

ELECTION PREVIEW

2006 *What's Changed,
What Hasn't and Why*



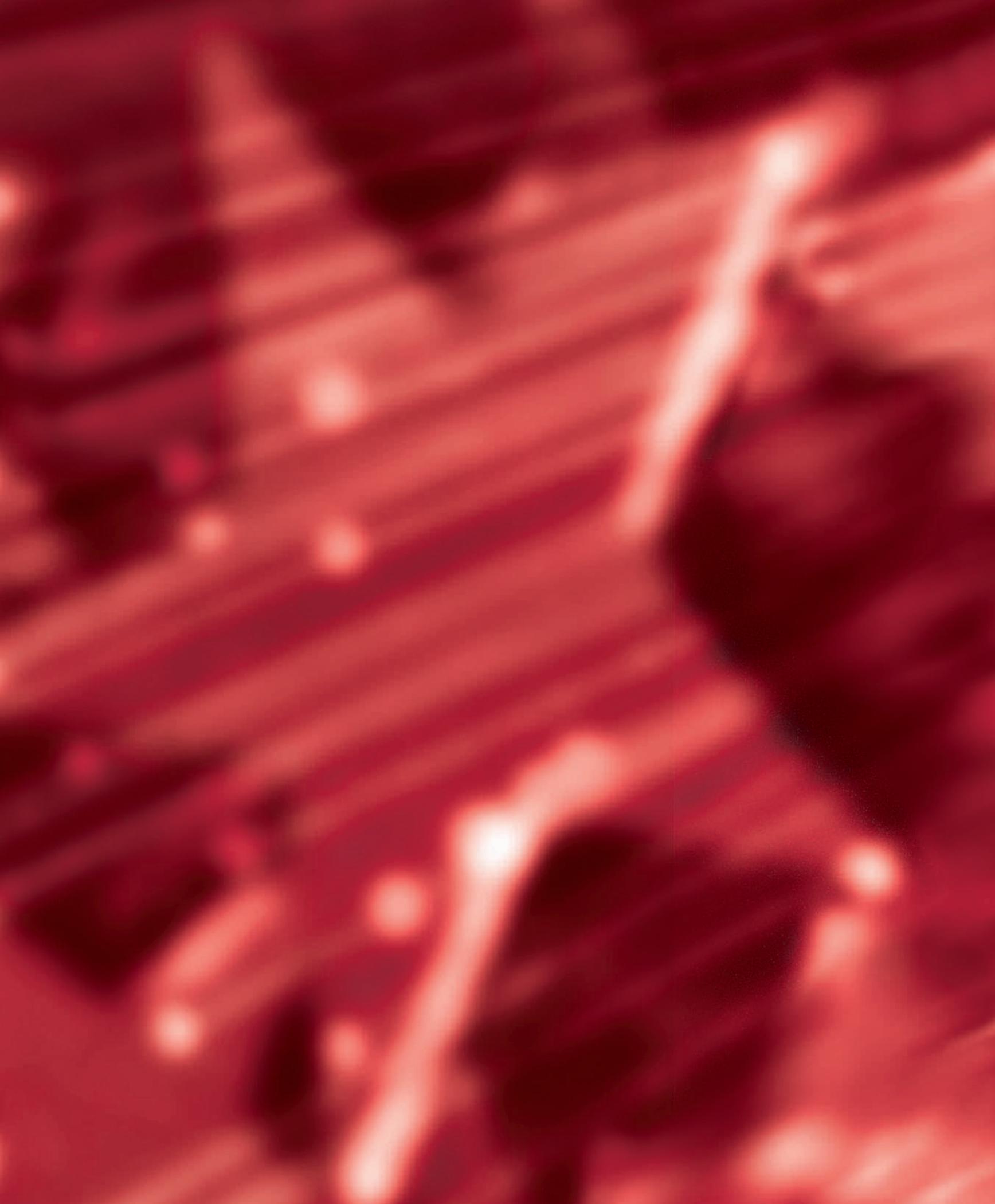
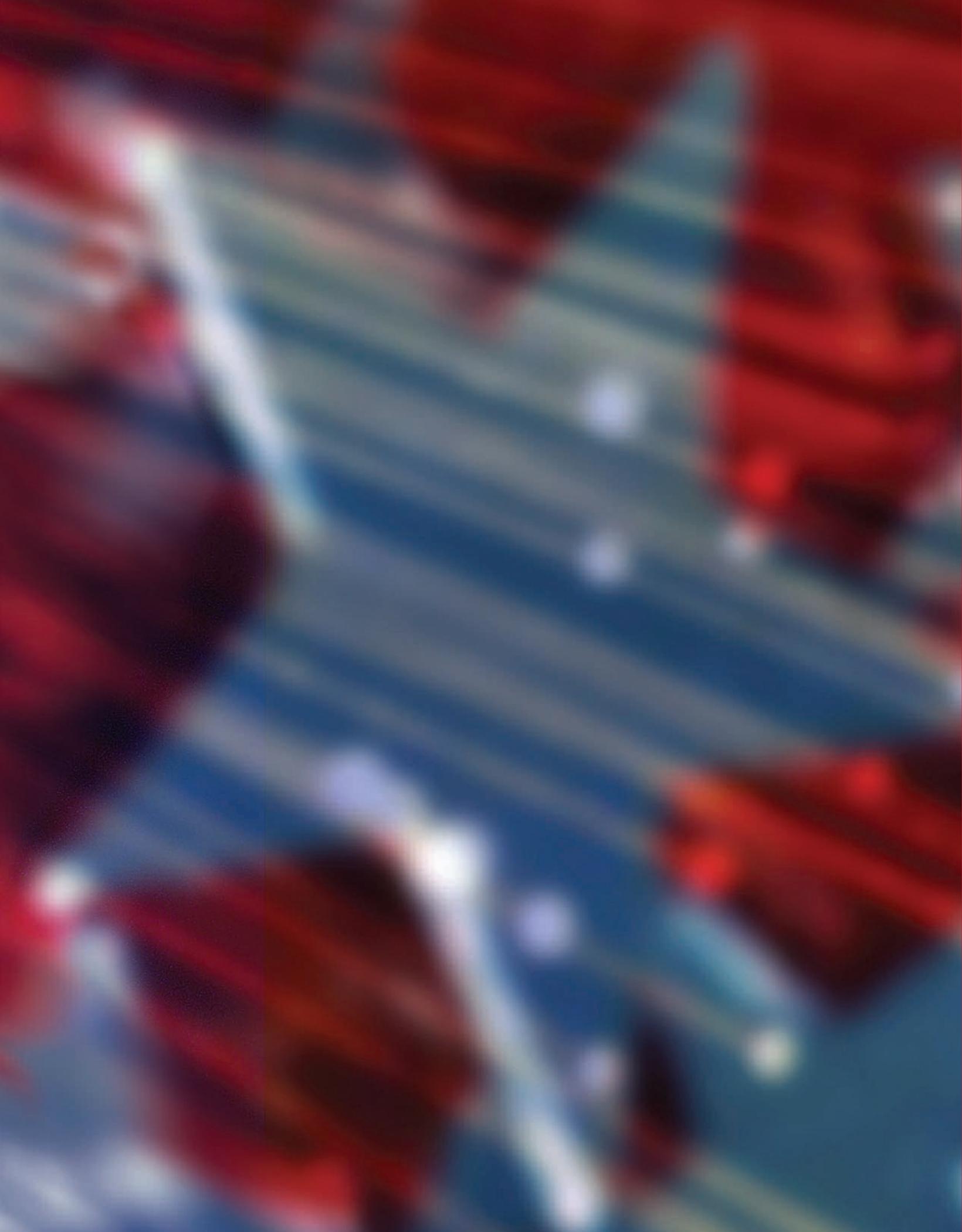


TABLE OF CONTENTS

Director's Message	3
Executive Summary.....	5
States to Watch.....	7
Voting Systems: Widespread Changes, Problems	12
Voting System Usage by State	15
Voter ID: Activity in the States and on the Hill	19
Voter Verification Requirements by State	22
Voter Registration Databases: A New Election Stumbling Block?	23
Status of Statewide Voter Registration Databases.	28
Absentee Voting, Pre-election Voting and Provisional Voting Rules in the States.	30
State by State.....	33
Methodology/Endnotes.....	63







This was the year that election reform was finally supposed to come together.

This was the year that the various deadlines embodied in the Help America Vote Act of 2002 (HAVA) took effect: computerized statewide voter lists, new voting technology, improved accessibility for voters with disabilities and a host of other procedural and legal requirements mandated as part of the new federal law.

This was the year when the election reform dialogue changed as a result — from theoretical debates about what changes HAVA directed, to more practical discussions about exactly how to implement such changes.

This was a year when officials at the state and local level were asked to swallow profound changes in the way they manage the election process.

This was a year when many of them suffered indigestion:

- Jurisdictions discovered that the voting machines they had selected after torturous public debate (and in some cases, litigation) simply didn't work. In other places, the machines never had a chance to work properly because of human error blamed on faulty training of pollworkers and election officials;
- Statewide voter databases that were supposed to settle the question of who was qualified to vote were not finished or could not be matched properly against other public records;
- Disputes erupted over state efforts to manage the voter registration process as activists sued to overturn new state laws establishing rules for registration drives, describing such rules as restrictions on their efforts to bring new voters into the electorate;
- Virtually no one was happy with electronic voting. Computer scientists continued to warn — and in some cases proved — that tampering with new voting technology was possible, while advocates for the disabled insisted that new developments in the area of verifying voters' choices violated their right to a secret and independent ballot;
- Voter-verified paper audit trails (VVPATs) became the ballot of record in many states — leading many to worry publicly about the wisdom of such a requirement in the wake of a study showing that VVPATs comprised only about 90 percent of the total vote; and
- The battle over voter identification laws raged on, as four states enacted strict photo ID requirements (prompting litigation) and other states expanded identification requirements to include proof of citizenship at the time of registration.

The election process changed more in 2006 than in any year since the disputed 2000 Presidential election. Consequently, on the eve of a national election in which control of Congress is in play — and two years from an open seat election for the White House — it is vitally important to understand *What's Changed, What Hasn't and Why*.

As always, we have enjoyed preparing this report. On behalf of us all, I hope you find it as valuable as we intend it to be. If you have any questions or comments, do not hesitate to contact us at feedback@electionline.org.

Doug Chapin
Director
October 2006

As always, it takes a village to produce a report of this ambition and scope. In that vein, I would like to thank the following key "villagers" in that effort:

My *electionline.org* colleagues Dan Seligson (editor), Sean Greene (research director), M. Mindy Moretti (senior writer), Alyson Freedman and Kat Zambon (researchers), and interns Meg Coady and Courtney McRae;

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The University of Richmond — especially Professor Dan Palazzolo, for his commitment to scholarship and continued interest in our work and Tina Snellings for her continued good cheer and patience with our continual administrative needs;

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All the women and men who serve their communities as election officials and whose information and insights are essential to *electionline.org* and its mission.

EXECUTIVE SUMMARY

This was supposed to be the year — and the election — when the voting process nationwide was more secure, more technologically advanced and more trusted by the citizens and candidates participating.

Yet as the mid-term elections approach, machine failures, database delays and foul-ups, inconsistent procedures, new rules and new equipment have some predicting chaos at the polls at worst and widespread polling place snafus at best.

The changes to the American electoral system have been widespread. New machines for voters with disabilities have been implemented in polling places nationwide, while statewide voter registration databases are up and running in most states.

But critical differences still exist across state borders and new controversies emerged in 2006. Strict new voter ID rules have been the cause of continual legal challenges in some states, while lawsuits in other states have challenged the use of electronic voting systems. Limits on voter registration drives enacted in two key battleground states have been struck down by federal judges. While the use of paper backups to electronic voting has become more widespread, the rules for their use in recounting or auditing totals after an election vary.

The Nov. 7 election promises to bring more of what voters have come to expect since the 2000 election — a divided body politic, an election system in flux and the possibility — if not certainty — of problems at polls nationwide.

CHARTING THE CHANGES

1. VOTING TECHNOLOGY

The Help America Vote Act of 2002 (HAVA) required that every polling place in America have at least one voting system available for people with disabilities in time for the first federal election of 2006. With primary season now complete, jurisdictions around the country tested new voting technology for the first time, with mixed results. The electronic voting systems most commonly employed to meet the federal mandate — termed direct-recording electronic or DRE systems — were troubled by both machine and human errors in many of their early roll-outs.

Even though turnout was generally low in the primaries, new procedures and new equipment troubled poll workers from coast to coast. While there were some success stories — Florida no longer makes headlines during elections — problems were reported in dozens of other states such as poll workers having trouble booting up or shutting down machines, transmitting results, feeding voter-verified paper audit trail printers or other reasons. There were also reports of

voting machines freezing up, having alignment problems, unexpectedly shutting down or other issues.

Machine challenges grow

Concern over DRE security and reliability has peaked in many parts of the country. Lawsuits seeking to prohibit the use of electronic voting machines have been filed in Colorado, Arizona, California, Pennsylvania and Georgia.

In Maryland, a disastrous September primary saw nearly an entire county unable to open polls on time after an election worker forgot to include activator cards to start up touch-screen machines. Other problems, including frozen screens and missing ballots plagued the election in places where the machines were able to function. Problems were so severe that Maryland's governor suggested all voters cast paper absentee ballots rather than use electronic voting machines — one year after he vetoed legislation that allowed no-excuse absentee voting (the legislature over-rode the veto).

The academic community has continued to challenge the security of voting machines as well.

A Princeton University computer science professor released a report that described how a Diebold TS machine — the same kind used in Maryland — could be compromised by loading a malicious program that can be spread from machine to machine. Johns Hopkins University professor Avi Rubin, also a poll worker, said tamper-resistance seals on the machines could be easily removed and replaced, unnoticed by election officials. A company spokesman said the accusations of security flaws were “exaggerated” and that the kind of tampering that was successful in the lab at Princeton could not be replicated in a polling place because of newer software and security procedures.

Supply problems

A number of states have had other sorts of problems with machines — getting them to the polls on time in the first place. West Virginia, Indiana, Arkansas and Tennessee reported difficulty receiving the election equipment they purchased from vendor ES&S. In some cases, the company has been compelled to refund money to localities for failing to meet contractual obligations for machine delivery, ballot programming and maintenance.

Paper trail/vote-by-phone use increases

The most common solution to the challenges posed by using electronic machines has been the addition of voter-verified paper audit trails (VVPATs), slips of paper that voters can see showing their vote choices before casting an electronic ballot. The paper is then saved and can be used to conduct an independent audit of electronic vote totals. As of November, 22 states will require the use of VVPATs, while five more will require that every vote be cast on paper.

A recent study by the San Francisco-based Election Science Institute raised questions about the accuracy of a paper-trail recount after finding that nearly 10 percent of VVPAT ballots sampled from Cuyahoga County, Ohio precincts were in some way compromised, damaged or otherwise uncountable — an alarmingly high proportion for a state that requires that paper be used as the ballot of record in the event of a recount.

Six states will employ a vote-by-phone system that uses a dedicated phone line at a polling place connected to a central computer to allow voters with disabilities to use voice prompts or other devices to cast ballots. It is then printed and counted with other optically-scanned or hand-counted ballots, with the option of an audio audit trail that reads the paper ballot back to the voter at the other end of the phone line. Vermont, Connecticut, Maine, New Hampshire, Oklahoma and Oregon will hold their first general elections using the system this year.

Another widely popular alternative to paperless voting has been hybrid voting systems which use a DRE interface accessible to people with disabilities to create a paper ballot that can be optically scanned. At least some jurisdictions in 27 states will have hybrid technology available for voters in time for November.

2. VOTER ID

The number of states requiring all voters to show some form of verification before casting ballots has increased from 11 in 2000 to 24 this year.

Aside from the increase in states requiring verification, another noteworthy trend has been the movement in some states that already ask voters for one of a number of forms of ID to limit acceptable verification to state- or federally-issued photographic ID. Proposed last year by a federal election reform commission headed by former President Jimmy Carter (D) and former Secretary of State James A. Baker III, the movement toward government-issued photo ID has gained traction in statehouses, and more recently, in Congress.

Indiana, Missouri and Georgia enacted such rules, triggering lawsuits by a number of organizations. As of press time, Georgia's law cannot be enforced on Nov. 7 and a Missouri decision is expected while Indiana's new rules were upheld.

The U.S. House of Representatives passed a similar measure in late September, voting largely on party lines in favor of the "Federal Election Integrity Act of 2006" or H.B. 4844. Backed by 224 Republicans and four Democrats, the measure will likely not be debated in the Senate until next year.

3. STATEWIDE VOTER REGISTRATION DATABASES

With the deadline now 10 months passed, the vast majority of states have HAVA-compliant systems in place. However, a dozen states missed the Jan. 1, 2006 deadline and faced numerous challenges in implementation.

Alabama, Maine, New Jersey and New York were sued by the U.S. Department of Justice for non-compliance this year. New York reached an agreement with the federal overseers by creating interim system and setting a deadline for compliance. Maine and DOJ agreed to an implementation agreement in late July, while New Jersey and DOJ did the same in mid-October.

In the case of Alabama, the agreement with DOJ required the appointment of a "special master" to complete database implementation, in which the state's chief election official, Secretary of State Nancy Worley (D) was stripped of her responsibility over the list. The authority was then granted to Gov. Bob Riley (R), a move that had Worley and fellow Democrats crying foul.

Of the systems that have debuted, a number of problems have cropped up, but nothing creating the pre-election anxiety of voting machines.

4. THIRD-PARTY VOTER REGISTRATION

Two perennial election battlegrounds — Florida and Ohio — enacted rules that dramatically increased the oversight of third-party organizations that register voters after reports from some parts of the country that organizations discarded, lost or otherwise mishandled completed voter registration applications.

The Florida measure, passed last year, levies fines against third-party groups for failing to turn in registration forms within 10 days of completion. In August, a federal judge issued a preliminary injunction against the rules stating they infringed on the free-speech and association rights of third-party groups.

Ohio's rules require third-party groups to register with the state before running drives and mandate training for volunteers or employees who will be administering applications. The rules also require those who collect the forms to return them in-person, rather than through the organization collecting signatures.

As in Florida, a federal judge also struck down the law, saying it would "greatly hinder the nationally articulated interest of registering all voters who wish to do so."

STATES TO WATCH

ARIZONA

Why to watch: Arizona is a key battleground in the ongoing public debate over illegal immigration since the passage of Proposition 200. The initiative, approved in 2004, requires voters to present proof of citizenship at the polls. It has raised fears among advocates for minority voters and others that it will make registration and voting more difficult for eligible citizens. The rules have put the state in conflict with the Election Assistance Commission (EAC), the federal agency responsible for overseeing the implementation of the Help America Vote Act (HAVA).

Voter registration: Arizona Secretary of State Jan Brewer (R) and the EAC have been at odds over the limits of Prop. 200. In March, the EAC challenged Brewer's directive to county election officials that instructed them to refuse federal voter registration forms sent in without proof of citizenship. Brewer told the EAC that the U.S. Department of Justice pre-cleared the rules, meaning they could be implemented as approved. A federal judge agreed, throwing out lawsuits challenging Prop. 200 in May and again in September. In early October, a federal appeals court halted enforcement of the law.

What to watch: Will the enforcement of Prop. 200 depress voter registration numbers and turnout among Hispanic voters? Will voter ID rules, despite being struck down, confuse voters and/or poll workers?

COLORADO

Why to watch: Election officials in the state have been closing neighborhood polling places in favor of larger, consolidated locations called vote centers in an effort that might become popular in other parts of the country. At the same time, new ideas about where people should vote have been overshadowed by concerns over what people will vote on with a lawsuit against the use of touch-screen voting machines and concerns over the state's certification process that allowed the high-tech systems to be implemented in the first place.

Vote centers: The use of so-called "vote centers" – consolidated, accessible polling locations where any voter in the county can cast their appropriate ballot – continues to grow in the state. In Denver County, home to more than 10 percent of the state's residents, over 400 precincts were closed in favor of opening 47 vote centers.

Voting machines: Coloradoans who first used new touch-screen voting machines this year had problems during early voting for the August primary. The state was sued over the use of the machines and a judge ruled to allow their continued use, but criticized the state's certification process of these devices and said they will need to be recertified after this election.

What to watch: How will voters and poll workers take to polling place consolidation? Will voters be confident in machines that will need to be recertified after the election? Could results in precincts that have difficulty with new

Arizona's Proposition 200 requires voters to prove U.S. Citizenship when registering.



machines be challenged? Will vote centers place hardships on voters accustomed to neighborhood polling places who might lack readily-available transportation?

CONNECTICUT

Why to watch: This year, the Nutmeg State is home to some of the most tightly contested Congressional races with incumbents from both parties trying to hang on to their seats in the midst of strong challengers. But there have been few changes in the way the state votes. The EAC announced late last year that the lever machines that will be used by the vast majority of voters are not in compliance with federal law.

Voting machines: Around the country, eyes are on Connecticut as voters determine the fate of Sen. Joe Lieberman (D), running as an independent against challenger Ned Lamont — who defeated him in the August primary — as well as in a number of House races which could help decide partisan control of Congress. As the state lurches towards HAVA compliance, voters in only 25 of Connecticut's 169 towns and cities will cast ballots this year on federally-compliant optical scan systems. Voters with disabilities will use vote by phone technology while most will continue to vote on lever machines. Lever machines, were deemed to have “significant barriers” to complying with HAVA including high error rates and the absence of a paper record of votes.

What to watch: Will high turnout for the Senate election coupled with new voting technology lead to problems at the polls? Will legal challenges/recounts reveal problems with out-of-compliance lever voting systems?

FLORIDA

Why to watch: One of the first to upgrade punch-card voting systems with optical scanners and direct-recording electronic machines (DREs) well in advance of the passage of HAVA, Florida now faces issues concerning how to independently audit electronic vote totals, concerns over new voter identification and provisional ballot rules as well as the potential impact on turnout of laws placing restrictions on third-party voter registration.

Voting machines: During the September primary, officials had trouble transmitting results from DREs and voters said they received the wrong ballots in some areas of the state including Central Florida, renewing the call for paper trails.

