** Not in use.

**Military and Overseas Voting** (Wisconsin Statutes §§ 6.22, 6.221, 6.24, 6.25, 6.28): Military voters<sup>158</sup> do not have to register in advance of any election. Other overseas civilian voters are required to register by the 3<sup>rd</sup> Wednesday preceding the election and are only eligible to vote for federal offices. Ballots must be requested by military voters by 5pm on the Friday immediately preceding the election (or by 5pm on Election Day in certain circumstances) and by other overseas voters not later than the Thursday before the election. Requests may be submitted via fax or e-mail (military voters only), but the original request must be mailed and postmarked on the same day. Absentee ballots are available 30 days prior to an election and may be faxed to voters, but must be returned by mail. Special statewide write-in absentee ballots are also available to military voters beginning 90 days before an election for military voters unable to vote a regular ballot. All absentee ballots must be postmarked by Election Day and those from uniformed services voters may be counted as long as they arrive within 7 days of a primary and 10 days of a general election. Ballots from other overseas voters must be witnessed by an adult U.S. citizen and must arrive by the close of the polls on Election Day.

**Voter and Civic Education** (Wisconsin Statutes §§ 5.05, 5.94, 7.10, 7.15, 10.02—10.04): In addition to the vote information requirements of HAVA, Wisconsin law mandates the publication of election notices and sample ballots in state and local newspapers and requires that a toll-free voter information hotline be available to voters. The Government Accountability Board and local election officials share responsibility for voter education programs and the board has

---

<sup>158</sup>“Military voter” means members of the U.S. armed forces the commissioned corps of the federal public health service or the commissioned corps of the national oceanic and atmospheric administration, members of the Merchant Marines, civilian employees of the United States and civilians officially attached to a uniformed service who are serving outside the United States, Peace Corps volunteers and spouses and dependents of the above.

established an education committee under the auspices of the advisory Election Administration Council to develop new voter education materials and standards.<sup>159</sup>

**Reenfranchisement of Ex-Felons** (Wisconsin Statutes §§ 6.03, 304.078): Voting rights of ex-felons are restored upon completion of their sentence including probation and parole.

### **Election Administration**

**Election Management** (Wisconsin Statutes §§ 5.05, 7.08, 7.10, 7.15, 7.20—7.21; GAB 12): An appointed government accountability board (composed of judges) is responsible for the administration of laws relating to elections and election campaigns and designates one of its employees to serve as chief election officer. The board conducts regular information and training meetings at various locations in the state for county and municipal clerks and other election officials and prepares a compendium of election laws and an election manual for use by local election officials. Elections are managed at the local level by municipal clerks (and election commissions in larger jurisdictions) and assisted by county clerks. Municipal clerks are required to obtain initial certification from the Government Accountability and maintain that certification through participation in at least 6 hours of training every two years.

Members of the Government Accountability Board are prohibited from holding other public office, from being a member, officer or employee of a political party, organization or candidate, from becoming a candidate while serving on the board, and from contributing to or campaigning for a candidate for partisan state or local office. All employees of the Government Accountability Board are required to be nonpartisan and local election officials are prohibited from being candidates for or holding other public elective or appointed office.

**Poll Workers** (Wisconsin Statutes §§ 7.30, 7.31, 7.315; GAB 11): Poll workers (inspectors) are appointed by municipalities from lists provided by the two major political parties and from the general pool of registered voters as needed. Each precinct must maintain a partisan balance among poll workers (the majority party is allowed one more poll worker per precinct). A poll worker must be a qualified elector of the ward or election district in which he/she will serve and may not be a candidate for any office at an election at which they serve. Sixteen and seventeen year-olds may be appointed as poll workers, but may not serve as chief inspectors. Chief inspectors are required to receive certification (maintained through 6 hours of training over a two-year period) from the Government Accountability Board and all other poll workers must receive training prescribed by the board at least once every two years.

### **SOURCES**

Wisconsin Statutes: <http://nxt.legis.state.wi.us/link.asp?infobase=stats>

Wisconsin Administrative Rules: <https://apps.dhfs.state.wi.us/admrules/public/Home>

State HAVA Information: <http://elections.state.wi.us/docview.asp?docid=2049&locid=47>

State Elections Website: <http://elections.state.wi.us/>

---

<sup>159</sup> Wisconsin State Election Administration Plan, p.14. Available at: <http://elections.state.wi.us/docview.asp?docid=2049&locid=47>

## WYOMING



### Voter Registration

**Statewide Voter Registration Database** (Wyoming Statutes §§ 22-3-102, 22-3-109): Prior to HAVA, Wyoming had a statewide voter registration list, but data was only uploaded to it by counties once per year. Wyoming now utilizes a top down voter registration database maintained by the office of the Secretary of State. Counties interface with the database in real time (data is directly inputted into the statewide list) and retain responsibility for inputting and updating information in the database and for conducting list maintenance.<sup>160</sup>

**Voter Registration Data Exchanges/Interoperability:** No provision in state law.

### Provisional Voting

**Provisional Ballots** (Wyoming Statutes §§ 22-2-119, 22-3-104, 22-15-105; Secretary of State Rule 7038): Because Wyoming allows Election Day registration, provisional ballots are not required. Provisional ballots are only provided to challenged voters and to voters who fail to provide required identification. Provisional voters have until the close of business on the day following the election to present documentation to the county clerk establishing their eligibility to register and to vote in the precinct for their votes to be counted. Provisional ballots must be cast in the correct precinct to be counted. Provisional voters can access a state website or contact the local County Clerk to learn their ballot disposition.