Voter ID: While Florida voters have had to show photo ID to vote in previous elections, a voter without ID could sign an affidavit and cast a regular ballot before 2006, whereas this year, voters without photo ID can only vote by provisional ballot.

Third-party voter registration: A law went into effect at the beginning of the year that imposes fines on third-party organizations running voter registration drives that fail to return forms within 10 days. With fines as high as \$5,000 per unreturned form, lawsuits ensued and the plaintiffs secured an injunction against the law in August.

What to watch: Will problems with voting machines encountered during the primary be resolved by the November general election? Will the changes to photo ID requirements have an effect on Election Day? As third-party voter registration laws caused some organizations to cancel voter registration drives before the law was overturned, will fewer new registered voters show up at the polls on Election Day?

INDIANA

Why to watch: Between voter roll purges, problems during the primary with ES&S voting systems and the most-stringent-in-the-nation photo identification requirement at the polls, Indiana's elections faced controversy long before the campaign season. With the election approaching, those concerns have not abated.

Voter registration rolls: In an effort to clean up the state's voter registration rolls, 320,000 Hoosiers were placed on a list of inactive voters while 120,000 voters were purged from the polls, either because they were deceased or registered multiple times. Democrats charged that the voter roll purge was being used to disenfranchise voters while Republicans countered that attempts were made to contact voters before the purge and election officials continue to work with voters who said they were mistakenly disenfranchised.

Voting systems: Election Systems and Software will pay the state \$750,000 to compensate for mistakes made during the May primary, including late delivery of ballots and memory packs, as well as problems in tabulating vote totals. Most of the money will be used to train county personnel on voting systems through 2007.

Voter ID: Unlike Georgia and Missouri, the Hoosier State's photo ID law has so far withstood legal challenges, making it the only state other than Florida to require all voters to produce state- or federally-issued photographic ID.

What to watch: Will ES&S' technology and service stand up to the general election after failures during the primary? Have records of eligible voters been wrongly purged from voter rolls, leading to more provisional ballots and/or disenfranchised voters? Will the enforcement of the new photo-ID only law cause problems at the polls and/or hardships for some voters?

MARYLAND

Why to watch: Not typically a "state to watch" during federal elections, the dismal primary which included human and machine failures galore have brought far more attention to the state, if not for its significance in the battle to control Congress as for its election administration.

Voting systems: The Old Line State's September primary was chaotic on several counts as a Montgomery County election official forgot to include voter access cards in election packages, rendering the machines useless during the early morning rush. The new electronic poll books also had problems. In the aftermath, Gov. Robert Ehrlich (R), up for re-election in a state where registered Democrats outnumber registered Republicans two to one, suggested the state scrap the paperless Diebold touch-screen voting machines. He also recommended that voters use absentee ballots, a move criticized by Democrats who reminded Ehrlich that he vetoed a bill (which the legislature overrode) to allow no-excuse absentee voting.

What to watch: Are Montgomery County elections officials prepared to handle increased turnout for the general election? Will large numbers of voters follow the governor's advice and vote via absentee ballots? Will Diebold machines stay or go after Election Day? Who will win the likely post-election disputes? Can voter confidence, which has by some accounts plummeted in the state beginning with Maryland's top officeholder, be restored with a successful vote?

NEW YORK

Why to watch: While not hosting the most compelling political races in the country, New York is nonetheless a state to watch because of its failures to comply with federal law and meet the deadlines for the Help America Vote Act (HAVA).

HAVA compliance: Following a lawsuit from the U.S. Department of Justice for failing to achieve compliance with the HAVA for both accessible voting machines and a statewide voter registration database, the Empire State entered into a settlement whereby the state will provide accessible voting

machines for voters with disabilities in each county rather than at each polling place. The state also agreed to have an interim database in place for this year's general election though voter groups are concerned that human error may result in voter disenfranchisement. Like their neighbors in Connecticut, almost all New Yorkers will vote in November on the same lever machines that they have used for decades – a voting system deemed not compliant with HAVA.

Voter registration: The New York State Citizens' Coalition on HAVA Implementation said that New York City Board of Elections staff flagged new voter registrations that didn't match DMV records exactly and later found that 20 percent of mismatched registrations were flagged because of data entry errors.

What to watch: Will limited numbers of accessible voting machines cause problems for disabled voters? Will candidates and/or voters challenge the use of lever machines in the event of close or challenged results?

OHIO

Why to watch: The governor's office and a U.S. Senate seat are on the line this year in Ohio and polling data indicates that results are going to be close. Voting rights groups are focusing their attention on Ohio as intently as they did in 2004 with new voter identification regulations, third-party voter registration laws, and voting systems concerns combining to create a contentious election.

Voter ID: Secretary of State J. Kenneth Blackwell (R) angered voting rights groups with his stance on voter identification. An August advisory from Blackwell said that contrary to state law, a voter's ID must have their current address or the voter must cast a provisional ballot. Blackwell later e-mailed county officials to clarify, but some said they were still confused by the guidance.

Nonpartisan election administration: Blackwell, the state's top election official, is also a candidate for Ohio's top office as the Republican nominee for governor. Analysts from around the country point to the race as one of a handful in the country that raise questions about the objectivity of election referees who are also contestants in the races they are charged to arbitrate.

Third-party voter registration: A judge ruled against state law requiring that, among other things, voter registrars for third-party organizations personally submit forms that they collect.

Voting systems: Diebold voting machines used in Ohio had problems during the May primary and were further challenged by a report which called into question their accuracy, security and ability to recount voter-verified paper audit trails (VVAPTs) after elections. The report also questioned whether the problems could be fixed by the November 2008 Presidential election, let alone by this year's general election. Diebold disputed the report's findings.

What to watch: Will all county election officials clearly and consistently follow the state's ID rules on Election Day? Are Diebold's voting machines ready for an onslaught of general election voters? If necessary, will the problems of uncountable VVPATS – estimated to be one in 10 during a sampling after the primary – confound the efforts to conduct recounts?

PENNSYLVANIA

Why to watch: Democratic challenger, Bob Casey, Jr. is threatening the Senate tenure of Republican Rick Santorum in a state that was plagued by primary election problems, largely because of a host of new and somewhat unfamiliar voting systems in polling places.

Voting systems: Several Pennsylvania counties use paperless voting machines to the dismay of activists, who have filed lawsuits against the use of the machines, citing problems faced in the 2004 general election as well as the May primary. Officials stand by the machines, saying that they performed generally well in May.

What to watch: Can the voting machines and poll workers who administer the vote handle high turnout on Election Day?

WASHINGTON

Why to watch: Following the months of turmoil after the 2004 gubernatorial election, most Washington counties have moved to vote-by-mail systems, though not in King County (Seattle), the most populous in the state, where votes will be cast on touch-screen machines for the first time.

Vote-by-mail: Voters in 34 of 39 counties cast ballots by mail. Secretary of State Sam Reed (R) said he anticipates that, as many as two-thirds of voters in the other five will cast ballots by mail anyway, taking advantage of no-excuse absentee voting rules.

King County: Some voters will cast ballots for the first time in a general election on touch-screen machines and in 2009, will vote on whether the director of elections should be elected or appointed as they are now. Since the resignation of its previous election director in the aftermath of the 2004 vote, the county has lacked an elections director, though one will likely be appointed following the general election.

Voter registration: A federal court entered an injunction in August ruling that the state may not deny a voter's registration if an individual's driver's license number or Social Security number provided does not match Department of Licensing or Social Security Administration databases. The state published emergency rules implementing the preliminary injunction and will revisit the issue after the general election.

What to watch: Is King County ready for its first major election since the disastrous 2004 general election? Will widespread use of vote-by-mail slow results?

JUST MISSED THE LIST ...

GEORGIA

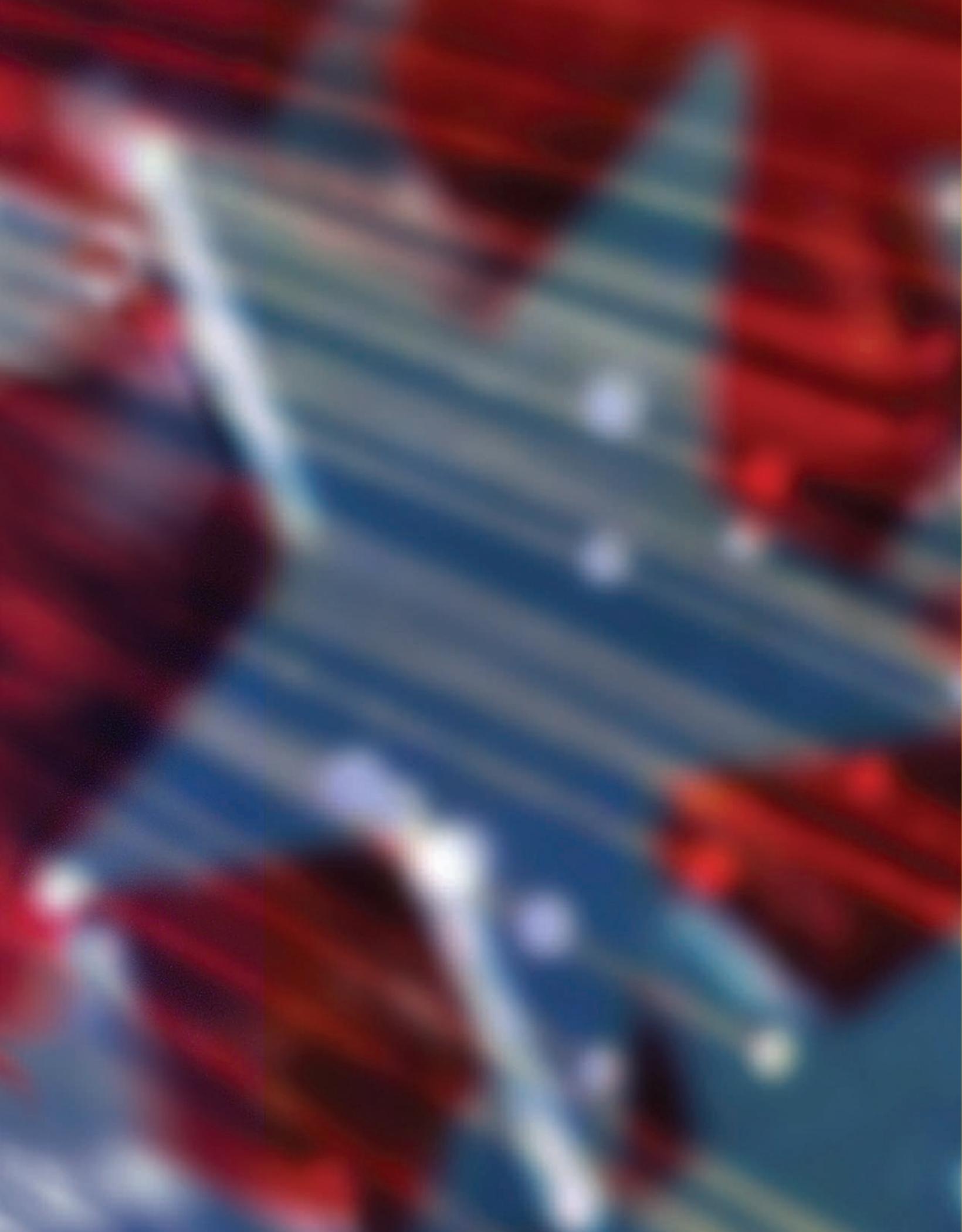
The question of whether a law requiring Georgia voters to present photo identification before voting is constitutional could end up in the Georgia Supreme Court in the near future. Will this back and forth over voter ID cause confusion among poll workers and/or voters on Election Day?

MISSOURI

Just as in Georgia, Missouri's photo ID law was recently struck down in the courts. The Missouri Supreme Court's decision in the case was expected sometime in October. The Department of Revenue, which was distributing the free photo IDs, has suspended all work while the court battle is ongoing. As in Georgia, will the back and forth over voter ID cause confusion on Election Day? If the law is reinstated, will the Department of Revenue have time to issue all the necessary IDs?

MONTANA

In the November general election, Montana will join six other states in offering voters the opportunity to register to vote on Election Day at the polls. Will Election Day registration increase turnout in the state?



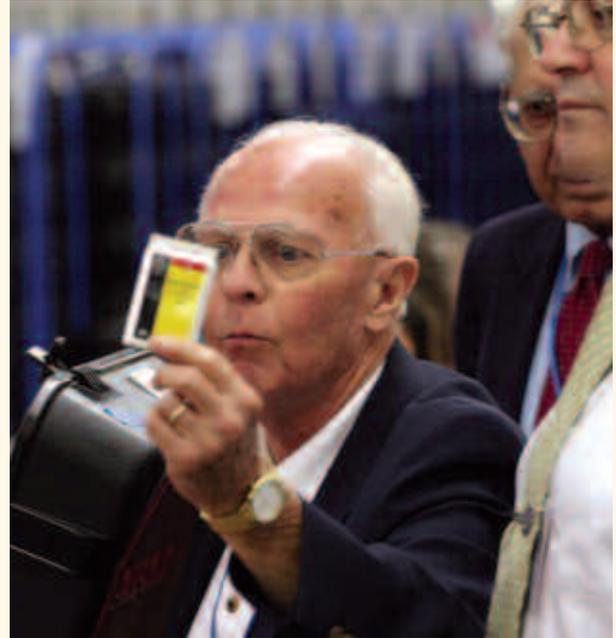


Photo credits: Left, The Associated Press, 2000. Right, The *Washington Post*, 2006. Photographs reprinted with permission.

The more things change...

A photograph from South Florida 2000 recounts appears eerily similar to a shot taken by a *Washington Post* photographer during an auditing of election-day totals from Maryland's troubled September 2006 primary. While many states have traded in their punch cards for ballot-activator cards, questions about the accuracy and reliability of voting have only grown.

VOTING SYSTEMS: Widespread Changes, Problems as Election Nears

With the punch-card problems of 2000 a not-so-distant memory, questions about the security and reliability of machines seem to have become more widespread than ever while the predictions for problems, stolen votes, hacked machines or inaccurate results are even more dire as the 2006 vote approaches.

Every few months, a new report raises questions about the security of voting systems, and each successive primary seems accompanied by reports of problems — either human error, machine malfunction or a combination of both — that raise the anxiety of voters, candidates and election officials.

The Maryland fiasco

The most recent and vivid example of what can go wrong during an election using electronic machines was Maryland's Sept. 12 primary.

There, a combination of human error and technical problems had voters in the state's most populous county casting provisional ballots and voting on scraps of paper and even campaign literature after an election official forgot to include machine activator cards with materials that went out to more than 200 precincts.¹ In precincts where the machines were started up on time, some reported "widespread trouble with voting apparatuses during Tuesday's primary — machines that froze, access cards that stopped working and computerized voter lists that crashed. The glitches led to long lines at many polling places and caused some voters to worry that their ballots had not been recorded properly, if at all."²

Linda Lamone, Maryland's election director, appeared before Gov. Robert Ehrlich (R) little more than a week after the disastrous primary. She said a special computer code written by election vendor Diebold specifically for the state caused the problem with electronic poll books. For his part, Ehrlich said he wanted the \$106 million system scrapped altogether in favor of a paper-based system, suggesting that citizens cast absentee ballots instead of using the DREs.³

Confidence in some quarters; critics in others

Eight states use all-electronic voting statewide, and an additional 25 states and the District of Columbia use direct-

recording electronic machines (DREs) in at least one jurisdiction. Seventeen states do not use any type of electronic voting equipment.

Many of those who administer elections continue to express confidence in voting machines.

"We know the equipment works because it's been qualified to federal standards," said Kevin J. Kennedy, executive director of the Wisconsin State Elections Board. "The real challenge is to make sure our poll workers are trained and make sure voters have been educated so that we don't have an experience like Maryland had."⁴

"The real story of the recent primary races was how few problems there were, considering how new this technology is," said Vermont Secretary of State Deborah L. Markowitz (D), who also serves as president of the National Association of Secretaries of State.⁵

But the detractors are many. And the concerns go far beyond the possibility of poll workers making mistakes or election officials forgetting activator cards.

"What we know is, these technologies require significant testing and debugging to make them work," said former Ohio governor Richard F. Celeste, who recently co-chaired a study of new machines. "Our concern — particularly as we look to the November election, when there is a lot of pressure on — is that election officials consider what kinds of fallbacks they can put in place."⁶

Lawsuits have been filed in Colorado, Arizona, California, Pennsylvania and Georgia seeking to prohibit the use of touch-screen machines.⁷

Security remains a concern

The lawsuits follow several highly-publicized studies this year that have brought to light the vulnerability of electronic voting machines.

Most recently, a computer science professor at Princeton University posted a paper on the university's Web site that described how the professor and two graduate students tested a Diebold AccuVote-TS machine and found ways to quickly upload malicious programs and developed a computer virus to spread such programs between machines.⁸

He demonstrated the technique before members of Congress in September.

Diebold officials responded by saying the professor used machines with old software and questioned why the report was released online and not open to peer review as are most studies.⁹

Johns Hopkins University Professor Avi Rubin has long been an opponent of electronic voting because of security issues. He recently lambasted the Diebold DRE machines after the disastrous Maryland primary. Rubin noted that the tamper-resistant seal could be easily removed and replaced.¹⁰

Diebold, however, remained steadfast in support of its products. “Many of these are exaggerated accusations by a handful of vocal activists,” said Mark Radke, director of marketing for Diebold. “But if you want to talk about fraud and tabulation error, the newer technology is far more accurate.”¹¹

National organizations continue to have an influence on the process as well. California-based *VerifiedVoting.org* has been pushing for voter-verified paper audit trails (VVPATs) and mandatory audits of results to compare machine and paper vote totals while Black Box Voting (*blackboxvoting.org*) has consistently raised questions about the security and reliability of voting machines.

Supply and demand

Counties and cities nationwide have taken delivery of new (and sometimes used) voting systems in recent months in order to meet the HAVA-mandated deadline for one accessible voting machine per polling place. In states that took federal punch-card and lever machine buyout money, the deadline has meant wholesale changes to virtually every voting machine in the state.

The result has been a scramble to find an approved machine, secure a contract with a vendor, take delivery of equipment and train poll workers and voters on how to use it — all before Election Day.

Problems cropped up all over the country as the rush to meet the deadline stressed not only localities, but the companies that manufacture, market and service voting machines.

In many jurisdictions awaiting new equipment, it came down to a simple supply and demand problem. Not having enough

machines, or not having machines ready for use made elections a nightmare for local officials who had to scramble to train poll workers on machines that arrived within days of the election.

Omaha-based ES&S seemed to be plagued the most by supply problems.

“In some situations, we have experienced really regrettable delays in providing counties with the products and software they need,” said Ken Fields, spokesperson for ES&S. “This has been a challenging year.”¹²

While West Virginia had chosen its new equipment and signed a contract with ES&S long before the January 1 deadline, many counties did not receive their new voting equipment until just days prior to the primary sending many elections officials rushing to not only learn the new systems themselves, but also train poll workers.

In the days following the primary, Secretary of State Betty Ireland (R) filed a formal complaint with the U.S. Election Assistance Commission saying that ES&S’ delays in programming ballots for the new machines placed hardships on state and county elections officials.¹³

In Arkansas, four counties were forced to use non-HAVA compliant machines for the primary because even though the ES&S machines arrived in time for the May 23 primary, elections officials in those four counties felt there wasn’t enough time to properly train poll workers.

“We thought since nothing arrived in time and everything was in a state of confusion, we’d use the old-fashioned lever machines,” said Bill Conway, chairman of the Desha County election commission. “Elections have to run on a certainty, not a hope and prayer.”¹⁴

During the August primary in Tennessee, several counties were forced to use ES&S machines that had been used in Pennsylvania during its May primary.

“We recognize that the more time jurisdictions have with the equipment, the more likely poll workers and other are to understand the technology,” Fields of ES&S said.¹⁵

After the polls close

Whether it is optical scan or DRE machines election officials faced additional problems with new voting equipment after the polls closed. Snafus reporting and tabulating results occurred nationwide and often made for long election nights for workers and candidates. In some instances, those election nights stretched well into the next day and beyond.

In Cuyahoga County, Ohio in May, the results of the election were delayed six days because officials needed to hand count absentee ballots after poll workers had difficulty operating new machines.¹⁶

In Utah, results were delayed by several hours because of problems with the new DRE voting equipment and a new Web site. In Salt Lake County, results in the primary were running 15 to 20 minutes behind the vote count, something that has not happened in previous elections. Chief Deputy Clerk Jason Yocom said the main reason for the problem was that for security reasons, the server that counts the votes was not connected to the Web server.¹⁷

During the primary in Maryland, there were problems transmitting results from precincts to the Prince George's County election office, which in conjunction with other problems in the Maryland primary, delayed the results for one congressional seat by 12 days.¹⁸

Results from the March primary in Cook County, Ill. were delayed for a week because of human and mechanical problems at hundreds of sites with new Sequoia Voting Systems. And in Tarrant County, Texas, machines produced by Hart InterCivic counted some ballots as many as six times, recording 100,000 more votes than were cast.¹⁹

VVPAT use on the rise

One of the solutions to questions about electronic voting machine security, reliability and accuracy is the addition of paper records of each individual vote, confirmed by a voter, producing essentially two records of the same vote, one electronic, one on paper. Twenty-two states require voting machines to produce some sort of voter-verified paper trail. Of those 22 states, 17 of them use electronic voting in at least one jurisdiction. Five other states require paper-based ballot systems.

Some observers hail VVPATs as the only way to secure an election when using DREs. However, a study released in September by the nonpartisan Election Science Institute found that about 10 percent of the paper ballots sampled in the May primary in Cuyahoga County, Ohio were in some way compromised, damaged or otherwise uncountable, an alarmingly high proportion for a state that requires that paper be used as the ballot of record in the event of a recount.²⁰

That led ESI to the ominous conclusion that "in the event of a recount or election contest, the risk of legal challenges is exceptionally high if no significant modifications are made to the current election system."²¹

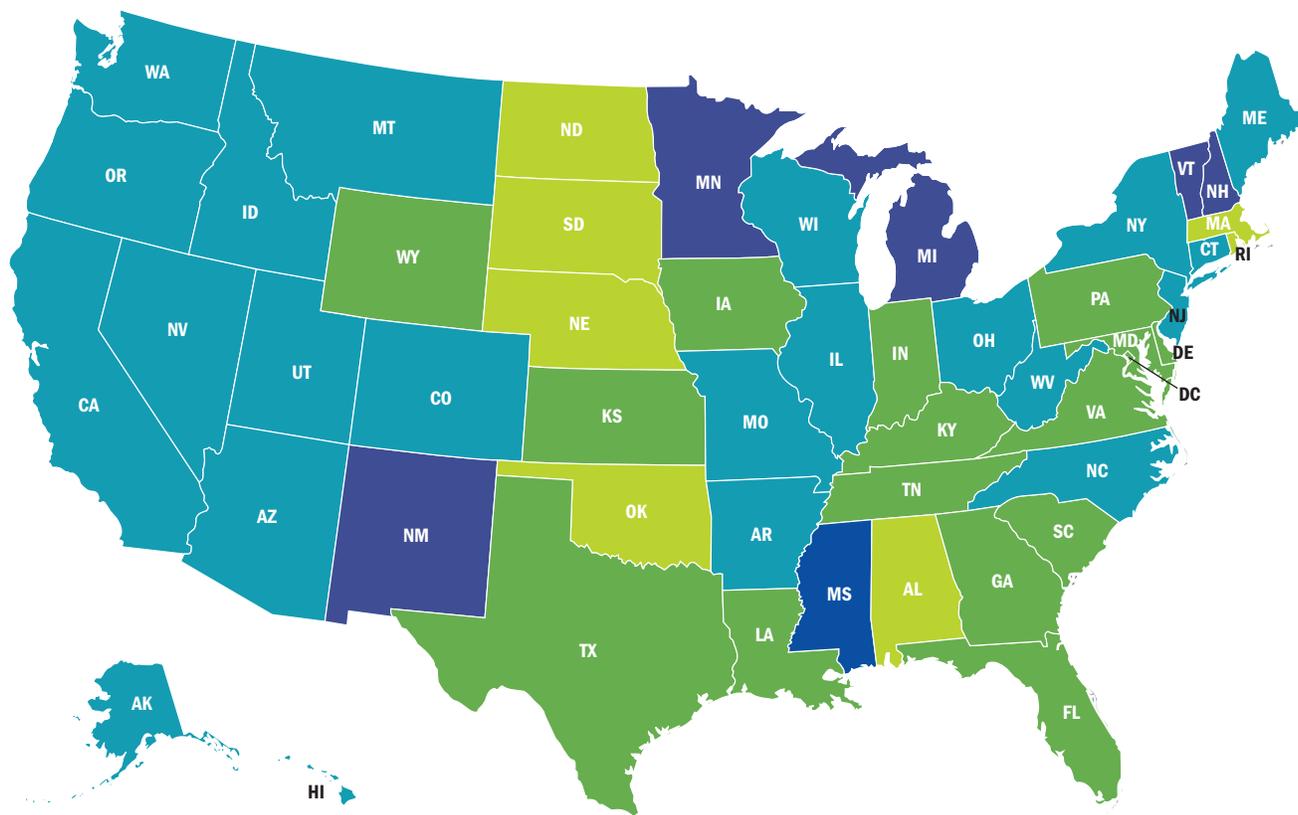
"Ten percent is a complete disaster and totally defeats the purpose of a VVPAT," said David Dill, a Stanford University computer science professor and founder of Verified Voting. "You can blame it on poll worker training, but there are ways to design equipment that makes user error less likely. There are indications that Diebold has done a less than adequate job in design. The company has adopted a generally reluctant and unenthusiastic stance to paper trails and it shows in the design."²²

VOTING SYSTEM USAGE

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

STATE	SYSTEM	MANUFACTURER
Alabama	Optical scan and ballot-marking device	ES&S
Alaska	Optical scan, hand-counted paper ballots and DRE with VVPAT	Diebold
Arizona	Optical scan, DRE with VVPAT and ballot-marking device	Diebold, ES&S and Sequoia
Arkansas	Optical scan and DRE with VVPAT	Danaher and ES&S
California	Optical scan, DRE with VVPAT and ballot-marking device	DFM Associates, Diebold, ES&S, Hart InterCivic, Sequoia and Vote-PAD
Colorado	Optical scan, DRE with VVPAT and hand-counted paper ballots	Diebold, ES&S, Hart InterCivic and Sequoia
Connecticut	Optical scan, lever and vote-by-phone system	AVM, Diebold and IVS
Delaware	DRE	Danaher
District of Columbia	Optical scan and DRE	Sequoia
Florida	Optical scan and DRE	Diebold, ES&S and Sequoia
Georgia	DRE	Diebold
Hawaii	Optical scan and DRE with VVPAT	ES&S and Hart InterCIVIC
Idaho	Optical scan, punch card, hand-counted paper ballots and ballot-marking device	ES&S
Illinois	Optical scan, DRE with VVPAT and ballot-marking device	Diebold, ES&S, Hart InterCivic, Populex and Sequoia
Indiana	Optical scan, DRE and ballot-marking device	Diebold, ES&S, MicroVote, Voting Technologies International
Iowa	Optical scan, DRE and ballot-marking device	Diebold and ES&S
Kansas	Optical scan, DRE, ballot-marking device and hand-counted paper ballots	Diebold, ES&S and Voting Technologies International
Kentucky	DRE and optical scan	Danaher, Diebold, ES&S, Hart InterCivic and MicroVote
Louisiana	DRE	Sequoia
Maine	Optical scan, hand-counted paper ballots and vote-by-phone system	Diebold, ES&S and IVS
Maryland	DRE	Diebold
Massachusetts	Optical scan	Diebold and ES&S (no decision yet on accessible voting machines)
Michigan	Optical scan and ballot-marking device	Diebold and ES&S
Minnesota	Optical scan and ballot-marking device	Diebold and ES&S
Mississippi	DRE with VVPAT and optical scan	Advanced Voting Solutions, Diebold and ES&S

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

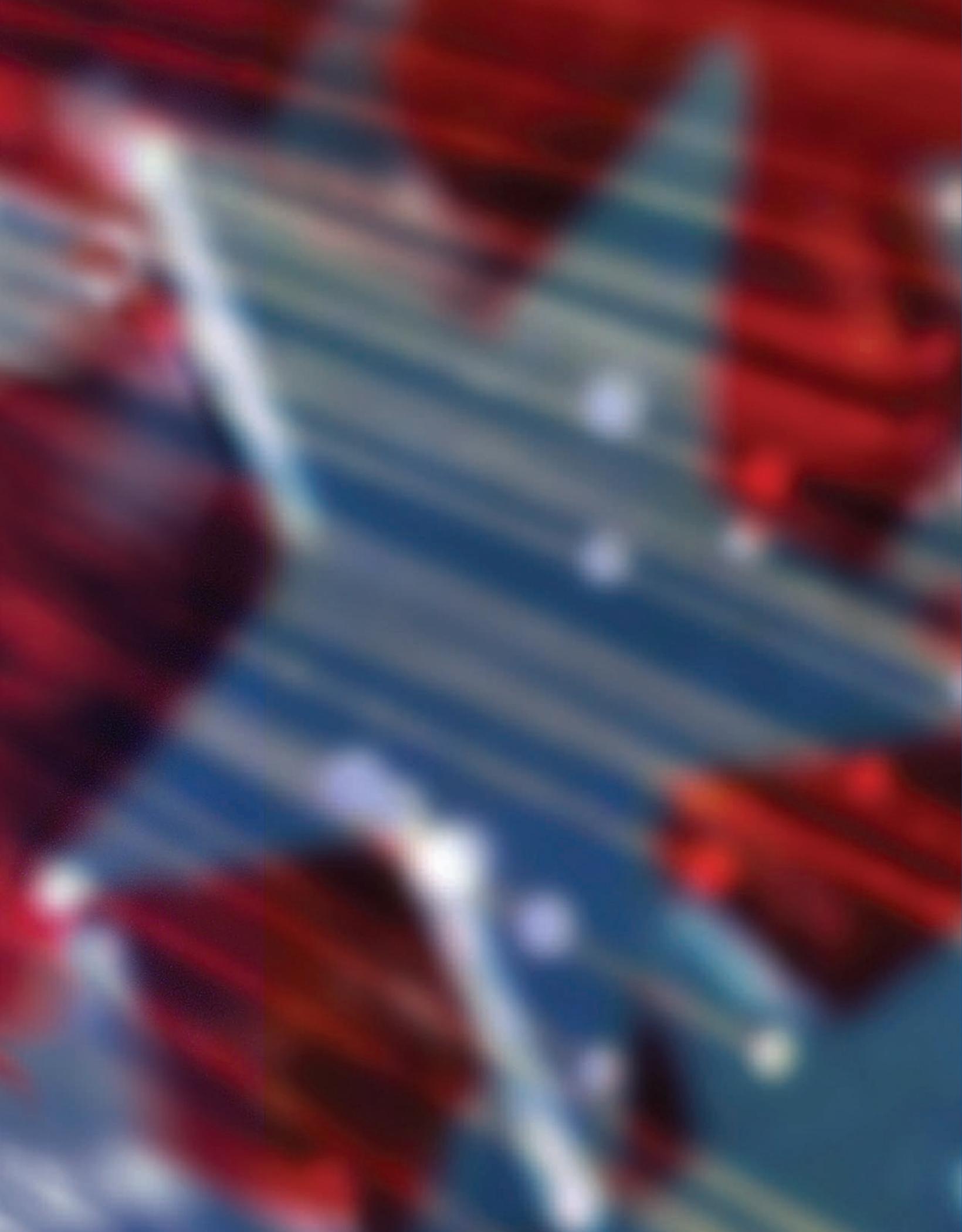


VOTER-VERIFIED PAPER AUDIT TRAILS, 2006

This map details state requirements for the use of paper ballots or of voter-verified paper audit trails (VVPATs) with direct-recording electronic (DRE) voting machines.

Massachusetts information is incomplete. The state has not selected an accessible voting system.

- State requires DREs to produce a VVPAT**
(22 states)
- State requires paper-based ballot systems**
(5 states)
- State employs DREs in at least one jurisdiction and does not require VVPATs**
(15 states and the District of Columbia)
- State does not employ DREs and does not have VVPAT regulations.** (7 states)
- State does not require VVPATs but employs DREs with VVPATs** (1 state)



VOTER ID: Activity in the States and on the Hill

The third week of September effectively summed up the past six years in the debate over voter ID.

On Tuesday, a county judge in Georgia struck down a state law that would have required voters to show government-issued photo identification at polling places before casting ballots.²³

Within days, the state's attorney general appealed to the Georgia Supreme Court, a move anticipated by all sides in the case.²⁴

On Wednesday, lawmakers on Capitol Hill, bolstered by a Republican majority in the House of Representatives, passed a similar bill requiring all voters nationwide to show government-issued photo ID at polls by 2008 and proof of citizenship when registering in time for federal elections two years later.

Echoing the partisan bent of voter ID roll calls across the country, H.R. 4844, formally titled the "Federal Election Integrity Act of 2006," won the votes of 224 Republicans — and only four Democrats. In opposing the bill, three Republicans crossed party lines, while 192 Democrats voted against it.²⁵

On Thursday, Missouri's Supreme Court announced it would move quickly in deciding whether to let stand a law requiring voters to show government-issued photo ID after a county judge said it represented an infringement on the right to vote.²⁶

On Friday, they rested (presumably).

The week was certainly active, but not unusual. Lawmakers, courts, political parties, interest groups and national panels have been active in promoting or trying to defeat a new wave of strict photo ID measures in a handful of states, and could face the same fight against federal legislation, if the Senate approves the House measure. Meanwhile, the number of states requiring a broader array of verification for voters at the polls has steadily increased as well.

Partisanship, however, remains unchanged. Democrats almost universally oppose voter ID laws, contending they prevent access; Republicans almost universally support them, stating they can help prevent voter fraud.

Federal law prompts state action

While the Help America Vote Act (HAVA) included clear identification requirements for states — every first-time voter who registers by mail but does not include a copy of their identification with their application must show ID at a polling place — it hardly settled the issue.

To the contrary, the passage of HAVA three years ago further muddied the waters — prompting Republicans in state legislatures to push for stricter ID mandates and backing Democrats, voting rights groups and others into defensive postures where the courts were often the only recourse to halt bills they say were unfair or potentially disenfranchising.

Voter ID bills have long been a popular cause of Republican state legislators, pre-dating HAVA and Florida's 2000 election that was its genesis. That year, 11 states required voters to show one of a number of forms of verification before casting ballots — usually student ID cards, library cards, utility bills, licenses or other documents. When voters went to the polls to cast ballots in the next presidential election four years later, HAVA expanded voter ID requirements to all states, albeit to a limited population of voters.

Faced with the need to pass legislation in state houses to allow for HAVA compliance, lawmakers in a number of states pushed through more stringent requirements, in many cases making voter ID universal to all voters. By November 2004, voter ID rules expanded from 11 states to 17, with two more requiring all first-time voters to show ID regardless of how they registered.

The number has continued to climb, and the number of states requiring some form of ID of all voters from all first-time voters increased to 24.²⁷

Another trend emerged as well. Georgia lawmakers chose to pursue a bill that would require all voters to show only one particular kind of ID — a state- or federally-issued ID card or passport with a photo. In Indiana and Missouri, bills sought to strengthen existing verification requirements to significantly reduce the universe of acceptable identification, seeking a Georgia photo-only approach.

A disenfranchiser? A fraud fighter?

Voting-rights groups, including The Advancement Project, the League of Women Voters and others, have argued that the

new laws on the books in those states would have a chilling impact on voter turnout, erecting new barriers to participation, particularly among minority voters, to serve the dubious purpose of tackling fraud they say does not exist.

“[Our] opposition to highly restrictive voter identification provisions are grounded in history as well as contemporary evidence. During their day, poll taxes and literacy tests, which were also said to protect against fraud and breed confidence in elections (as the Georgia law purports to do), had the direct effect of erecting a barrier to minority voters,” read an August 2005 press statement from The Advancement Project.

“There are many voters who simply do not have identification and requiring them to purchase identification would be tantamount to requiring them to pay a poll tax. In addition, Georgians of color are nearly four times more likely than their white counterparts to lack access to an automobile for any purpose. It follows then, that minority voters would be less likely to possess a driver’s license than would white voters.”

Those who support more stringent voter-ID requirements, including the American Center for Voting Rights, contend new laws disenfranchise no one. In a press statement released after plaintiffs in Indiana were unsuccessful in their efforts to have the court bar enforcement of the law, Thor Hearne, the group’s attorney, said the federal judge vindicated their view that voter ID protect voters rather than turn them away.

“Those who oppose election reform and voter identification and their numerous lawyers had an opportunity to put forward their best case opposing voter identification,” he wrote. “They enlisted the support of a nationally known expert, and the court flatly and firmly rejected their claims. The court found that the opponents of voter identification could not find even one individual who would be ‘disenfranchised’ by Indiana’s law. The court further found concern about vote fraud — in Indiana and in other states — to be justified.”²⁸

The true impact of voter ID is less clear. Incidents of polling-place voter fraud are rare, with virtually every conviction for it stemming from the use of absentee ballots. According to the bipartisan Commission on Federal Election Reform, “absentee ballots remain the largest source of potential voter fraud” while also noting, “there is no evidence of extensive fraud in U.S. elections or of multiple voting.”²⁹

An April 2006 poll commissioned by *The Wall Street Journal* found that 81 percent of respondents either strongly or mildly supported measures that would require voters to show a “valid photo identification when they go to vote.”³⁰

Yet, other research suggested a significant number of potential voters would be adversely affected by photo-only laws because they lack the requisite ID. University of Wisconsin researchers found “among black males between ages 18 and 24, 78 percent lacked a driver’s license, the largest percentage of any demographic in the study. Other groups in which a majority lacked a driver’s license were black males of any age (55 percent); Hispanic women of any age (59 percent); and black women, Hispanic men and Hispanic women between ages 18 and 24 (all between 57 percent and 66 percent).”

By contrast, the same survey found only 17 percent of voting-age white men and women lacked drivers’ licenses.³¹

A Democrat crosses over

In the midst of partisan fights over voter ID, supporters received a major boost when former President Jimmy Carter (D), a co-chairman of the high-profile Commission on Federal Election Reform, endorsed the notion of using “REAL ID,” a federally-mandated identification card that requires both proof of citizenship and a full Social Security number in order to obtain it. For those who do not drive, the commission recommended free “easily available” IDs for every citizen.

In its September 2005 report, commission members said they were concerned about the 50 state, 50 systems approach to voter ID that has widely varying practices across borders. They wrote that the broad array of voter ID requirements across state lines “could be a serious impediment to voting.” They also rejected the notion of eliminating all voter ID requirements.³²

The proposal was skewered by some critics, including Spencer Overton, a George Washington University professor who served on the commission along side Carter and former Secretary of State James A. Baker III (R).

“The Carter-Baker ID proposal would phase out the affidavit safety net and limit the forms of permissible identification to a ‘Real ID’ card. If Georgia adopted the Carter-Baker ID proposal, voters would no longer be able to vote using a U.S. passport, military ID card, student ID card from Georgia State

University, government employee ID card or tribal ID card,” Overton wrote in his dissent in the report.

“Carter and former Secretary of State James Baker defend their proposal by arguing that ‘differing requirements from state-to-state could be a source of discrimination.’ But, like a nationwide poll tax of \$20, the Carter-Baker ID proposal would uniformly exclude millions of voters across America.”³³

And reaction specifically to Carter crossing the invisible but significant barrier that separated the two parties on the voter ID issue was equally swift and pointed.

The New York Times said the commission’s recommended reforms were “worse than no reform at all” while Carter earned praise from such strange bedfellows as Phyllis Schlafly,³⁴ the Wisconsin Republican party³⁵ and countless right-of-center bloggers.

An agreement?

While Republicans and Democrats have moved no closer to consensus on what represents an appropriate level of voter scrutiny at the polls, recent activity in New Mexico suggests that compromise is at least possible — if only rarely.

Last year, Gov. Bill Richardson (D) signed into law S.B. 768, a measure that requires voters to show a broad range of verification before voting.

The list includes: “an original or copy of a current and valid photo identification with or without an address, which address is not required to match the voter’s certificate of registration or a voter identification card; or . . . 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, the address of which is not required to match the voter’s certificate of registration; or B. a verbal or written statement by the voter of the voter’s name, year of birth and unique identifier; provided, however, that the statement of the voter’s name need not contain the voter’s middle initial or suffix.”³⁶

The option to state name and relevant information — as well as broad list of allowable verification at the polls — is what brought the Democratic governor on board after a pitched partisan battle with Republicans in the legislature. In a statement released when he signed the bill, Richardson said the bill was “in no way ‘voter ID light,’” a charge by some of

his critics who objected to rules that did not require voters to show verification.

“This legislation will ensure the integrity of our elections,” he said. “It will in no way discourage qualified people from voting, and most importantly, will make sure that every vote is counted.”³⁷

Election-day concerns

With several states enforcing voter ID for the first time, rules remain in flux in a number of states. Court hearings, appeals and rulings could come just weeks before voters go to the polls, further complicating implementation of rules that opponents say could potentially disenfranchise thousands of voters.³⁸

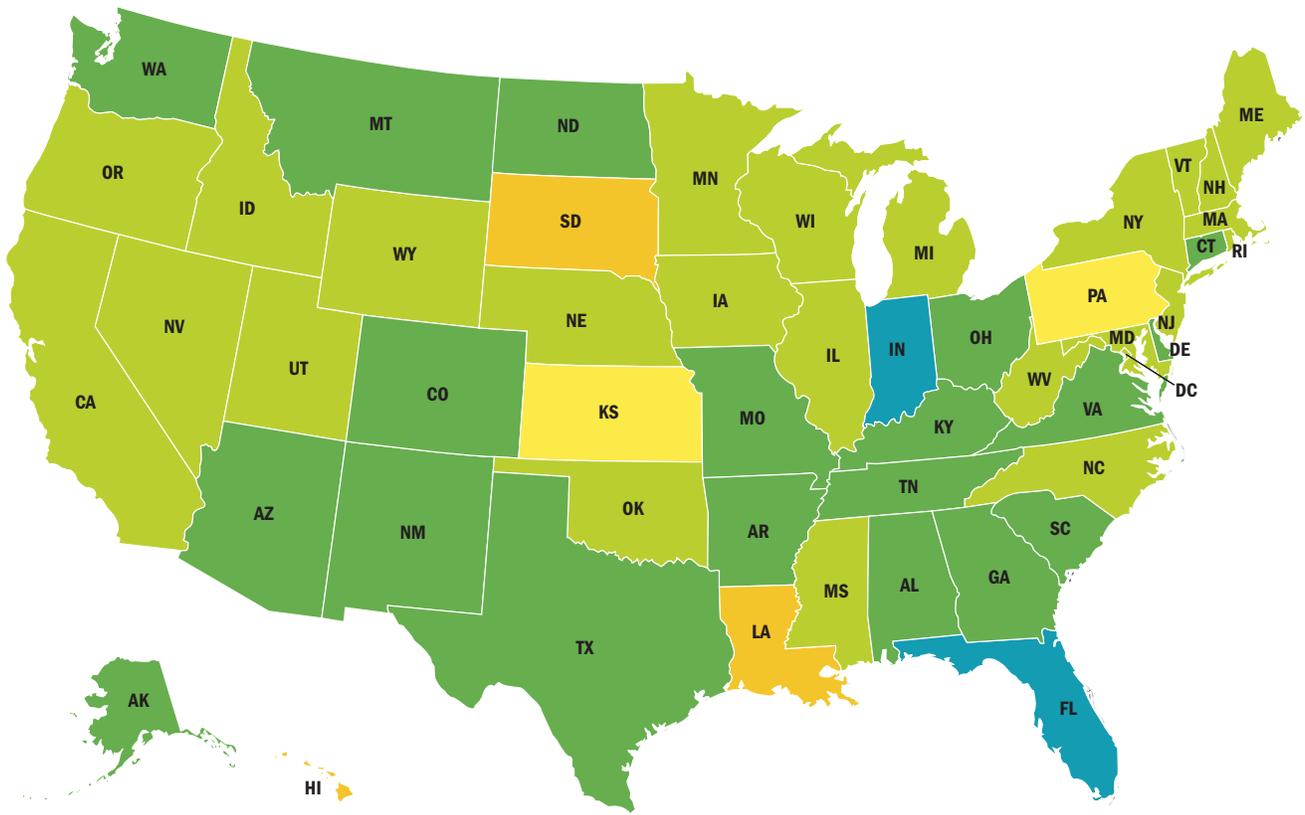
In Georgia, where courts have prevented the state’s new photo-only voter ID law from being enforced in the primary, there is at least a possibility, though unlikely, that it could be enforced for the November election.