### Voter Identification

**Voter Identification** (Wyoming Statutes § 22-3-118; Secretary of State Rule 7037): Wyoming maintains the HAVA minimum identification requirements for first time voters who register by mail. Voters who wish to register and vote on Election Day must provide identification to satisfy registration requirements. Unless challenged, no other voters are required to show identification. Voters who cannot provide the required proof will receive provisional ballots and will have until close of business on the day following the election to present documentation establishing eligibility to vote in the precinct to the county clerk.

### Technology

**Voting Technology** (Wyoming Statutes §§ 22-11-102, 22-11-103, 22-11-104; Secretary of State Rules 7042-7044): All voting equipment must be certified by the Secretary of State and counties are responsible for purchasing certified equipment. Pre-election public testing of all voting systems is required. Testing and security procedures are promulgated by the Secretary of State. Although not mandate by law, all systems in use in Wyoming provide a voter verifiable paper audit trail:

---

<sup>160</sup> HAVA Update-09-2005, p. 2. Available at: <http://soswy.state.wy.us/Elections/Docs/HAVAUpdate-09-2005.pdf>

<http://soswy.state.wy.us/Elections/VoteSystem.aspx>

**Audits** (Wyoming Statutes § 22-11-108): Audits are not required in Wyoming, but county clerks may conduct a retabulation of results at their discretion.

### **Voter Access and Education**

**Vote by Mail and Early Voting** (Wyoming Statutes §§ 22-9-102, 22-9-105; Secretary of State Rule 7041): Wyoming offers early voting and no-excuse absentee voting. For the 40 days leading up to an election, voters may vote in person at the office of the county clerk or at an early absentee polling site established by the county clerk.

**Vote Centers:** Not in use.

**Military and Overseas Voting** (Wyoming Statutes §§ 22-3-102, 22-3-117, 22-9-119, 22-6-107; Secretary of State Rule 5639): UOCAVA voters must register no later than 30 days prior to an election, but registered voters may submit an absentee ballot request up until the day before the election. Ballots are available beginning 40 days prior to an election and must be returned by the close of the polls on Election Day to be counted.

**Voter and Civic Education** (Wyoming Code §§ 22-2-109, 22-6-105, 22-20-105): In addition to the voter information requirements of HAVA, state law requires the publication of sample ballots, election dates, polling place locations and hours, ballot marking instructions, voter registration qualifications and deadlines and absentee voting information in local newspapers. In addition, the Secretary of State is responsible for making available a voter pamphlet on an initiatives or constitutional amendments that will appear on the ballot.

**Reenfranchisement of Ex-Felons** (Wyoming Statutes 7-13-105(a)): People convicted of a first-time non-violent felony may apply to the Board of Parole for voting restoration five years after completion of their sentence, all others convicted of a felony must apply directly to the governor five years after completion of their sentence to have their voting ability restored.

### **Election Administration**

**Election Management** (Wyoming Statutes §§ 22-2-103, 22-2-120, 22-2-121): An elected Secretary of State is the chief election officer for the state with rule-making authority to maintain uniformity in the application and operations of the election laws. County clerks are the chief election officers at the local level. The secretary is responsible for providing copies of the election code to county clerks. There are no statutory restrictions on partisan activity by election officials.

**Poll Workers and Poll Operations** (Wyoming Statutes §§ 22-8-101, 22-8-102, 22-8-109, 22-8-113; Secretary of State Rule 7047): Poll workers (election judges) are appointed by county clerks from lists provided by local political parties and then from the general pool of registered voters. Poll workers must be registered electors, except that 16 and 17 year-olds may be appointed if they otherwise meet the qualifications for registering. Partisan balance among poll workers is required to the extent possible. All poll workers are required to attend training no later than 4 days prior to any election conducted by the county clerk under the direction of the Secretary of State. The secretary also prescribes a minimum curriculum for the training, which is also open to the public.

## **SOURCES**

Wyoming Statutes: <http://soswy.state.wy.us/Elections/ElectionStatute.aspx>

Wyoming Administrative Rules: [http://soswy.state.wy.us/Rules/Rule\\_Search\\_Main.asp](http://soswy.state.wy.us/Rules/Rule_Search_Main.asp)

State HAVA Information: <http://soswy.state.wy.us/Elections/HAVA.aspx>

State Elections Website: <http://soswy.state.wy.us/Elections/Elections.aspx>