That means both voters and poll workers must be educated and trained on procedures. Further, with rules in flux, it is unknown how many voters lacking the requisite identification have secured state-issued photo ID in advance of the vote.

Augusta officials reported that they made 250 free voter ID cards for voters concerned about the new rules despite the ruling blocking the law. Richmond County Supervisor Lynn Bailey said the “stop-and-go” action on the law has convinced her to be ready either way.

“The worst part of it is just the uncertainty,” she said in a news report. “Election preparation doesn’t happen overnight. Even laying that whole issue aside, you hate the confusion that is out there for the voters.”³⁹

In Missouri, the passage of S.B. 1014 in May meant voters must present a state-issued photo ID to be eligible to vote. A suit by the ACLU filed two months later in St. Louis and Kansas City challenged the law on a state constitutional prohibition on unfunded mandates. People for the American Way, a group that has also challenged voter ID initiatives, said in Kansas City’s county, the cost of implementing the new law could approach \$500,000.⁴⁰ The judge struck down the law, which the state appealed.



STATE VOTER VERIFICATION REQUIREMENTS, 2006

This map details state voter-verification requirements at polling places.

Notes:

Georgia: A law requiring all voters to present government-issued photo identification was struck down by a U.S. Court of Appeals.

Missouri: A law requiring all voters to present government-issued photo identification was struck down by a county circuit judge.

New Mexico: Voters can state their name and provide verification verbally.

Texas: Voters must present a current state voter registration certificate. Those who cannot show a certificate must show identification. All first-time voters who registered by mail must show identification at polling places.

- Minimum HAVA requirements** in place. Verification required of first-time voters who registered by mail and did not provide verification with their registration application. (24 states and the District of Columbia)
- Required for all voters**, photo and non-photo verification accepted. (19 states)
- State or U.S. government-issued photo identification required** of all voters in order to cast a ballot. Voters who cannot provide photo identification are allowed to cast provisional ballots but must prove their identity to have their votes counted. (2 states)
- Photo identification requested of all voters;** voters without required verification can sign affidavits and cast regular (non-provisional) ballots. (3 states)
- Required of all first-time voters.** (2 states)

VOTER REGISTRATION

While many focus on the issue of security and reliability of voting systems, voter registration issues could emerge as one of the major stumbling blocks leading up to and during the 2006 general elections.

“These battles over voter registration could be to the 2006 elections what the voting machines were in 2000,” says Daniel Tokaji, assistant professor of law at The Ohio State University.⁴¹

There continue to be a variety of practices across state lines. Rejection rates of voter registration applications vary as do the means by which those who have applications rejected learn of how to rectify problems. Deadlines vary greatly as well, with cut-off dates for registering for elections ranging from the day of an election in states that offer it, including in Wisconsin, Minnesota and Maine, to a month before the vote, including in Michigan, Alaska and Louisiana.

Information requested of voters varies as well, with half of the states requesting political party affiliation, two requesting proof of citizenship and one asking voters to list their occupation.

As a whole, the user end of the voter registration process is virtually unchanged in the past decade, especially when compared with other areas of election administration. The majority of voters fill out forms with ink and paper at the Department of Motor Vehicles, other government agencies or by mail. The past several years have seen a slow but growing use of the Internet to at least offer registration forms online. Yet despite the proliferation of government services available on the Web, only Arizona allows applicants to register entirely online.⁴²

Third-party voter registration regulations

Much of the recent controversy over voter registration has resulted from how states regulate third-party voter registration groups and what should be required for voter verification when registering to vote.

States have occasionally cited trouble with third-party groups that have either intentionally or mistakenly discarded completed voter applications, refused to register voters from parties with philosophies contrary to their organizational goals or other mishandling of applications that have prevented would-be voters from becoming registered.

There were reports in August 2006 of 500 potentially questionable voter registration cards submitted by the group Association of Community Organizations for Reform Now (ACORN). News reports cited problems with registration forms with the same handwriting and applications listing fake birth dates or addresses that turned out to be vacant lots.⁴³

The response in two states, however, went too strongly in the other direction for the courts, which in both Florida and Ohio struck down rules that would have imposed strict limits and/or financial penalties significantly altering the activities of third-party groups.

A Florida measure passed in 2005, effective for the first time this year, imposed the nation’s most stringent regulations on third-party voter registration drives, provoking legal action from voter groups that included grassroots organizations and labor unions. The law detailed fines for forms returned more than 10 days after being filled out – \$250 per day for each form received late, \$500 for each form collected before the registration deadline but received by election officials after the deadline and \$5,000 for each form completed but not submitted by an organization.⁴⁴

In late August, a federal judge issued a preliminary injunction against these rules, stating they infringed on the groups’ rights of free speech and association. The League of Women Voters of Florida, for example, said it could not risk losing \$80,000 out of its annual budget – the penalty for 16 lost registration forms.⁴⁵ Advocacy groups, while pleased with the court’s ruling, said they were going to try to make up for lost time before the general election. State officials said they will appeal.⁴⁶

In Ohio, a similar battle raged over third-party voter registration rules. Republican state Sen. Jeff Jacobson, R-Dayton, said the new regulations were necessary to help prevent voter fraud. “The different allegations involve forged signatures, fake addresses, names that didn’t match the people coming to vote, and groups turning in hundreds of voter registration forms after the deadline,” he told *USA Today* in referring to the 2004 general election.⁴⁷

The new laws required registering with the state before starting registration drives and completing an online training program. They also required registration form collectors to return applications to the appropriate office themselves, not through the organization for which they are collecting signatures.⁴⁸

Katy Gall, head organizer for Ohio ACORN, said the state's rules, which dictate the person who distributes the registration application return them rather than the group they work for, hindered registration drives.

"It really limits our ability to do quality control on voter registration because we don't hand into the board of elections, the circulator does," she said.⁴⁹

Voter advocacy groups filed suit against Secretary of State Kenneth Blackwell (R), claiming the rules would limit registration and exclude Ohio voters from the election process. Just as in Florida, a judge struck down the contentious parts of the law.

"The provisions greatly hinder the nationally articulated interest of registering all voters who wish to do so," said U.S. District Judge Kathleen O'Malley.⁵⁰

While the courts decided against both laws, some experts say third-party groups entrusted with something as important as voter registration should have some oversight.

One potential solution cited by Edward Foley, professor of law at The Ohio State University, is online voter registration — an option only offered in Arizona and at some locations in Rhode Island.

"If a third-party group is going to undertake the responsibility of participating in the registration process, its needs to accept the consequences of disenfranchising citizens because of its own mistakes.... Problems [would] disappear if these and other states would implement online voter registration as an option."⁵¹

Lawsuits in Ohio over voter registration did not end with Judge O'Malley's decision. In September, ACORN and other groups filed another suit against Blackwell, charging the state is not compliant with the National Voter Registration Act of 1993 (NVRA, also known as the Motor Voter law).

The suit claims that the state has failed to provide voter registration opportunities at public assistance offices.

"There is no measure by which Ohio can be said to be doing a good job of registering the low-income population," said Lisa Danetz, an attorney at the National Voting Rights Institute

who is handling the case. "There are a lot of people coming into those offices that should be getting the opportunity to register, and they're just not."⁵²

Voter verification

In 2004, Arizona voters approved Proposition 200 that mandates voters present a form of state-approved documentation with registration applications, among other requirements. The National Voter Registration Form, available to all voters — except in Wyoming where state law prohibits its use and in North Dakota which has no voter registration — for over a decade, does not require this, which in early 2006 led to a conflict between the federal agency in charge of overseeing HAVA implementation and the state.

The U.S. Election Assistance Commission (EAC) wrote Arizona Secretary of State Jan Brewer (R) in March 2006, stating the additional ID requirement on the federal form would violate federal law.⁵³

Arizona officials disputed the interpretation while advocacy groups filed suit against the state. In late June, U.S. District Judge Roslyn Silver sided with Arizona stating, "Determining whether an individual is a United States citizen is of paramount importance when determining his or her eligibility to vote."⁵⁴

However, in early October, a federal appellate court blocked enforcement of this law. "I'm very concerned about the confusion that this potentially will create in the upcoming election," stated Brewer.⁵⁵

The issue is far from settled however as battles over immigration and voter identification continue across the nation.⁵⁶ Even the EAC was divided on the issue as demonstrated by a split decision when considering overturning their previous guidance to Arizona and changing information on the federal voter registration form. The two Republicans voted to change the EAC's previous stance and incorporate changes to the form, while the two Democrats opposed changes.

EAC Chairman Paul DeGregorio (R) stated in support, "Leaving out key instructions on the National Voter Registration Form was likely to cause more steps for the voters and possibly keep them from being able to cast a ballot."⁵⁷

Democratic commissioner Ray Martinez disagreed. "What about the confusion that will be caused if today we grant

Arizona its request for an accommodation and other states are left wondering whether they too, should (or can) be requiring proof of citizenship with the federal form?”⁵⁸

STATEWIDE VOTER REGISTRATION DATABASES

Once voters register, where their information is compiled and stored differs greatly from even two years ago in most states. This November marks the first general election in which all states are federally required to have statewide voter registration databases up and running.

During the Congressional debate of the Help America Vote Act (HAVA) in 2002, Sen. Chris Dodd, D-Conn., described the reasoning behind the mandate.

“The requirement for a statewide registration system will enhance the integrity of our election process, making it easier for citizens to vote and have their ballots counted, while clearing ineligible and false registrations from the voter rolls,” he said.⁵⁹

The implementation of databases has not been without problems. Some states faced problems with vendors and operability challenges, while others missed deadlines outright. Concerns persist about their functioning, however, as well as the potential for security lapses and identity thefts from the now-centralized lists that will store at least some personal information about every voter in the state.

Missed deadline and lawsuits

As Election Day approaches, most states have met the mandate. But a dozen missed the Jan. 1, 2006 deadline to have the lists completed.⁶⁰

Enforcement has varied, though most states which missed the mark avoided federal action. Only four states, Alabama, New York, New Jersey and Maine were sued by the U.S. Department of Justice (DOJ), the agency charged with overseeing HAVA compliance.

Prior to the deadline, DOJ had agreements in place that allowed them to have some interim solution in place with several states, including California, for the 2006 election while setting a timetable for ultimately completing the database project.⁶¹

In the cases of Alabama, Maine, and New York, the department went after elections offices that had barely

started — or had made no progress at all — on implementing the statewide lists. In Maine the suit was filed simultaneously while an agreement was announced with the state on filing a plan to implement a database.⁶² New Jersey and the Justice Department announced a similar agreement in mid-October.

In New York a suit was filed and an agreement reached on creating an interim database.⁶³

In Alabama, the suit led to a plan for implementing a database by a “special master.” The federal judge placed Gov. Rob Riley (R) in charge of completing the database, angering some Democrats including Secretary of State Nancy Worley (D).

“To make this move at this time seems very politically motivated to me,” Worley stated. “We’ve worked two and a half years on Alabama’s voter registration database and the Justice Department selects this time to file suit. It also seems the Justice Department is focusing its lawsuits on Democratic secretaries of state.”⁶⁴

Indiana met HAVA deadlines, although during an early test run of its database experienced problems when the system crashed for several hours. However, during a mock election soon after, the problems did not recur. State officials said they were pleased to discover problems before, and not during, Election Day.⁶⁵

Other states that missed the deadline completed their databases later in the year. Missouri completed implementation over the summer.

Colorado, Wyoming and Wisconsin — three states that missed the compliance deadline — had one significant factor in common. They had all signed contracts with Bermuda-based Accenture. Colorado and Wyoming ended their agreements with Accenture and went with other companies while Wisconsin stayed with the company. All three states avoided DOJ lawsuits, however, likely based on their ability to demonstrate a “good-faith effort” to meet the Jan. 1, 2006 deadline.

Problems Rolling Out

Of the databases that have debuted since the passage of HAVA, a few have faced initial problems as well as criticism of some county election officials, some of whom had ceded control over locally-held databases to state officials.

In Pennsylvania, where officials contracted an Accenture-built database prior to HAVA, some county officials expressed concern with the speed and usability of the system. The state has performed quality assurance reviews to address some of these concerns.⁶⁶

Nevada saw its Covansys-developed database scrapped after delays and complaints from county officials that it was not up to snuff. “[Covansys] had two months to prepare for this demonstration and we didn’t see a single module that didn’t have problems,” said Larry Lomax, Clark County’s voter registrar.⁶⁷ A backup system developed by the state is now in place.

In Wisconsin, the road to compliance has been similarly challenging. In its first test in a February 2006 election, approximately 12 of 21 towns that were supposed to use the database opted out of doing so because of software problems.⁶⁸ In July, some municipalities still said they were experiencing some problems.⁶⁹ By September, officials said they had worked out some of the bugs and the system was ready for statewide use.

Matching Data

Representatives from some advocacy groups said they are concerned that some voters will show up to the polls on Nov. 7 believing they are registered to vote but will be left off the new statewide lists, forcing them to cast a provisional ballot that might not be counted.

A report from the New York-based Brennan Center contends that regulations in some states that mandate exact matching of certain data from registration forms to data on other state and federal databases could disenfranchise voters.

“All large databases have errors — glitches like typos, transposed names, and omitted information. Such errors could prevent a legitimate match for two records that in fact reflect the same individual. Also, databases compiled at different times and for different purposes record information differently, which makes it even more difficult to find proper matches: “William” may not match “Will” or “Billy”; a maiden name may not match a married name... Depending on the state’s policies and procedures, these eligible voters may end up disenfranchised, through no fault of their own,” the report stated.⁷⁰

The group found several states have “exact-match standards,” whereby if certain fields from registration forms

are compared with information in other databases and do not have a precise match, the registration will be rejected.

The Center was involved in a lawsuit over the issue in the state of Washington and, in early August, a judge found in the plaintiff’s favor. The state “failed to demonstrate how an error or omission that prevents Washington State from matching an applicant’s information is material in determining whether that person is qualified to vote,” U.S. District Judge Ricardo Martinez wrote.⁷¹

“This ruling knocks down an unnecessary barrier to voter registration,” said Justin Levitt, of the Brennan Center. “Voters who are eligible shouldn’t have their registrations hung up by a typo, a married name or any number of other reasons.”⁷²

In early 2006 in California, problems emerged with the state’s interim registration database and its matching standards. Strict matching standards (due to the state’s agreement with the DOJ in implementing their interim database) contributed to 25 percent of submitted forms being rejected during the first three months of 2006. State law requires election officials to resolve any discrepancies in forms with matching or other issues, a time-consuming task.⁷³

Conny McCormack, Los Angeles County registrar-recorder/county clerk, cited examples of rejected registrations, including voters left off the list because of spaces in their last names, such as “De Leon,” or a two-word last name with no hyphen, such as “Weaver Cardona.”⁷⁴

Purging the Rolls

Despite the problems, officials say the new lists are keeping their voter rolls cleaner — helping identify and eliminate duplicate registrations, dead or other ineligible voters. But there are concerns that some could be mistakenly purged from records.

In August 2006, Indiana purged 120,000 dead and duplicate names from its voter rolls.⁷⁵ “Hoosier voters deserve a voter file that is accurate and protects the integrity of our electoral process,” Secretary of State Todd Rokita (R) said in a press release.⁷⁶

However, in Marion County, 18 voters who received notices that they were purged were in fact still eligible voters. County Republicans pointed out that the 18 mistakes were out of about 4,000 purges in the county.⁷⁷

Kentucky, South Carolina and Tennessee compared voter rolls in early 2006, leading Kentucky to purge 8,000 duplicate voter records prior to the May 2006 primary. This time it was state officials who said that they were concerned the purge would disenfranchise legitimate voters.⁷⁸

A compromise was reached by Election Day allowing voters wrongly removed from the rolls to show ID and be able to cast a ballot.

In October, a judge ruled those voters should be placed on the inactive list for two election cycles before their records are purged.⁷⁹

Also early in 2006, officials from Oregon, Washington, Idaho, Montana and California met to discuss issues including sharing registration data. Some expressed enthusiasm for the idea, while others were more cautious.

“You are going to have to have a rock-solid, unimpeachable method [for removing duplicate voters off rolls] because as soon as you drop a voter from a list, you have the potential to disenfranchise someone,” said Chris Reynolds, California’s Help America Vote Act coordinator.⁸⁰

Security and Privacy

Other questions surround the new databases, including how vulnerable are they, who can access information and whether security risks increase when databases are linked together.⁸¹

“[Election officials] must assure.... that the system is transparent while voter information is kept private and secure from unauthorized access,” stated a report by the Association for Computing Machinery. “A well-managed voter registration system is vital for ensuring public confidence in elections.”⁸²

An audit released in June 2006 of Florida’s voter registration database echoed concerns about the state list and its security, uniformity and integrity. The report found the state did not have enough controls in place to stop unauthorized access into the database.⁸³ State election officials said many of the problems cited have been fixed.

Lilley Coney, associate director of the Electronic Privacy Information Center, has other concerns as well. “If databases are linked — i.e. voter registration and driver license databases, public assistance registries, death notices, or tax records, security threats or risks in one system can affect the

other system,” she said in testimony before the Election Assistance Commission in 2005.⁸⁴

R. Michael Alvarez, political science professor at California Institute of Technology, has suggested that a potential way to address these concerns is by creating standards for databases — just as is the case for voting systems.

“Electronic and computerized voter registration systems need standards, testing and certification — just like voting equipment. As voter registration files are the backbone of the election administration process, we are running the risk that these electronic databases may not be reliable, secure, or private. At a minimum, a standard set of terminology and procedures with definitions should be adopted to provide some national uniformity in matters relating to voter registration.”⁸⁵

Beyond 2006

Despite these concerns, some experts — including an election reform panel chaired by former President Jimmy Carter and former Secretary of State James Baker in 2005 — see a future where states link their voter databases to each other.

States have already begun discussing sharing registration data on a regional level, including in the Midwest (Kansas, Missouri, Iowa and Nebraska)⁸⁶ and previously mentioned agreements or discussions about sharing data in the South (Kentucky, Tennessee and South Carolina) and in the West (Oregon, Washington, Idaho, Montana and California).

“In order to assure that lists take account of citizens moving from one state to another, voter databases should be made interoperable between states. This would serve to eliminate duplicate registrations, which are a source of potential fraud,” stated the Carter-Baker report.⁸⁷

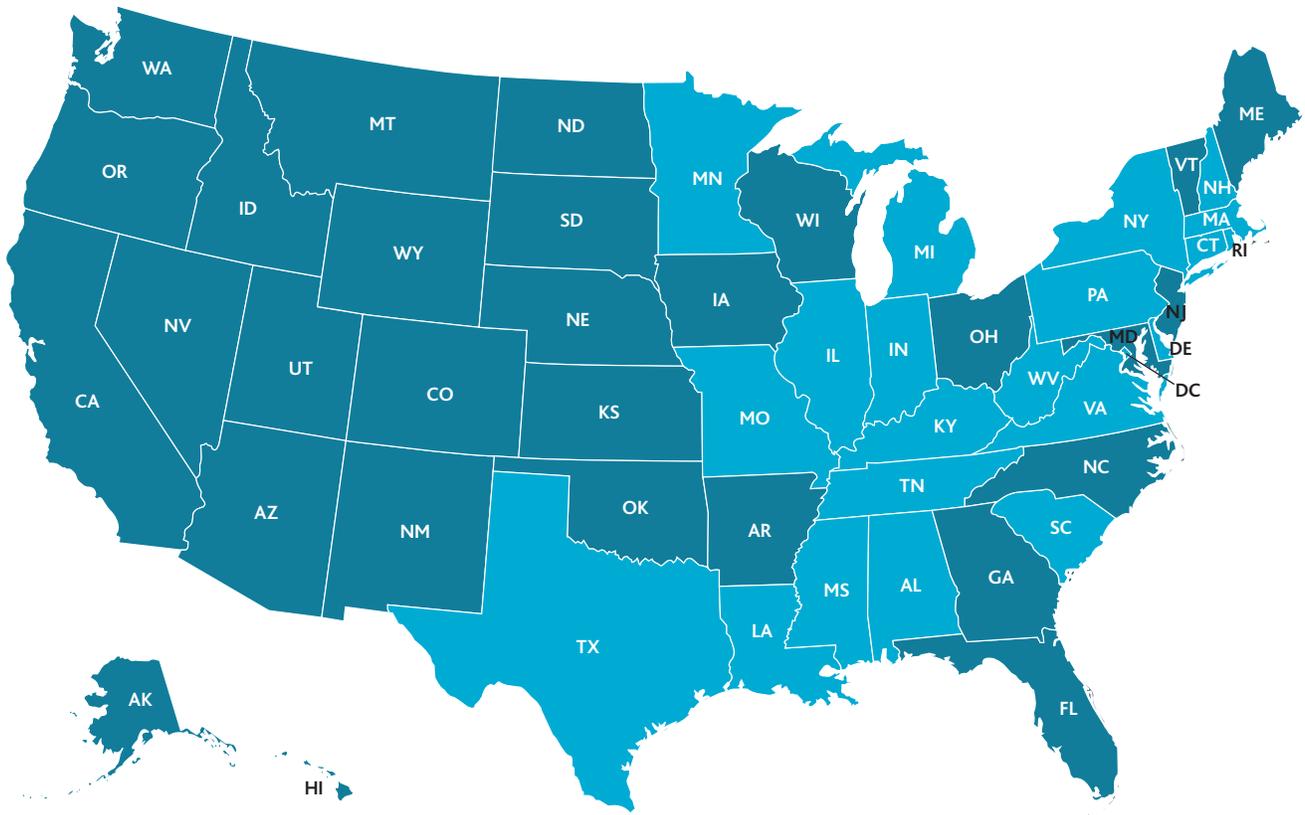
STATEWIDE VOTER REGISTRATION DATABASES

This chart details the status of voter registration databases.

Alabama	Status U.S. Department of Justice (DOJ) gets injunction against state for not completing accepted database, June 7, 2006. State filed database plan with court June 2006. Federal judge accepted, altered plan, July 2006. Alabama governor appointed special master of database August 2006. Older database in place.
Alaska	Statewide database currently in use – in place since 1985.
Arizona	Statewide database currently in use. Created in-house. Implemented 2004. Contract signed January 2006 with IBM and ES&S to develop a new database.
Arkansas	Statewide database currently in use. Signed contract with ES&S, January 2005.
California	State's existing "CalVoter" registration system being updated to serve as interim database as part of an agreement entered into with DOJ.
Colorado	Contract with Accenture cancelled December 2005. State awarded new contract to Saber Consulting, August 2006.
Connecticut	Statewide database currently in use. Built by PCC Technology Group.
Delaware	Statewide database currently in use—in place since 1990.
District of Columbia	Statewide database currently in use. The District of Columbia is a single voting jurisdiction.
Florida	Statewide database currently in use. The Department of State contracted with IBM to provide prime contractor and systems integration services for the development of the statewide system.
Georgia	Statewide database currently in use.
Hawaii	Statewide database currently in use.
Idaho	Statewide database currently in use. Contract signed with Covansys Corporation and PCC Technology Group, January 2004.
Illinois	Final HAVA-compliant database not complete. Interim system in place. Contract signed with Catalyst Consulting.
Indiana	Statewide database currently in use. Contract signed with Quest Information Services, September 2004.
Iowa	Statewide database currently in use. Contract signed with Saber Consulting, January 2005.
Kansas	Statewide database currently in use. Contract with Accenture terminated by agreement, March 2005. Contract signed with ES&S, March 2005.
Kentucky	Statewide database currently in use – in place since 1973.
Louisiana	Statewide database currently in use – in place since 1987.
Maine	Contract signed with Covansys Corporation, PCC Technology Group and Aradyme Corp., February 2005. Contract with Covansys ended February, 2006, database not complete. State entered into agreement with DOJ to set plan to implement database, July 28, 2006.
Maryland	Statewide database currently in use. Contract signed with Saber Consulting, April 2005.
Massachusetts	Statewide database currently in use.
Michigan	Statewide database currently in use – in place since 1998.
Minnesota	Statewide database currently in use.

Note: Bold text indicates the state missed the Jan. 1, 2006 HAVA deadline or entered into an agreement for interim compliance with the U.S. Department of Justice.

Mississippi	Statewide database currently in use.
Missouri	Statewide database currently in use. Contract signed with Maximus, March 2004. Agreement made with Boone County over sharing voter data, June 2006 – all counties now part of system.
Montana	Statewide database currently in use – developed in-house.
Nebraska	Statewide database currently in use. Contract signed with ES&S, May 2004.
Nevada	Statewide database currently in use. Contract signed with Covansys Corporation and PCC Technology Group, November 2004. Contract with Covansys suspended, February 2006. In-house system developed, implemented May 2006.
New Hampshire	Statewide database currently in use. Contract signed with Covansys Corporation and PCC Technology Group, 2005.
New Jersey	Reached settlement with DOJ. Interim system in place.
New Mexico	Statewide database currently in use. Developed by ES&S.
New York	Interim database in place.
North Carolina	Statewide database currently in use – developed in-house.
North Dakota	Exempt – state does not register voters. State is building a statewide database as a record of who has voted.
Ohio	Statewide database currently in use – developed in-house.
Oklahoma	Statewide database currently in use. Maxim Consulting hired to enhance system.
Oregon	Statewide database currently in use. Signed contract with Saber Consulting, August 2003.
Pennsylvania	Statewide Uniform Registry of Electors (SURE) is in use. Signed contract with Accenture, July 2002.
Rhode Island	Statewide database currently in use. Signed contract with Covansys and PCC Technology Group (PCC) May 2004.
South Carolina	Statewide database currently in use – in place since 1971.
South Dakota	Statewide database currently in use – developed in house.
Tennessee	Statewide database currently in use – developed in-house.
Texas	Signed contract signed with IBM / Hart InterCivic, March 2005. Not complete, but the interim system in compliance with HAVA.
Utah	Statewide database currently in use – developed in-house.
Vermont	Statewide database currently in use – developed in-house.
Virginia	Contract signed with Unisys, February 2005 for new statewide database. Expected completion September 2006.
Washington	Statewide database currently in use – developed in-house.
West Virginia	Statewide database currently in use – developed by PCC Technology Group.
Wisconsin	Signed contract with Accenture, November 2004. State did not meet the January 1, 2006 deadline for completion. Database completed in time for the Sept. 12, 2006 primary.
Wyoming	Signed contract with Accenture, February 2004. State refunded money after deadline missed by Accenture, April 2006. Interim database developed.



ABSENTEE VOTING, 2006

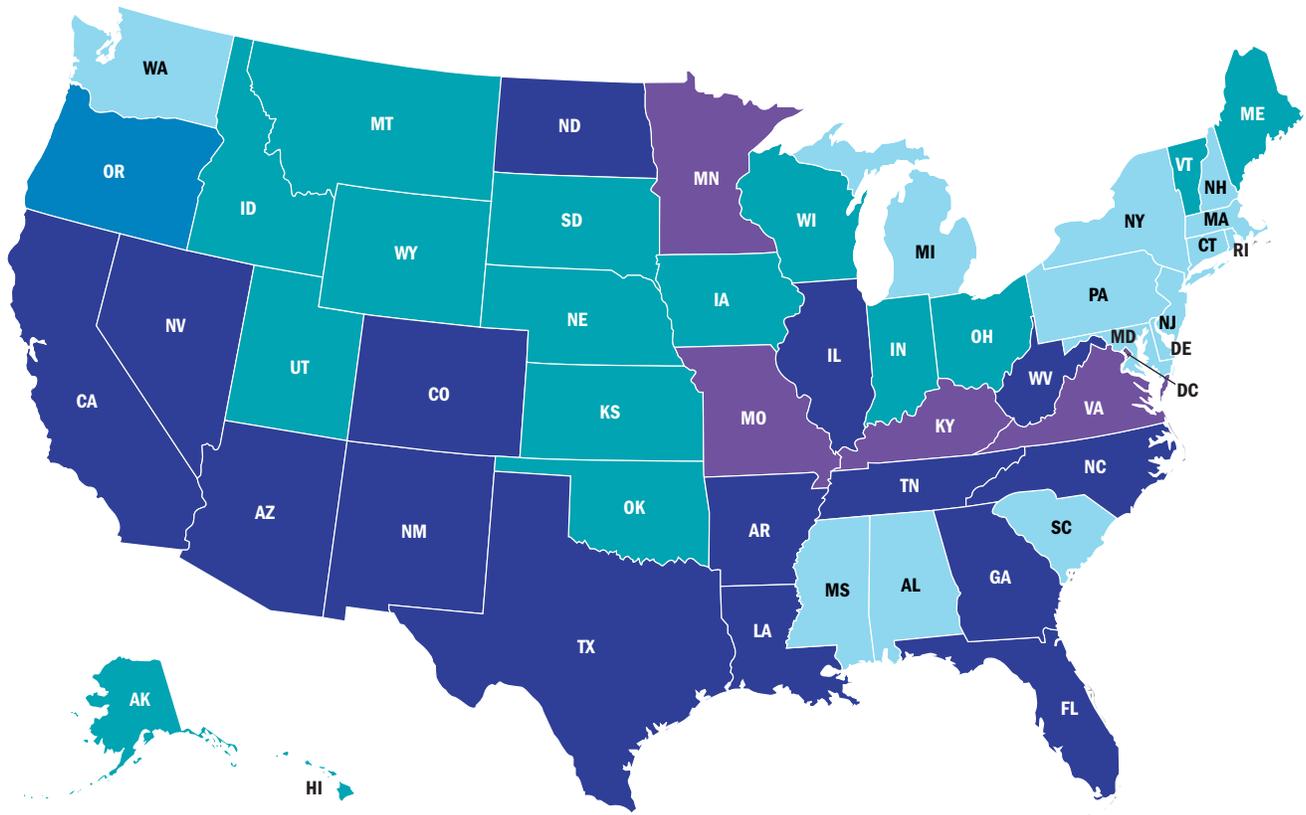
This map provides information whether states allow no-excuse absentee voting or require a reason to vote absentee.

- No-excuse absentee voting by mail** (29 states)
- Excuse needed to vote absentee by mail** (21 states and the District of Columbia)

Notes:

Oregon: All ballots are cast by mail.

Washington: 34 of 39 counties conduct elections by mail.



PRE-ELECTION IN-PERSON VOTING, 2006

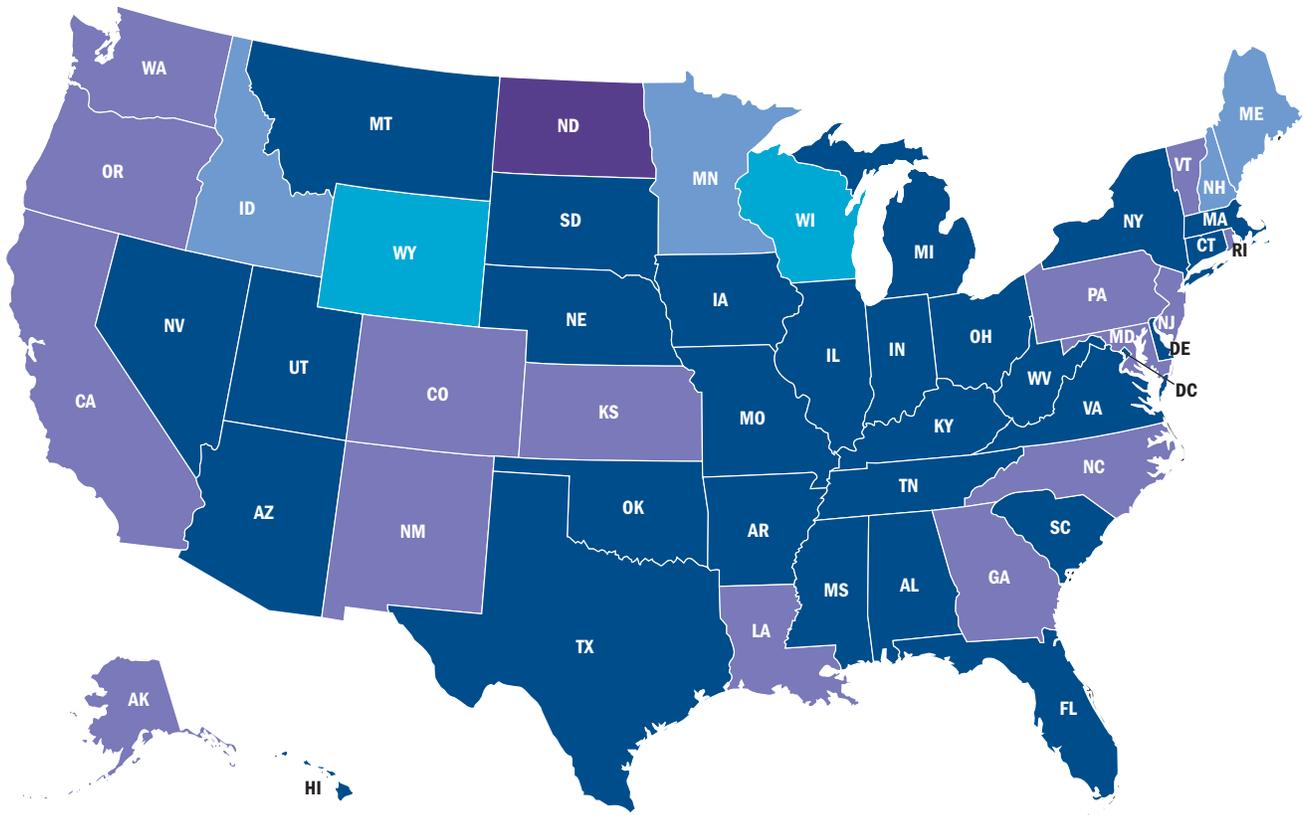
This map provides information whether states allow voters to cast ballots prior to Election Day in person, via either in-person absentee voting or early voting.

Notes:

Oregon: All ballots are cast by mail.

Washington: 34 of 39 counties conduct elections by mail.

- No-excuse early voting**
(15 states)
- No-excuse in-person absentee voting**
(16 states)
- Excuse required for in-person absentee voting**
(5 states)
- No early or in-person absentee voting**
(14 states)
- All vote-by-mail**
(1 state)



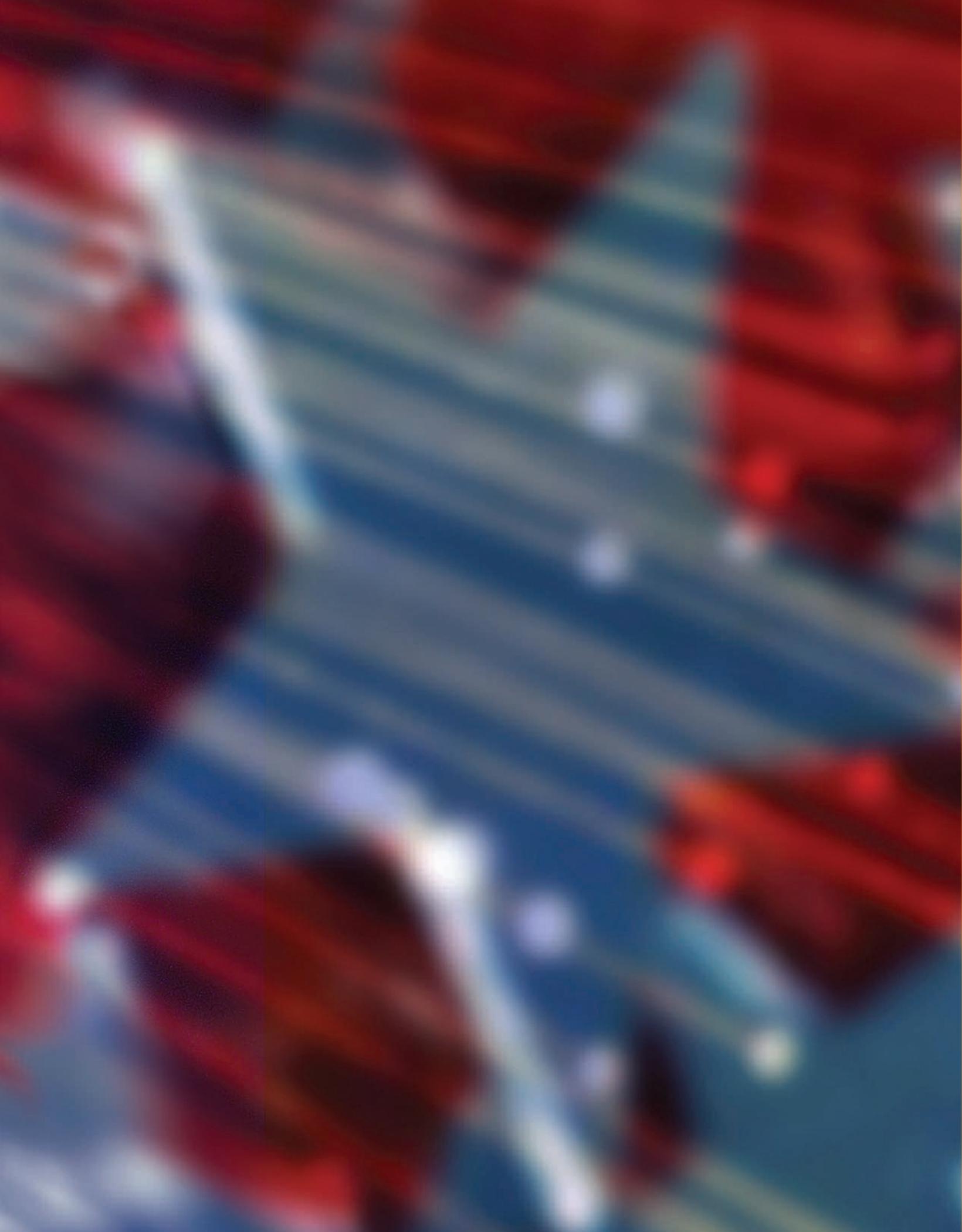
PROVISIONAL VOTING, 2006

Under the Help America Vote Act, every state was required to provide provisional ballots to citizens who arrived at polling places and believed they were registered but whose names were not on voter registration rolls as of Jan. 1, 2004.

This map provides at-a-glance information of state rules that determine which provisional ballots are eligible for verification and counting.

Notes: Utah requires provisional ballots to be cast in the correct precinct to be counted unless the ballot cast is identical to the ballot that would be issued in the voter's correct precinct.

- Provisional ballots eligible for verification if cast in correct precinct** (28 states and the District of Columbia)
- Provisional ballots eligible for verification if cast in correct jurisdiction** (15 states)
- Not applicable – election-day registration** (4 states)
- Not applicable – no voter registration** (1 state)
- Election-day registration; Provisional ballots issued to voters who cannot provide compulsory identification at polling places for election-day registration. Provisional ballots are eligible for verification if cast in correct precinct** (2 states)



ALABAMA



Voting systems (Manufacturer)	Optical scan and ballot-marking device (ES&S)
Voter ID	Required of all voters. Photo ID not mandatory.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	Incomplete. Judge appointed special master to implement HAVA-compliant database. Not all counties connected to Older statewide database.
VVPAT requirement	No
VVPATs, audits and recounts	N/A
Absentee voting	Excuse required.
Pre-election day in-person voting	No. In-person absentee voting repealed in 2001.
Voting rights restoration of individuals convicted of felonies	Not automatically restored.

Voter registration database: One of four states sued by the U.S. Department of Justice (DOJ) for failing to comply with the Help America Vote Act (HAVA), Alabama's sputtering start on enacting a statewide voter registration database devolved into a battle for control over the state's election department between its Republican governor and Democratic Secretary of State.

DOJ sued the Secretary of State's office in the beginning of May to "vindicate the rights of the voters of Alabama, who do not, at present, enjoy all of the protections that HAVA affords."⁸⁸ Five months after the HAVA deadline DOJ officials said Secretary of State Nancy Worley had failed to select a vendor to complete the database despite "several contacts and extensive efforts," by the department's Civil Rights Division.⁸⁹

Worley said the job would be completed by February 2008, a figure deemed unacceptable by a federal judge, who decided to put the control over the database implementation in the hands of Gov. Bob Riley (R). Democrats filed a lawsuit arguing handing the authority of the project from the Democratic Secretary of State to the Republican governor smacked of election-year partisanship.⁹⁰ Worley said she believed "the whole process [was] political,"⁹¹ and noted that the state has had a statewide voter registration database – albeit dated – in place since the early 1990s.⁹²

Over their objections, however, Riley took over the project in August assuming the title of "special master," with a new court-ordered compliance deadline of Aug. 31, 2007.⁹³

ALASKA



Voting systems	Optical scan, hand-counted paper ballots and DRE with VVPAT (Diebold)
Voter ID	Required of all voters. Photo ID not mandatory.
Provisional voting	Eligible for verification if cast in correct jurisdiction.
Statewide database	In place
VVPAT requirement	Yes
VVPATs, audits and recounts	Paper ballot to be used in recount.
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. In person absentee voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

2004 election: The 2004 election is not quite over in Alaska. At the end of September 2006, a state superior court judge heard a case filed by state Democrats who allege large discrepancies between vote summaries and district-by-district counts for some races.⁹⁴ The suit is just one outgrowth of a highly contentious relationship between state Democrats and the Republican-headed Division of Elections.

Voting systems: Democrats warned voters against using the state's recently-implemented Diebold touch-screen voting machines, which employ voter-verified paper audit trails, in the days leading up to the state's August primary.⁹⁵ Alaska's precincts employ optical scan and touch-screen voting systems, both of which had some problems transmitting results via modems during the primary.⁹⁶

ARIZONA



Voting systems	Optical scan, DRE with VVPAT and ballot-marking device (Diebold, ES&S and Sequoia)
Voter ID	Required of all voters. Photo ID not mandatory.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	In place
VVPAT requirement	Yes
VPATs and recounts	Paper ballot to be used in recount.
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. Early voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	If convicted of two or more felony offenses, an individual's right to vote is not automatically restored.

Voter registration forms: Concerns over suppression collided with fears of fraud and ineligible voters in the state during the past year, as Arizona became a battleground over state rules requiring voters to show documented proof of U.S. citizenship before being able to become registered voters. Republican supporters of Prop. 200, the law requiring proof of citizenship, clashed not only with state Democrats, but the federal government as well.

In March, the U.S. Election Assistance Commission (EAC), challenged rules issued by Secretary of State Jan Brewer (R) ordering county election officials to continue to reject federal registration forms not accompanied by proof of citizenship.

"Arizona's statutory changes deal with the manner in which registration is conducted, and therefore, preempted by federal law," the letter stated. "The [National Voter Registration Act], HAVA and the EAC have determined the manner in which voter eligibility shall be documented and communicated on the federal form."⁹⁷

Brewer said the EAC's interpretation was "incorrect," and in a letter

to the EAC said the state's rules were pre-cleared by DOJ.⁹⁸ Advocacy groups sued the state over the practice as well, saying the refusal to accept federal forms without proof of citizenship would exclude out-of-state students, military personnel abroad and others.⁹⁹ More lawsuits against Prop. 200 were filed in May. A month later, U.S. District Judge Roslyn Silver rejected the lawsuits, upholding Prop. 200.¹⁰⁰ She again shot down a similar lawsuit in September, just before the state's primary election. However, in October a federal appellate court blocked enforcement of the law.¹⁰¹

Online voter registration: In addition to having the most stringent registration verification requirements, Arizona also offers some innovation, including having the only entirely online registration system.¹⁰²

Election lottery: If a ballot measure is approved by voters, Arizona will be the most rewarding state to vote in as well. One lucky voter in every general election would take home \$1 million for participating in the democratic process, should voters approve Ballot Measure 200 (and courts uphold its legality).¹⁰³

ARKANSAS



Voting systems	Optical scan and DRE with VVPAT (ES&S and Danaher)
Voter ID	Required of all voters. Photo ID not mandatory.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	In place
VVPAT requirement	Yes
VPATs and recounts	Paper ballot to be used in recount.
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. Early voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Arkansas, continued from previous page

Voting systems: A phase-in of new voting machines took place prior to Arkansas' May primary, but the \$15 million purchase and installation of ES&S voting systems, including touch-screen machines with attached voter-verified paper audit trails, was chaotic at best.

In fact, implementation bordered on disastrous in the early going as the state has had persistent troubles with its voting-machine vendor and its products, from missing absentee ballots and misprogrammed optical-scan readers to “defective software” in touch-screen voting machines.¹⁰⁴ When electronic ballot cards arrived in some precincts, they were “riddled with errors,” forcing localities to resort to hastily printed paper ballots.¹⁰⁵

Hints of trouble were everywhere in advance of the state's primary, with some local election officials recommending voters cast paper ballots and many others complaining of widespread machine problems. Some machines could not operate at all after ES&S failed to deliver the necessary software. Counting votes turned out to be no easier. Gov. Mike Huckabee (R) called the situation “unacceptable” in early June,¹⁰⁶ while Secretary of State Charlie Daniels (D) ordered an independent review of problems that plagued the May vote.¹⁰⁷

The panel found ES&S at fault, a charge not disputed by company officials who agreed to “tear up bills” for nearly \$400,000 in election equipment and consulting services during the May primary.¹⁰⁸ The panel, however, did not recommend scrapping the statewide ES&S system entirely.



CALIFORNIA

Voting systems	Optical scan, DRE with VVPAT and ballot-marking device (Diebold, ES&S, Hart InterCivic, Sequoia and DFM Associates)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	Eligible for verification if cast in correct jurisdiction.
Statewide database	Interim system in place (memorandum of agreement signed with the U.S. Department of Justice).
VVPAT requirement	Yes
VVPATs and recounts	Paper ballot to be used in recount.
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. Early voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voting systems: With requirements for voter-verified paper trails taking effect at the beginning of the year, a host of California counties scrambled to meet state and federal rules to implement new voting machines in time for the state's June primary. A number of jurisdictions – including San Mateo, San Diego, El Dorado and others – flirted with all-mail voting to meet the deadline but a bill (A.B. 707) allowing the practice died in the legislature.

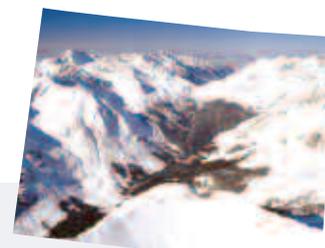
Much of the concern was whether Diebold voting systems, both the touch-screen TSx model and an optical-scan system, would be certified by the state for use in the June primary and beyond. That certification came in February, albeit with conditions, including additional levels of security procedures and programming modifications.¹⁰⁹

The June primary marked the first time most counties used new voting machines, and problems – while sometimes minor and

caused by people rather than machines – were widespread, according to news accounts.¹¹⁰ Questions continued to persist about the use of electronic voting machines well after the primary, with a lawsuit filed by one voter group against the use of Diebold machines and a secretary of state race in which the use of electronic voting equipment became the central focus of campaigns.

Voter registration: New registration rules also prompted troubles in the Golden State. Press reports indicated as many as 25 percent of registration forms sent to the state since the beginning of January were returned because they lacked identification – drivers' license numbers, Social Security numbers or other state ID – required by the Help America Vote Act. The large number of rejected applications prompted Secretary of State Bruce McPherson (R) to launch a voter-education effort.¹¹¹

COLORADO



Voting systems	Optical scan, DRE with VVPAT and ballot-marking device (Diebold, ES&S, Sequoia, and Hart InterCivic)
Voter ID	Required of all voters. Photo ID not mandatory.
Provisional voting	Eligible for verification if cast in correct jurisdiction.
Statewide database	Incomplete. Contract awarded in September 2006.
VVPAT requirement	Yes
VVPATs and recounts	Paper ballot to be used in recount.
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. Early voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Vote centers: If the concept of neighborhood polling places ever vanishes completely, the beginning of the end can be traced to Colorado. Counties in the state were the first to consolidate precincts into “vote centers,” where any voter from any part of a jurisdiction could find their local ballot as well as accessible facilities and machines. In 2006, the idea expanded to many more voters, as Denver County — home to more than 10 percent of all state residents — closed more than 400 precincts in favor of 47 vote centers.¹¹²

Voting systems: This year also marked the first time most Coloradans used new touch-screen voting machines around the state, with problems reported in a number of areas during the early

voting period leading up to and during the August primary.¹¹³ The state, like California, has been sued over the use of electronic voting by organizations representing voter groups. In September, a judge allowed electronic voting for the election, but criticized the state for its certification process.¹¹⁴

Voter registration database: While polling places in November will have new machines in place, Colorado missed the federally-mandated Jan. 1, 2006 deadline to implement a statewide voter registration database. The state cancelled a contract with vendor Accenture before starting a new bid process early this year, eventually selecting Saber Consulting in September.

CONNECTICUT



Voting systems	Optical scan, lever and vote-by-phone system (Diebold AVM and IVS)
Voter ID	Required of all voters. Photo ID not mandatory.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	In place
VVPAT requirement	Yes
VVPATs and recounts	Paper ballot to be used in recount.
Absentee voting	Excuse required.
Pre-election day in-person voting	No
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote)

Voting systems: A number of municipalities in the Nutmeg State have elected to take part in an electoral trial-by-fire: they will conduct an election on new voting machines in a general election with one of the nation’s most contentious and closely-watched races at the top of the ballot. While the rest of the state will cast ballots on optical scan systems by next year, 25 of the state’s 169 cities and towns have elected to take part in the first phase of the switch from lever voting machines to optical scanners by using the machines on Nov. 7, the day Sen. Joe Lieberman (D) will fight to

keep his seat running as an independent against Ned Lamont, the candidate who beat him in the state’s Democratic primary.¹¹⁵

The decision to spend \$15.7 million on the optical-scan systems, along with a vote-by-phone system for voters with disabilities, came after the state learned it could no longer keep its lever machines, used for decades statewide. In 2003, the state turned down federal dollars for voting-machine replacements, declining to take part in an optional buyout program.

Connecticut, continued from previous page

The U.S. Election Assistance Commission nixed the state's plan to keep the heavy-metal machines in a 2005 letter in which the bipartisan panel said the state's long-time voting machines "have significant barriers which make compliance with Section 301(a) difficult and unlikely."¹¹⁶

Still, thousands of Connecticut voters will cast ballots in November on machines that violate federal law, one official said.

"We're going to miss the deadline for compliance," said state Sen. Andrew Roraback, R-Goshen. "It's not clear yet what will happen if we're not compliant."¹¹⁷

DELAWARE

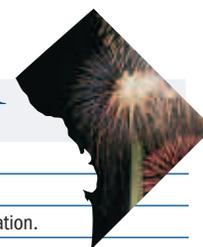


Voting systems	DRE (Danaher)
Voter ID	Required of all voters. Photo ID not mandatory.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	In place
WVAPAT requirement	No
WVAPATs and recounts	N/A
Absentee voting	Excuse required.
Pre-election day in-person voting	No
Voting rights restoration of individuals convicted of felonies	Felons convicted of certain crimes may never have their voting rights restored. Other offenders have their voting rights restored five years after completion of the sentence.

Boards of elections: One of the nation's most uniform election states became even more so in June when Gov. Ruth Ann Minner (D) signed into law H.B. 410, a bill requiring the state's 57 municipalities to establish boards of elections, appeals processes for election complaints and rules, including thresholds for recounts.¹¹⁸ The bill came about after some troubled local races in 2005.

Election Day: The most significant event during the September primary was the day of the week on which it was held. For the first time in three decades, the state held the primary during the week — on a Tuesday — rather than on Saturday, which had riled some voters who said they could not cast votes at polling places because it violated the Jewish Sabbath.¹¹⁹

DISTRICT OF COLUMBIA

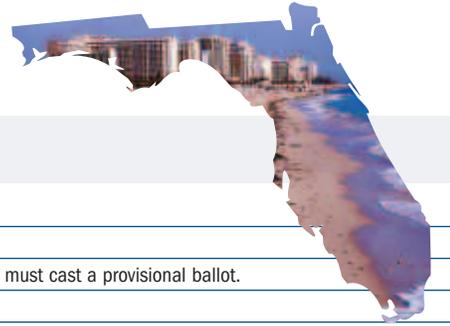


Voting systems	Optical scan and DRE (Sequoia)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	In place
WVAPAT requirement	No
WVAPATs and recounts	N/A
Absentee voting	Excuse required.
Pre-election day in-person voting	In-person absentee voting. Excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voting systems: While some states will struggle with new voting machines for the first time, the District's election officials are accustomed to having two different voting systems in every precinct. The city's optical scan and touch-screen voting systems

have been in place since 2003, the result of a legal settlement two years earlier with voters who have disabilities seeking the ability to cast a secret and independent ballot ahead of the Help America Vote Act deadline of this year's federal primaries.¹²⁰

FLORIDA



Voting systems	Optical scan and DRE (Diebold, ES&S and Sequoia)
Voter ID	Required of all voters. Photo ID with signature required or must cast a provisional ballot.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	In place
VVPAT requirement	No
VVPATs and recounts	N/A
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. Early voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	No automatic restoration.

Voting systems: While the state has lacked some of the high-profile election contests and recounts of other states in recent years, the issue of how best to administer elections in the state that inspired the Help America Vote Act remains. Far ahead of the rest of the country in implementing post-2000 election systems – optical scanners and direct-recording electronic (DRE) machines – the state has moved beyond the initial pains of implementation plaguing many others around the country and begun to look into issues of ballot security, voter ID and third-party registration practices to name a few.

The number of counties using DREs has steadily increased since the first deployments in 2002, with 30 counties using all electronic voting systems and the rest offering precinct-counting optical scanners and accessible DREs for voters with disabilities.¹²¹ There has been a growing call for the inclusion of paper trails, a prominent theme in some county campaigns for election

supervisor. Problems arose during the September primary, particularly in central Florida, where some officials had trouble transmitting results from touch-screen machines and some voters said they received the wrong ballots.¹²²

Paper trails, however, are not yet Florida law despite their growing use around the country.

Voter ID: Florida tightened its voter ID standards at polling places in 2005. Since 1998, residents had been required to present photo identification before casting ballots. If they did not have an ID, voters could sign an affidavit and cast a regular ballot. The new rules require voters without the proper photo ID to cast a provisional ballot, which would be subject to verification before counting after the election.¹²³

GEORGIA



Voting systems	DRE (Diebold)
Voter ID	Required of all voters. Law passed requiring photo ID but currently suspended for further review.
Provisional voting	Eligible for verification if cast in correct jurisdiction.
Statewide database	In place
VVPAT requirement	No
VVPATs and recounts	N/A
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. Early voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Georgia, continued from previous page

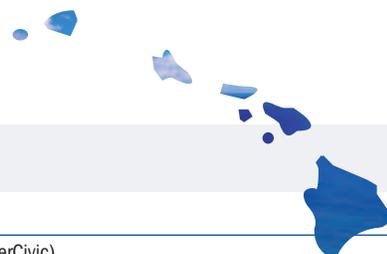
Voter ID: In September a state judge issued a permanent injunction against Georgia's contentious photo identification requirement, stating that the law is unconstitutional.¹²⁶ While the state plans on appealing, the ruling temporarily settles a battle that started in 2005 when Gov. Sonny Perdue (R) signed a law, HB 244, requiring all voters to present photo ID at the polls. That initial law was struck down after voting and civil rights groups argued that the cost and difficulty of obtaining a photo ID were unconstitutional. The legislature then approved a new law that provided for free photo ID in all Georgia counties in 2006.

While photo ID advocates say the law is needed to prevent fraud, opponents, arguing that the law would unfairly disenfranchise poor, elderly, and minority voters, prevailed twice in federal court and once in state court before the most recent injunctions. "Both sides are prepared to take this all the way to the Supreme Court," said Jennifer Jordan, an attorney working with former Gov. Roy Barnes (D).¹²⁷

Third-party voter registration: Voter rights groups also sued in response to new voter registration laws that prevent them from photocopying or double-checking forms before the registrants seal the forms in envelopes. However, the state has never prosecuted a registrar under those laws, Kathy Rogers, the state election director, told *The Associated Press*. Rogers added that her interpretation of the law allows registrants to help voters fill out the forms before sealing them and make photocopies with the voter's permission.¹²⁸

Voting systems: Public hearings on the reliability of electronic voting machines have been called for by Randy Evans, a state election board member. Evans, who prefers optical-scan voting systems to touch screens, said he has "very, very serious concerns" about the touch screens' ability to count votes. "My best guess is this will be DRE's [direct recording electronic machines] last election," Evans told *The Atlanta Journal-Constitution*. However, secretary of state spokesman Chris Riggall said it would be challenging to find a voting system that appealed to everyone.¹²⁹ The state does not require that DREs have a voter-verified paper audit trail.

HAWAII



Voting systems	Optical scan and DRE with VVPAT (ES&S and Hart InterCivic)
Voter ID	Required of all voters. Photo ID requested.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	In place
VVPAT requirement	Yes
VVPATs and recounts	Paper ballot to be used in recount.
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. In-person absentee voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Absentee ballots: Party chairs from both the state Democratic and Republican committees have criticized absentee ballots as too complicated. Voters expressed confusion over two major races for the Democratic primary, including the race in the 2nd congressional district. "A lot of people, I think, are interested in that 2nd Congressional race, and so they may be expecting to see it on their ballot," Glen Takahashi, elections administrator, said.¹³⁰ According to *The Honolulu Advertiser*, more than three in ten voters cast absentee ballots.¹³¹

Voting systems: Hawaiians who go to the polls this year will have the opportunity to cast ballots on touch-screen voting machines that provide a paper trail. While his organization lobbied for the paper trail, Bart Dame from Safe Vote Hawaii recommends as many voters as possible cast ballots using the optical scanners. Dame said that it may be possible for an election official to see how an individual cast their vote because the paper printouts appear in the order that people voted. Dwayne Yoshina, the state's chief election officer, said that elections officials don't have the desire, time, opportunity or means to figure out how someone voted. "That's really stretching it."¹³²

IDAHO



Voting systems	Optical scan, punch card, hand-counted paper ballots and ballot-marking device (ES&S)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	N/A – election-day registration
Statewide database	In place
VVPAT requirement	Yes
VVPATs and recounts	Electronic ballot to be used in recount.
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. In-person absentee voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voting systems: The last state to still have punch-card voting machines in use in some counties experienced some problems with the older technology during the May primary. In their first time using numbered templates, Ada County voters were perplexed when the numbers next to the candidates' names on the paper ballot didn't align with the template that is placed between the ballot and the punch card. After receiving complaints in the morning, county officials blocked out the numbers for the rest of the day.¹³³

This year marked the first in which Idahoans can use ballot-marking devices to cast their ballots. The system uses a DRE interface to create a paper ballot for the voter to verify and insert into an optical-scan counter. *The Idaho Statesman* reported that the new touch-screens are only for use by those with disabilities, though they may ultimately be used by all voters across the state.¹³⁴

Mail-in voting: In August, the Idaho Association of County Recorders and Clerks joined the Idaho Association of Commissioners and Clerks in supporting a plan that would give counties the option to conduct elections entirely by mail. Dan English, Kootenai County clerk, stated that the Idaho Association of Cities expressed support for vote by mail were it on an optional basis. English explained that Election Day voting would continue but on a limited basis if vote-by-mail was adopted. While a vote-by-mail bill still needs support and a sponsor in the legislature, English is encouraged by the enthusiasm he has seen for the proposal.¹³⁵

ILLINOIS



Voting systems	Optical scan, DRE with VVPAT and ballot-marking device (ES&S, Diebold, Sequoia, Hart InterCivic and Populex)
Voter ID	Required of first time-voters who register by mail and do not provide verification with application.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	In place
VVPAT requirement	Yes
VVPATs and recounts	Paper ballot to be used in recount.
Absentee voting	Excuse required.
Pre-election day in-person voting	Yes. Early voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Illinois, continued from previous page

Early voting: Cook County voters expecting all 142 early voting sites available during the March primary to be open in the early voting period before the general election could be disappointed to discover only 32 locations available. David Orr, Cook County clerk explained that more early voting sites were open during the March primary to avoid confusing voters who might have mixed up early voting with in-person absentee voting. “Thirty-two [early voting] sites is more than almost anyone in the country,” Orr said.¹³⁶

Voter ID: State Rep. Ron Stephens, R-Greenville, announced plans in August to sponsor a bill requiring voters to present state-issued

identification cards at the polls.¹³⁷ Madison and St. Clair county clerks supported standardized voter ID procedures, saying that they both currently request but don’t require ID from voters, except for voters who register by mail and vote for the first time in person. The 2005 convictions of five East St. Louis politicians on vote-buying charges color the voter ID issue in Illinois. Mark Von Nida, Madison County clerk, said that voter ID would increase confidence in elections but noted that some people will never believe in an election’s integrity. “You’re never going to convince some people,” he said.¹³⁸

INDIANA



Voting systems	Optical scan, DRE and ballot marking device (ES&S, MicroVote, Diebold and Voting Technologies International)
Voter ID	Required of all voters. Photo ID required. If a voter does not have the proper ID, they can cast a provisional ballot.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	In place
VVPAT requirement	No
VVPATs and recounts	N/A
Absentee voting	Excuse required.
Pre-election day in-person voting	Yes. In-person absentee voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voter list purges: An aggressive effort to remove inactive and deceased voters, as well as those registered at multiple addresses, from Indiana’s poll books angered Democrats, who accused Republicans of disenfranchising voters. In Marion County alone, postcards were sent to 4,000 voters registered in more than one place. Eighteen voters complained to the parties that they were mistakenly disenfranchised.¹³⁹ “We’ve identified those people, we’ll get those corrected, through our regular standard operating procedure. Actually this is exactly how it is designed to work,” said Doris Anne Sadler, county elections clerk.¹⁴⁰

A.J. Feeney-Ruiz, a spokesman for Secretary of State Todd Rokita (R) said that about 320,000 voters had been placed on an inactive list while another 120,000 were removed, either because the voter was deceased or listed more than once in records. All voters were sent address verification cards in July and those that were undeliverable were sent again. When the cards returned a second time, the voters to whom they were addressed were placed on the inactive list. Inactive voters must vote by the 2008 elections

to be moved onto the list of active voters or they will be removed from the rolls altogether. Linda Moeller, Floyd County deputy clerk said that she had received as many as 50 calls daily from voters confused by the cards.¹⁴¹

Voting systems: At the end of August, Rokita and John Groh, Election Systems and Software senior vice president, announced that the company would pay the state a \$750,000 settlement to compensate for problems counties experienced using ES&S products during the primary election. Two-thirds of the settlement will be used to help counties that use ES&S technology prepare for elections through 2007.¹⁴² In addition to delivering ballots and memory packs late to counties in southern Indiana, system problems in at least four counties prevented computers from tabulating vote totals, forcing election and ES&S officials to enter precinct totals into a central computer. Clark and Harrison counties later recounted ballots to ensure accuracy.¹⁴³

IOWA



Voting systems	Optical scan, DRE and ballot-marking device (Diebold and ES&S)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	In place
VVPAT requirement	No
VVPATs and recounts	N/A
Absentee voting	No excuse required. Iowa law requires a voter to have a reason for requesting an absentee ballot. Voters are not required to report the reason in order to receive an absentee ballot.
Pre-election day in-person voting	Yes. In-person absentee voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored.

Overseas voters: Officials recently announced that Iowa will join six other states in accepting ballots cast via fax or e-mail from voters living abroad. Voters interested in e-mailing their ballot must sign a release at the Federal Voting Assistance Program's Web site stating that they waive their right to a secret ballot and understand the risk that their e-mail may be intercepted. U.S. Department of Defense reported that voter participation among all military service members jumped from 69 percent to 79 percent in the 2004 election. All 9,700 Iowa Guard members were sent a packet explaining the new opportunities to vote.¹⁴⁴

Soldiers may request an absentee ballot by e-mail and return it by fax or e-mail. They may also have a family member pick up their ballot. Joni Ernst, Montgomery County auditor, said that there are 1,420 Iowans deployed overseas and stressed the convenience of electronic voting when it can take weeks for mail to arrive at its destination. "It was not unusual for mail to arrive home four to five weeks after it was mailed," she said.¹⁴⁵

KANSAS



Voting systems	Optical scan, DRE, ballot-marking device and hand-counted paper ballots (Diebold, ES&S and Voting Technologies International)
Voter ID	Required of all first-time voters. Photo ID not mandatory.
Provisional voting	Eligible for verification if cast in correct jurisdiction.
Statewide database	In place
VVPAT requirement	No
VVPATs and recounts	N/A
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. In-person absentee voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Polling place consolidation: Voters will find fewer polling places available to them when they head to the polls this year, though they will have the opportunity to cast advance ballots according to Secretary of State Ron Thornburgh (R). *The Hutchinson News* reported that voters can cast ballots at fewer than 2,000 polling places this year, down from about 2,200 locations in 2002. Thornburgh said that the reasons for decreased polling places

include a shrinking pool of poll workers, the need for physical accessibility and demographic changes. Linda Schreppel, Labette County clerk, explained that her county went from 36 polling places for 36 precincts to 17 polls this year, though she would like to see that number shrink even more with advance voting. "There's no reason to complain about having to go very far for a voting place when you can vote by mail," she said.¹⁴⁶

KENTUCKY



Voting systems	DRE and optical scan (Hart InterCivic, ES&S, MicroVote, Diebold and Danaher)
Voter ID	Required of all voters. Photo ID not mandatory.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	In place
VVPAT requirement	No
VVPATs and recounts	N/A
Absentee voting	Excuse required.
Pre-election day in-person voting	Yes. Early voting. Excuse required.
Voting rights restoration of individuals convicted of felonies	Not automatically restored.

Primary problems: Elections officials encountered several problems with the May primary, particularly in Boyd County where there were 530 more votes cast than voters. Stewart Schneider, Boyd County attorney, recused himself from the proceedings as he lost his re-election in the primary. While five candidates requested

that officials re-canvass voting machine totals in their races, Doris Hollan, Boyd County clerk said that they found some totals changed but the results remained the same. The grand jury is also investigating why press and candidates were kept from the counting process.¹⁴⁷

LOUISIANA



Voting systems	DRE (Sequoia)
Voter ID	Required of all voters. Photo ID requested. Voter may sign an affidavit and cast a regular ballot if they do not have the proper ID.
Provisional voting	Eligible for verification if cast in correct precinct/correct congressional district for parishes split congressional districts.
Statewide database	In place
VVPAT requirement	No
VVPATs and recounts	N/A
Absentee voting	Excuse required. Available to all displaced voters.
Pre-election day in-person voting	Yes. Early voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Imported poll workers: Secretary of State Al Ater (D) announced before the September primary that the state would spend an additional \$500,000 to ensure that there were enough poll workers in Orleans Parish for the vote. Since Orleans Parish officials were short 1,200 to 1,500 poll workers, 225 state employees, mostly from Baton Rouge, supplemented the New Orleans poll workers and received \$100 poll worker commission, mileage and two nights in a hotel for their efforts. Ater said he expects the poll workers to be used in the November election as well as the December run-off. Orleans Parish officials continue trying to contact former poll workers who may have moved to other parts of the state or out of

state to see if they would work provided mileage, hotel and other costs were covered.¹⁴⁸

Digital voter registration forms: In the wake of Hurricane Katrina, elections officials are digitizing voter registration forms by scanning them into a new computer system. Officials anticipate that the scanning process will speed up mail-in absentee voting because the scanned voter registrations will easily compare the voter's signature on the ballot with their voter registration form. The system will cost the state approximately \$500,000.¹⁴⁹

MAINE



Voting systems	Optical scan, hand-counted paper ballots and vote-by-phone system (Diebold, ES&S and IVS)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	N/A – election-day registration.
Statewide database	In place
VVPAT requirement	Yes
VVPATs and recounts	No
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. In-person absentee voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Incarcerated felons allowed to vote.

Settlement with the U.S. Department of Justice: DOJ entered into a settlement with Maine July 28 where the state will provide each polling place with a voting system accessible for voters with disabilities and develop a centralized statewide voter registration database with regular maintenance updates.¹⁵⁰ To increase accessibility for voters with disabilities, all polling places will have telephone voting. Voters can review the ballot between the second week of October and Election Day by dialing into a preview and practice mode called Inspire.¹⁵¹

Voting age: A 2005 state law change allowed 17-year-olds to vote in this year's primary as long as they will be 18 years old by the general election. Maine joined five other states that allow the same. "The statistics show that if you vote before you graduate high school, you are more likely to keep voting for the rest of your life," according to Ainsley Wallace, director of YouThink, a youth initiative.¹⁵²

MARYLAND



Voting systems	DRE (Diebold)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	Eligible for verification if cast in correct jurisdiction. A registered voter who casts a provisional ballot outside his or her home precinct will only be eligible to have those votes cast for federal races.
Statewide database	In place
VVPAT requirement	No
VVPATs and recounts	N/A
Absentee voting	No excuse required.
Pre-election day in-person voting	No
Voting rights restoration of individuals convicted of felonies	A first-time offender for theft or infamous crime will have their right to vote automatically restored upon completion of their sentence. An individual who has been convicted of two or more such crimes must complete a three-year waiting period after the completion of their sentence. No restoration for individuals convicted of more than one crime of violence or convicted of buying or selling votes.

Voting systems: During the September 12 primary, an election worker in Montgomery County forgot to include the voter access cards in the voting equipment packages sent to precincts, leaving the machines unusable. The cards were delivered to most polling locations by 8:30 a.m. and all polling places were up and running by 10 a.m., but many voters were turned away at the polls, made to vote on paper ballots, and even on scrap paper when the paper ballots ran out. A judge ordered polls to stay open until 9 p.m., an hour past the official closing time.¹⁵³

In response to this and other concerns about the reliability and security of the state's paperless Diebold DRE machines, Gov. Robert Ehrlich (R) has stated he wants to get rid of the machines in favor of a paper-based system. He also encouraged voters to cast absentee ballots. Linda Lamone, Democratic state election director, said changing systems less than two months before the general election would be "crazy."¹⁵⁴ Nonetheless, the state ordered 1.6 million paper ballots to have on hand for the November vote.

Maryland, continued from previous page

Some Democrats see partisan politics at play. “Bob Ehrlich should be focusing on fixing problems in the election system, not scaring voters,” said a statement from the campaign of Baltimore Mayor Martin O’Malley, the Democratic nominee for governor.¹⁵⁵

As of press time, Ehrlich was considering calling a special session of the Maryland General Assembly to settle voting machine problems in advance of the November vote.

Poll books: Electronic poll books were used for the first time during the primary election and the debut was not without problems. In Howard County, for example, poll books crashed while looking up a voter, and when it was rebooted, they reported that he had already voted.¹⁵⁶ Blame is being spread around to machine error, a lack of poll worker training and low numbers of poll workers and election judges.¹⁵⁷ Ehrlich has also said that he is considering scrapping these devices.

MASSACHUSETTS



Voting systems	Optical scan (ES&S and Diebold)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application as well as inactive voters.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	In place
VVPAT requirement	No
VVPATs and recounts	No
Absentee voting	Excuse required.
Pre-election day in-person voting	No
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voting systems: Voting machines for people with disabilities were not yet in place in Massachusetts at press time. Secretary of the Commonwealth William Galvin (D) had not chosen the accessible voting machines to comply with the Help America Vote Act mandate.¹⁵⁸

Voting Rights Act Compliance: On August 30, the U.S. Department of Justice and the city of Springfield settled a lawsuit brought against the jurisdiction under the Voting Rights Act. The suit charged that there were not enough provisions to help Spanish-speaking residents register and vote. According to reports, Springfield must

“appoint an Hispanic voting coordinator, allow federal election monitors and make translators and other services available beginning with the September 19 primary elections.” In addition, the city must hire 97 bilingual poll workers for the November election.¹⁵⁹

A similar suit was settled against the city of Boston last year, and the localities will continue to be monitored by federal officials as well as non-governmental organizations to make sure that they are compliant with federal law.

MICHIGAN



Voting systems	Optical scan and ballot-marking device (Diebold and ES&S)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	In place
VVPAT requirement	Paper ballots required.
VVPATs and recounts	N/A
Absentee voting	Excuse required.
Pre-election day in-person voting	No
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Michigan, continued from previous page

Voting systems: All voting systems in Michigan use paper ballots that are counted on optical-scan machines. For voters with disabilities, a ballot-marking device produced by ES&S is available. First used during the August primary, the state said there were few

problems with the new machines. However, Detroit City Clerk Janice Winfrey told a different story. “There were more glitches than I’d like to have to deal with,” she said.¹⁶⁰

MINNESOTA



Voting systems	Optical scan and ballot-marking device (Diebold and ES&S)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	N/A – election-day registration.
Statewide database	In place
VVPAT requirement	Yes. Machines must create marked optical-scan ballots.
VVPATs and recounts	Paper audit trail to be used in recount.
Absentee voting	Excuse required.
Pre-election day in-person voting	Yes. In-person absentee voting. Excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored.

Voting systems: The ballot marking devices used to meet accessible voting requirements in place performed well in primaries, some auditors reported. “The (election judges) that made comments really did like the machines,” said Lyon County auditor Paula VanOverbeke. “Nobody had any incidents to reports.”¹⁶¹

MISSISSIPPI



Voting systems	DRE with VVPAT and optical scan (Diebold, ES&S, and Advanced Voting Solutions)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	In place
VVPAT requirement	No requirement but 77 out of the state’s 82 counties using DRE machines will have a VVPAT.
VVPATs and recounts	N/A
Absentee voting	Excuse required.
Pre-election day in-person voting	No
Voting rights restoration of individuals convicted of felonies	No automatic restoration of rights of those convicted of certain crimes. Ex-felons must receive a pardon from the governor.

Voting systems: Seventy-seven of Mississippi’s 82 counties will be using Diebold AccuVote-TSx touch screen machines equipped with a voter verified paper audit trail (VVPAT). While a VVPAT is not required by state law, it is in use in all 77 counties that use electronic voting

machines. The machines were first used in the Democratic Primary on June 6 and Secretary of State Eric Clark (D) has been traveling around the state to try to familiarize voters with the new machines both for the primaries and for the general election.

MISSOURI



Voting systems	DRE with VVPAT, optical scan and ballot-marking device (Diebold, ES&S, Sequoia and Populex)
Voter ID	Required of all voters. Law requiring photo ID required struck down.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	In place
VVPAT requirement	Yes
VVPATs and recounts	Paper ballot to be used in recount.
Absentee voting	Excuse required.
Pre-election day in-person voting	Yes. In-person absentee voting. Excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voter ID: The state is in the midst of a protracted battle over its polling-place photo ID requirements. In the most recent court ruling from mid-September, Cole County Circuit Judge Richard Callahan struck down the law as unconstitutional, stating that it would put an undue burden on “women, the poor, the undereducated and the elderly.”¹⁶²

In August, Secretary of State Robin Carnahan (D) said that 240,000 registered voters could lack proper ID, and would therefore have to cast provisional ballots. In early September the Department of Revenue came out with new numbers, putting the estimate at approximately 138,000.¹⁶³

State Sen. Delbert Scott, R-Lowry City, one of the sponsors of the law, has vowed to file an appeal. “We feel like it’s an important enough issue that we should continue in the process so it can become law,” he said.¹⁶⁴

Voting systems: Many voters throughout the state cast ballots on Diebold DRE machines with VVPATs during their August 8 primary, and, with several exceptions, the machines received generally positive marks.

Wendy Noren, Boone County clerk, oversaw a recount due to a close election. While approximately 60 VVPAT ballots were uncountable because of a machine paper jam, recreated ballots from the electronic record allowed officials to recount the vote, press reports indicated.¹⁶⁵

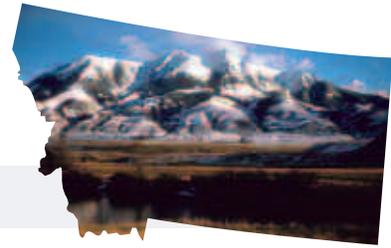
“Everything matched to a T, which I am stunned about,” Noren said. “Usually there [are] one or two little changes in any recount. It went very well. Every single one of the paper trails matched the count exactly.”¹⁶⁶

Machine problems in St. Louis County could be attributed to inexperienced poll workers. According to *The Associated Press*, poll workers did not follow proper shutdown procedures, causing a delay in validating memory cards. The article also found machine problems as well in Kansas City where machines malfunctioned.¹⁶⁷

Stacie Temple, a Carnahan spokeswoman, said despite the reports of isolated troubles, “there was no widespread problem or major issue with any of the machines.”¹⁶⁸



MONTANA



Voting systems	Optical scan, hand-counted paper ballots and ballot-marking device (ES&S)
Voter ID	Required of all voters. Photo ID not mandatory.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	In place
VPAT requirement	State law mandates that voting systems use paper ballots that can be manually counted. However, DRE voting machines without a VPAT can be used if the federal government and the secretary of state have not certified any machines with a VPAT and “the system records voters in a manner that will allow the votes to be printed and manually counted or audited if necessary.”
VPATs and recounts	N/A
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. In-person absentee voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored.

Same-day voter registration: The general election in November will be the first time that same-day registration will be allowed in Montana. “I think it’s going to allow us, on a number of fronts, to increase accessibility to the voting process,” said Secretary of State

Brad Johnson (R). “And we’ve done it in a way that allows us to protect the integrity of the process.”¹⁶⁹ Montana joins six other states that allow Election Day registration.

NEBRASKA

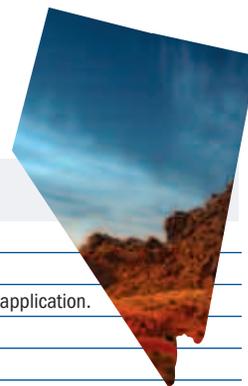


Voting systems	Optical scan and ballot-marking device (ES&S)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	Eligible for verification in correct precinct.
Statewide database	In place
VPAT requirement	No
VPATs and recounts	N/A
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. In-person absentee voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored.

Voting systems: All polling places are equipped with at least one accessible voting machine in order to comply with HAVA’s accessible voting mandate. The machines were used for the first time during the state’s May primary. A close election in York County provided an early test. Three votes separated Steve Neujahr, the winner, from Jim Klute in the race for District 1 Commissioner. After a recount was conducted, the results were exactly the same.¹⁷⁰

Dave Phipps, Douglas County election director, said that people were comfortable with the new machines. “There [are] smiles on everyone’s faces. They know that, ‘I know without a doubt that my ballot was marked the way I wanted it to be.’”¹⁷¹

NEVADA



Voting systems	DRE with VVPAT (Sequoia)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	Eligible for verification if cast in correct precinct.
Statewide database	Interim compliance
VVPAT requirement	Yes
VVPATs and recounts	Electronic ballot to be used in recount.
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. Early voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatic restoration for non-violent, first-time offenders.

Voting systems: The state was the first in the nation to require the use of VVPATs with touch-screen voting systems, with a requirement in place for the 2004 Presidential election. However, while the state requires the use of paper, it does not use it for recounting votes. Instead, the paper is used to audit electronic results and ensure a match between paper and digital totals.¹⁷²

Statewide voter registration database: Like several other states, Nevada had trouble with the vendor it hired to design the state's new voter list. The state cancelled its contract with Covansys in February 2006 to build its own database.¹⁷³

NEW HAMPSHIRE



Voting systems	Optical scan, hand-counted paper ballots and vote-by-phone system (Diebold, ES&S and IVS)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application
Provisional voting	N/A-election day registration
Statewide database	In place
VVPAT requirement	Yes
VVPATs and recounts	All paper ballots
Absentee voting	Excuse required.
Pre-election day in-person voting	No
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voting systems: Faced with a requirement for accessible voting systems and a state rule prohibiting paperless voting, state officials opted for a solution that has become increasingly prevalent in New England: a telephone-based voting system that uses the input of a voter at a remote location to produce a paper ballot. The state hired IVS, LLC to provide them with the system, which uses a precinct-

based telephone to call a secured number at a state office. The phone inputs are used to create a paper ballot (state law requires all ballots be cast on paper), which are then faxed to precincts to be counted in the same manner as other ballots.¹⁷⁴

NEW JERSEY



Voting systems	DRE (Sequoia and Avante)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	In place. Eligible for verification if cast in correct jurisdiction.
Statewide database	Contract signed with Covansys Corporation and PCC Technology Group, March 2005. State settled DOJ lawsuit in mid-October for failing to meet HAVA deadline.
VVPAT requirement	Yes (beginning in 2008)
VVPATs and recounts	Paper ballot to be used in recount.
Absentee voting	No excuse required.
Pre-election day in-person voting	No
Voting rights restoration of individuals convicted of felonies	Automatically restored.

Voting systems: All New Jersey counties use electronic voting machines. State law requires the systems be equipped with voter-verified paper audit trails (VVPATs) as of Jan. 1, 2008. Currently only one county has a system equipped with a VVPAT. A lawsuit filed to bar the use of electronic machines failed, but the case was sent back to the trial judge to monitor the state's progress in complying with the Jan. 1, 2008 deadline.¹⁷⁵

Absentee voting: In 2005, the state passed a law allowing no-excuse absentee voting. Observers will continue to watch if this will increase their use.

NEW MEXICO



Voting systems	Optical scan and ballot-marking device (ES&S)
Voter ID	Required of all voters. Photo and non-photo ID accepted.
Provisional voting	Eligible for verification if in correct jurisdiction.
Statewide database	In place
VVPAT requirement	State requires paper-based voting systems.
VVPATs and recounts	Paper ballot to be used in recount.
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. Early voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored.

Voting systems: A state law passed earlier in the year requires all voting systems in New Mexico to be paper based. The ballots will be tabulated by optical-scan voting equipment. In July Governor Bill Richardson (D) stated he hoped most counties would have the systems in place by the November election.¹⁷⁷

the polling place in order to cast a ballot. Photo or non-photo IDs are accepted in New Mexico. The decision to accept a verbal statement is a departure from other states, many of which require voters to cast a provisional ballot or sign an affidavit if they lack identifying documents. When first implemented in the June primary, there were few reports of problems.¹⁷⁸

Voter ID: Voters must now show some form of identification — or provide a verbal statement along with identifying information — at

NEW YORK



Voting systems	Lever, ballot-marking device, DRE with VVPAT (AVM, ES&S, Populex and Avante)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	Eligible for verification if cast in the correct precinct.
Statewide database	Interim system in place.
VVPAT requirement	Yes
VVPATs and recounts	Paper audit trail to be used in recount.
Absentee voting	Excuse required.
Pre-election day in-person voting	No
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voting systems: Probably the most-criticized state for its behind-schedule implementation of HAVA, New York has ranked last in compliance. As a result, most New Yorkers will cast ballots on the same lever voting machines they have used for decades. The lack of compliance has had consequences though. The state was the first to be sued by DOJ for failing to comply with HAVA. The state entered into a compromise agreement that extends the deadline and reduces the threshold for compliance.

Lever voting machines will not have to be replaced until 2007. In the interim, voting machines accessible for disabled voters will be in place one per county in most counties, not one per polling place as required by federal law. This has angered some disability advocates. "People have a right to vote privately and independently. The fact you can't do that in New York is appalling," said Bruce Darling of the Center for the Disabled in Rochester.¹⁷⁹

Statewide voter registration database: The state was also behind on creating a statewide, computerized voter registration database. In the same agreement with the DOJ, the state would complete an interim system in time for the November election. Some voter advocates are concerned about how the database will work and how the state will match data from voter registration forms with other databases. A coalition of groups in New York responded to the state's proposed database regulations with trepidation. "In 2004, staff at the New York City Board of Elections flagged new registrations as flawed when they found that information on new voter registration forms did not precisely match DMV records. A subsequent visual inspection revealed that 20 percent of the new registrations were flagged as mismatches due solely to data entry mistakes. An additional 4 percent of the forms contained immaterial entry errors made by the registrants. Adoption of the exact-match standard could have jeopardized the voting rights of many eligible New York City residents," stated the New York State Citizens' Coalition on HAVA Implementation.¹⁸⁰



NORTH CAROLINA



Voting systems	DRE with VVPAT, optical scan and ballot-marking device (ES&S)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	Eligible for verification if cast in the correct jurisdiction.
Statewide database	In place
VVPAT requirement	Yes
VVPATs and recounts	Paper audit trail to be used in recount.
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. Early voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voting systems: In 2004, Carteret County's UniLect electronic voting machines lost over 4,000 votes, leading to the eventual adoption of rules requiring voter-verified paper audit trails (VVPATs). All counties now use either an optical scan, electronic system with VVPAT or a hybrid ballot-marking device, all produced by ES&S, the only company certified to provide voting machines to the state.¹⁸¹

Provisional ballots: A battle involving a 2004 race over whether or not to count provisional ballots cast in the wrong precinct took nearly two years to settle, finally concluding in May 2006.

Provisional ballots cast outside the correct precinct can be counted and the state board of elections has issued new guidance over how to count provisional ballots.¹⁸²

Voter ID: S.B. 1983 was filed in May 2006 requiring all voters to show photo ID at the polls.¹⁸³ The bill did not advance and the state still requires only first-time voters who registered by mail and did not provide ID to show identification at the polls. However, the issue is likely to be revisited in coming sessions.

NORTH DAKOTA

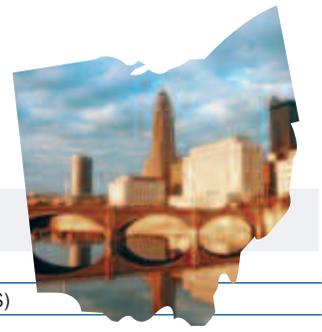


Voting systems	Optical scan and ballot-marking device (ES&S)
Voter ID	Required of all voters. Photo ID not required.
Provisional voting	N/A – no voter registration
Statewide database	N/A – no voter registration
VVPAT requirement	No
VVPATs and recounts	N/A
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. Early voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored.

Voting systems: The state now uses all optical-scan vote counters and a hybrid ballot-marking device accessible to voters with disabilities. Both systems in use are made by ES&S. News reports reported a generally smooth primary at the polls in June on the

new machines.¹⁸⁴ Some problems were reported with the counting process, though. And Democratic Secretary of State candidate Kristin Hedger has also questioned whether the state has enough oversight over the machines and the vote-counting software.¹⁸⁵

OHIO



Voting systems	DRE with VVPAT, optical scan and ballot-marking device (Diebold and ES&S)
Voter ID	Required of all voters. Photo ID not required.
Provisional voting	Eligible for verification if cast in the correct precinct.
Statewide database	In place
VVPAT requirement	Yes
VVPATs and recounts	Paper ballot to be used in recount.
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. In-person absentee voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voting systems: In 2005, many counties used electronic voting machines with VVPATs for the first time. In the 2006 primary, scrutiny of Cuyahoga County's election showed a number of problems with the system and its implementation. A study of the primary performed by the Election Science Institute found a number of problems with the Diebold machines as well as trouble with poorly trained poll workers and how they handled the VVPATs. The report expressed concern that the problems could be fixed by the November 2008 presidential election, let alone by this November's election. Diebold disputed the report's findings.¹⁸⁶

Voter ID: The state recently enacted a law mandating all voters show some form of ID at the polls, with options including photo and non-photo ID. Controversy erupted in August when an advisory from Secretary of State J. Kenneth Blackwell (R) seemed to dispute state law in a manner that could potentially disenfranchise some voters. State law says the voter is allowed to cast a regular ballot whether or not the photo ID has a current or past address. Under Blackwell's advisory, voters with photo ID without their current address would cast provisional, not regular ballots. The secretary of state's office sent a clarifying email to counties, but activists want an official directive to be issued. A survey showed confusion among county election officials, with some saying those with photo ID without their current address would be allowed to cast a regular ballot, while others said these voters would cast provisional ballots.¹⁸⁷

Third-party voter registration: Blackwell also angered activists with new regulations enforcing a new law on third-party voter registration drives. Those collecting voter registration forms were to submit the forms themselves, not to the group they are collecting the forms for who would in turn return the forms in bulk. Supporters said the restrictions are necessary to prevent fake and fraudulent names appearing on the rolls.¹⁸⁸ Opponents of the law filed suit, and a judge struck down the controversial parts of the law.¹⁸⁹

Secretary of State running for governor: Blackwell is also the Republican candidate for governor. Some Democrats in the state question his objectivity as chief election official and contender for top office. "I wish he were spending as much time doing his job as secretary of state to educate the voters as to the ID requirement as he is spending running for governor. It's one of the reasons the secretary of state shouldn't be in charge of the election process," state Rep. Steve Driehaus, D-Cincinnati, told *The Cincinnati Enquirer*.¹⁹⁰



OKLAHOMA



Voting systems	Optical scan and vote-by-phone system (ES&S and IVS)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	Eligible for verification if cast in the correct precinct.
Statewide database	In place
VVPAT requirement	No
VVPATs and recounts	N/A
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. In person absentee voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voting systems: To comply with the federal mandate to have at least one accessible voting machine per polling place for disabled voters, Oklahoma joined a growing number of states using a new vote-by-phone system produced by IVS. The system uses voice-prompts and keypad responses to produce a paper

ballot as well as a confirmation system which can read the printed ballot to the voter. Michael Clingman, the secretary of Oklahoma’s Election Board, said the system worked well, although it was hardly used — only 21 votes were cast using the system statewide during the July primary.¹⁹¹

OREGON



Voting systems	Vote by mail and vote-by-phone system (IVS)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	Eligible for verification if cast in state.
Statewide database	In place
VVPAT requirement	Yes
VVPATs and recounts	Paper audit trail to be used in recount. All recounts required to be conducted by hand.
Absentee voting	Vote-by-mail
Pre-election day in-person voting	Vote-by-mail
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voting systems: The only state where voters cast ballots entirely by mail, Oregon is also in the process of deploying a new vote-by-phone system accessible to voters with disabilities at county election offices. Ten counties used the vote-by-phone system in a pilot program during the May primary.¹⁹² State officials initially

signed a contract with ES&S to supply hybrid voting machines, but the state later sued to nullify the contract after it said the company failed to live up to its terms. ES&S officials countered that a contract had never been in place.¹⁹³

PENNSYLVANIA



Voting systems	DRE, optical scan and ballot-marking device (ES&S, Diebold, Danaher, Sequoia, Hart InterCivic and Advanced Voting Solutions)
Voter ID	All first-time voters must show ID. Photo ID not required.
Provisional voting	Eligible for verification if cast in the correct jurisdiction.
Statewide database	In place
WV PAT requirement	No
WV PATs and recounts	N/A
Absentee voting	Excuse required.
Pre-election day in-person voting	No
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voting systems: After facing much scrutiny during its May primary, many counties' voting systems will no doubt be under the microscope again this fall. Lawsuits were filed over changing voting systems at the last minute and a number of voter advocacy groups challenged the use of paperless electronic voting machines. A lawsuit was filed in August in the state by a coalition of voter advocacy groups to stop the use of the systems that do not use a WVPAT, citing problems during the November 2004 election and, more recently, the May 2006 primary. The state has defended the machines and said they performed well in the spring vote.¹⁹⁴

Voter ID: In early 2006, Governor Ed Rendell (D) vetoed legislation that would have required all voters to show identification at the polls. The state currently asks all first-time voters to show ID which can be photo or non-photo. "Without compelling evidence of a problem with the current system of voter identification in Pennsylvania, I see no reason to enact laws that will result in voter confusion and disenfranchise legitimately registered voters," stated Rendell in his veto message.¹⁹⁵

RHODE ISLAND

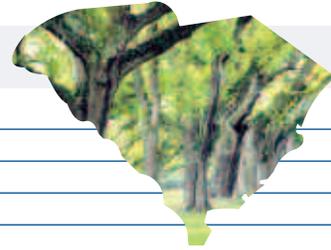


Voting systems	Optical scan and ballot-marking device (ES&S)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	Eligible if cast in the correct jurisdiction.
Statewide database	In place
WV PAT requirement	No
WV PATs and recounts	N/A
Absentee voting	Excuse required.
Pre-election day in-person voting	No
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voter registration: With a statewide voter registration database in place for nearly two years, some cities and towns have been using the system to help purge the voter rolls. A 2004 study of five jurisdictions found many voters registered in the wrong city or town. In Providence, the city has cancelled the registrations of over 9,000 voters over the past two years. Another 25,000 voters in Providence have been designated as inactive.

If they show up at the polls, they will be allowed to vote as long as they provide identification.¹⁹⁶ Rhode Island has also joined a growing roster of states that allows voters to check their voter information online, including registration status.¹⁹⁷ And the state allows voters to register entirely online at some Departments of Motor Vehicles and AAA locations.

SOUTH CAROLINA



Voting systems	DRE (ES&S)
Voter ID	Required of all voters. Photo ID not required.
Provisional voting	Eligible for verification if cast in the correct precinct.
Statewide database	In place
VVPAT requirement	No
VVPATs and recounts	N/A
Absentee voting	Excuse required.
Pre-election day in-person voting	No
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voting systems: Paperless electronic voting systems made by ES&S are now in place at every polling place in the state. Rolled out in all jurisdictions statewide during the June primary, some counties had problems with the systems. Barnwell County had to use paper ballots for several hours as it had trouble setting up machines. “Where there may have been a handful of precincts throughout the state that experienced some short delay, at this

point, I can’t put a number on it,” Chris Whitmire, state election commission spokesman told *The Associated Press*.¹⁹⁸ Horry County spokeswoman Kelly Brosky said 25 to 30 machines in her county froze up, had dead batteries or were shut down improperly. “Some of it was human error and some of it was machine problems,” Sandy Martin, county elections director, told *The Sun News*.¹⁹⁹

SOUTH DAKOTA



Voting systems	Optical scan and ballot-marking device (ES&S)
Voter ID	Required of all voters. Photo ID requested. If the voter does not have photo ID they can sign an affidavit and vote regular ballot.
Provisional voting	Eligible for verification if cast in the correct precinct.
Statewide database	In place
VVPAT requirement	No
VVPATs and recounts	N/A
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes, in-person absentee voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voting systems: Voters in South Dakota got their first look at the state’s new voting system for voters with disabilities during the June primaries. Optical-scan systems as well as ballot-marking devices are available, but disabled voters are given priority for the marking devices.²⁰⁰ Although there were some minor glitches in a small handful of counties, few problems were reported during the primaries.²⁰¹

voting machines worked flawlessly, but only 139 of 609 registered Democrats voted.²⁰²

Some elections officials fear that because turnout was so low for the June primary the results may not be the same in the November general election. Faulk County Auditor Pat Holdren said the hybrid

Still, other elections officials were grateful for the low turnout as it provided them with an opportunity to test the new system. “We were glad to have used them for a primary rather than general election,” said Sandy Raap, Day County auditor. “It was a good stepping stone, that’s for sure.”²⁰³ And she said she will be glad to have that stepping stone because two controversial initiatives — a ban on abortions and a “defense of marriage” constitutional amendment — will be on the ballot in November, which could potentially increase voter turnout.

TENNESSEE

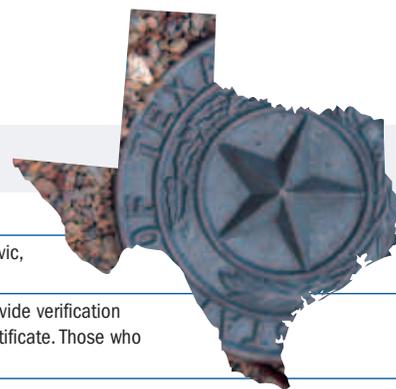


Voting systems	Optical scan and DRE (MicroVote, Hart InterCivic, ES&S and Diebold)
Voter ID	Required of all voters. Photo ID not required.
Provisional voting	Eligible for verification if cast in the correct precinct.
Statewide database	In place
WVAPAT requirement	No
WVAPATs and recounts	N/A
Absentee voting	Excuse required.
Pre-election day in-person voting	Yes. Early voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Not automatically restored.

Voting systems: Like some other states using ES&S machines, Tennessee was faced with a supply problem for its August 3 primary. According to published reports, the Omaha, Nebraska-based company added language to an order form that would allow used equipment without the permission of local officials. The machines were initially used in the Pennsylvania primary on May 16 and arrived in Davidson, Williamson and Wilson counties in time for programming and testing prior to the start of early voting on July 14. “They’re practically brand new,” said Brook Thompson, state coordinator of elections. “One could argue that we know they work because they’ve been through an election.”²⁰⁴

During the primary, counties across the state were beset with delays and problems ranging from competing vote totals in a race for county commissioner in Williamson County, to marks on double-sided, optical-scan ballots bleeding through, to long lines because voters were asking questions about the new machines. However, according to state elections officials, many of the problems that occurred in August were unique to the primary because of the length of the ballot. “We were faced with the longest ballot in state history because of the eight-year judicial cycle,” Thompson said. “I know we just put new voting equipment in a lot of our counties and that may have added a little bit to it. It didn’t help that the first election we’re using a lot of this new voting equipment is the biggest election in Tennessee state history. That’s bad luck.”²⁰⁵

TEXAS



Voting systems	DRE, optical scan and ballot-marking device (ES&S, Hart InterCivic, Diebold and Accu-Poll)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application. Other voters must present voter registration certificate. Those who cannot show their certificate must show ID.
Provisional voting	Eligible for verification if cast in the correct precinct.
Statewide database	Interim system in place; new system deployed in most counties.
WVAPAT requirement	No
WVAPATs and recounts	N/A
Absentee voting	Excuse required.
Pre-election day in-person voting	Yes. Early voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voting systems: Texas was the first state to hold a federal election after the January 1 HAVA deadline. State officials painted a rosy picture about how the state’s 254 counties fared. “Overall, Texas did an incredible job on the first post-HAVA primary,” said Scott Haywood, director of communications for Secretary of State Roger Williams (R). “Our office worked hard with the counties to ensure

that all Texas counties had HAVA-compliant equipment in place for the election.”²⁰⁶

However, counties throughout the Lone Star state were plagued with problems. Some counties using Hart InterCivic optical-scan machines had difficulty uploading results from precincts, and other

Texas, continued from previous page

counties using ES&S machines had problems with improperly programmed machines.²⁰⁷

Williams said he is confident that, through widespread education campaigns conducted for poll workers this summer, the problems of the March primary will not be repeated. He also said that he was confident with the security of the state’s electronic voting machines.²⁰⁸

“I’m satisfied the equipment we have will be much more secure,” Williams said. “If you look back at history, a lot of voter fraud problems were generated by paper ballots. We’ve moved to the next level.”²⁰⁹

Although Williams appears confident that the problems of March are in the past, some elections officials are concerned about the potential impact the problems in the primaries had on the voters. “I really believe that we’ve got a crisis of confidence in our voting systems,” said Dana DeBeauvoir, clerk of Travis County.²¹⁰

Voter registration database: In September, the state reported its final statewide voter registration database would not be ready in time for the November election. “We would have deployed in mid-September, but we thought that was too risky to be deploying the system so close to the November elections,” said Ann McGeehan, state director of elections.²¹¹

UTAH



Voting systems	DRE with VVPAT (Diebold)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	Eligible for verification if cast in the correct precinct.
Statewide database	In place
VVPAT requirement	Yes
VVPATs and recounts	Paper ballot to be used in recount.
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. In-person absentee voting.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voting systems: Despite concerns by activists such as Utah Count Votes, the Diebold AccuVote TSx machines in use throughout Utah seemed to perform well during the state’s June primary with only minor problems reported statewide.²¹² “We’ve had nothing but very positive responses from the voters, who like the simplicity and that they can verify their vote,” said Lt. Gov. Gary Herbert (D). “We couldn’t have received a better review from the electorate.”²¹³

There were scattered problems throughout the primary including faulty voting card encoders and scattered power outages – although power was restored before the battery packs in the machines wore out and no votes were lost.²¹⁴

The biggest problems with the primary seemed to occur on the state’s election Web site which suffered “technical glitches” that included delayed results and slow loading.²¹⁵ Joe Demma, chief of staff for Herbert, who serves as the state’s chief election official, said the problems were a combination of new voting equipment, a

redesigned Web site and unexpected interest in the 3rd District Republican primary.²¹⁶

A committee of election officials and voting experts appointed by Herbert’s office began meeting in mid-September to develop statewide recounts and audit procedures, however when Davis County clerk Steve Rawlings conducted an audit shortly after his primary, the ballot-by-ballot paper results from a sample of machines paralleled electronic tallies “perfectly” and an audit in Utah County mirrored those results.²¹⁷

Elections officials throughout the state are anticipating a higher-than-normal turnout for the November general election and that, coupled with an ongoing learning curve for the new electronic voting machines, has some county officials recruiting more poll workers than normal, including Salt Lake County clerk Sherrie Swensen who is looking to recruit 1,000 additional poll workers for Nov. 7.²¹⁸

VERMONT



Voting systems	Optical scan, hand-counted paper ballots and vote-by-phone system (Diebold and IVS)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	Eligible for verification if cast in the correct jurisdiction.
Statewide database	In place
VVPAT requirement	Paper ballots required.
VVPATs and recounts	Paper ballots to be used in recount.
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. In-person absentee voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Incarcerated felons allowed to vote.

Voting systems: During the state's September primary, 54 people cast their ballots by telephone as Vermont became one of a handful of states to use vote-by-phone as their accessibility option. "We are pleased with the results," said Secretary of State Deborah Markowitz (D). "The beauty of this system is that almost everyone is comfortable with using a phone. Even if somebody can't lift a pen or see a ballot, they are still likely able to use the phone."²¹⁹

One quadriplegic voter – who took about four and a half minutes to use the system – told Markowitz it was the first time he had been able to vote completely in private.²²⁰

Vermont has an estimated 3,000 to 10,000 disabled voters, and although turnout for the September primary was light, elections officials were pleased with the results and have plans to promote the system heavily prior to the Nov. 7 election.²²¹

VIRGINIA



Voting systems	DRE, optical scan and ballot-marking device (Diebold, Sequoia, UniLect, Advanced Voting Solutions, Hart InterCivic and ES&S)
Voter ID	Required of all voters. Photo ID not required.
Provisional voting	Eligible for verification if cast in the correct precinct.
Statewide database	In place
VVPAT requirement	No
VVPATs and recounts	N/A
Absentee voting	Excuse required.
Pre-election day in-person voting	Yes. In-person absentee voting. Excuse required.
Voting rights restoration of individuals convicted of felonies	Not automatically restored.

Voting systems: Although all of Virginia's counties had made the switch to new voting equipment – many long before the January 1 HAVA deadline – it wasn't until late September that the State Board of Elections unanimously voted to decertify the use of punch-card and lever machines.²²²

A state legislative committee continues to examine the issue of requiring a voter verified paper audit trail for the counties using DRE machines.

WASHINGTON



Voting systems	Optical scan, DRE with VVPAT and ballot-marking device (ES&S, Diebold, Hart InterCivic and Sequoia)
Voter ID	Required of all voters. Photo ID not required.
Provisional voting	Eligible for verification if cast in the correct jurisdiction.
Statewide database	In place
VVPAT requirement	Yes
VVPATs and recounts	Paper audit trail to be used in manual recount.
Absentee voting	No excuse required.
Pre-election day in-person voting	No
Voting rights restoration of individuals convicted of felonies	Automatically restored.

Vote-by-mail: Only five of Washington's 39 counties still give voters the option of going to a traditional polling site on Election Day. However, Secretary of State Sam Reed (R) said he predicts that even within those five counties, two-thirds of voters will cast their ballots by mail.²²³ Of course, several of those five counties still using in-person voting are some of the state's most populous, including King and Pierce.

King County: Not only will some King County voters be using DRE machines countywide for the first time in a general election, but the county is without an elections director since Dean Logan resigned.²²⁴ A permanent successor to Logan is not expected until after the November election. "Everyone has accepted the need to step up," said Sherril Huff Menees, the assistant director of elections. "Morale is better today by far than when I came into the office."²²⁵ King County voters will decide in 2009 whether or not to alter the county charter to allow for the election — as opposed to appointment — of an elections director.²²⁶

As for the county's touch-screen machines, an audit of 4 percent of the machines following a special election in May showed a perfect

match.²²⁷ However, in the September primary, there were reported problems with setting up the Diebold DRE machines. There were no problems reported once the machines were set up and voting was underway.²²⁸ In an effort to avoid the ballot-handling mistakes that led to a legal challenge after the 2004 gubernatorial election, county officials said they sacrificed speedy ballot-counting and online result-posting for accuracy. The result was 36 percent fewer ballots being counted on election night. "We learned in 2004 the importance of every vote being accurate, and that has to be the overarching goal. Certainly we understand the need — either for candidates or media or any other entity — for speed, but we don't think we can take that risk," said Jim Buck, acting elections director.²²⁹

Voter registration: In August, a federal court entered an injunction against the state ruling that the state cannot deny a voter's registration if an individual's driver's license number or Social Security number provided does not match Department of Licensing or Social Security Administration databases. The state published emergency rules implementing the preliminary injunction and will revisit the issue following the 2006 election cycle.²³⁰

WEST VIRGINIA



Voting systems	DRE with VVPAT, optical scan, hand-counted paper ballots and ballot-marking device (ES&S)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	Eligible for verification if cast in the correct precinct.
Statewide database	In place
VVPAT requirement	Yes
VVPATs and recounts	Paper audit trail to be used in recount.
Absentee voting	Excuse required.
Pre-election day in-person voting	Yes. Early voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

West Virginia, continued from previous page

Voting systems: Secretary of State Betty Ireland (R) filed a formal complaint with the Election Assistance Commission after the Mountain State's May 9 primary, contending that vendor ES&S' delays in programming ballots for the new DRE (with VVPAT) machines placed hardship on state and county election officials as they prepared for the vote.²³¹

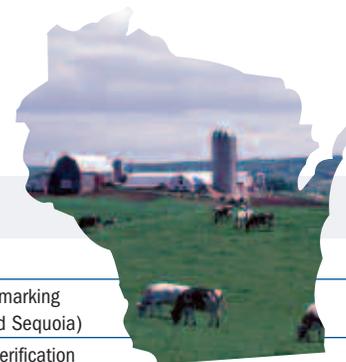
"I am more than upset that our county clerks and their staffs and the county commissions had to withstand stress and anxiety over the broken promises and delays ES&S put them through," Ireland said. "The county election officials are to be commended for their valor and hard work above and beyond the call of duty."²³²

Although few problems were reported on the day of the primary, the days leading up to the primary were "an administrative nightmare," according to Ben Beakes, chief of staff for Ireland.²³³ Since the primary the state has worked with ES&S to resolve administrative problems including now having all ballot preparation work being done by a West Virginia-based company instead of at ES&S offices in Nebraska. The company also replaced all VVPAT printers at no cost.²³⁴

Unlike many other states that struggled to choose and have machines in place in time for the HAVA deadline, West Virginia actually chose their vendor in September 2005 and had all the required machines in place by the primary.²³⁵ While all 55 counties have the minimum number of machines necessary to comply with HAVA, some counties still do not have the desired number of machines, nor will they prior to the November election. For instance, Berkeley County had hoped to have an additional 155 machines on hand, but ES&S will not be able to deliver those machines until several weeks after the election. In the meantime, the county was able to borrow 28 machines from the state to place in its busiest polling places.²³⁶

For the November election, 34 counties will rely on DRE's with VVPAT, 19 will use optical scan and two, Wyoming and Braxton, will use paper ballots that are counted by hand — although each county will have DRE's on hand as well.²³⁷

WISCONSIN



Voting systems	Optical scan, hand-counted paper ballots, DRE with VVPAT and ballot-marking device (ES&S, Diebold, Voting Technologies International, Vote-PAD and Sequoia)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application.
Provisional voting	Eligible for verification if cast in the correct precinct. Given to first-time voters who register and do not provide verification with application and do not provide photo ID at the polls.
Statewide database	In place
VVPAT requirement	Yes
VVPATs and recounts	Paper audit trail to be used in recount.
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. In-person absentee voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Automatically restored (must register to vote).

Voting systems: A handful of problems plagued the September 12 primary in Wisconsin including problems with touch-screen machines in Waukesha County.²³⁸ In addition, because voting systems are not uniform in counties and jurisdictions throughout the state, problems arose with reporting to local elections boards. "The two systems [in this instance ES&S equipment and Sequoia equipment] don't work together," said Mukwonago Village Clerk Bernard Kahl. "I feel that we took a step backward."²³⁹

Voter fraud: In Milwaukee, a recount was conducted in response to allegations of voter fraud and incorrect vote tabulation. The recount

applied to total number of votes cast and did not affect the vote count for any individuals. In 198 of the city's 314 voting wards, voter turnout was higher than average with some wards reporting turnouts higher than 100 percent. "We're not suspecting any voter fraud at all right now," said Kyle Richmond, public information officer for the State Elections Board. "Some reporting units in Milwaukee found that the number of ballots reported by the [vote-tallying] software [showed] a lot more ballots were cast than voters that went into the polling places."²⁴⁰

Wisconsin, continued from previous page

Voter registration database: Although Wisconsin failed to meet the January 1 HAVA deadline to have its statewide voter registration database in place, the database was up and running in time for the September 12 primary. However, problems have prevented the list from being checked against other lists of felons and dead people as well as the Department of Transportation’s file of driver’s license numbers.²⁴¹

Election Day registration: Wisconsin is one of the few states that allows election-day voter registration. A new administrative rule issued by the board of elections states that those who register to vote on Election Day at the polls and do not remember their driver’s license number or forget to bring it (if they have one) may use a provisional ballot. “Only people who do not have a current and valid

driver’s license may use other identification to vote. Voters who use a provisional ballot must contact the municipal clerk’s office by 4 p.m. the day after the election to provide any missing information for their voter registration application. If they fail to contact the clerk, the provisional ballot will not be counted.”²⁴²

Uniform polling hours: A new law in effect for the November election mandates uniform polling place hours statewide. All polls must now be open from 7 a.m. to 8 p.m. and if a local election board incurs additional costs because of additional hours – some polling places in smaller villages and towns used to be open from 9 a.m. to 8 p.m. – they may file a claim with State Elections Board for reimbursement.²⁴³



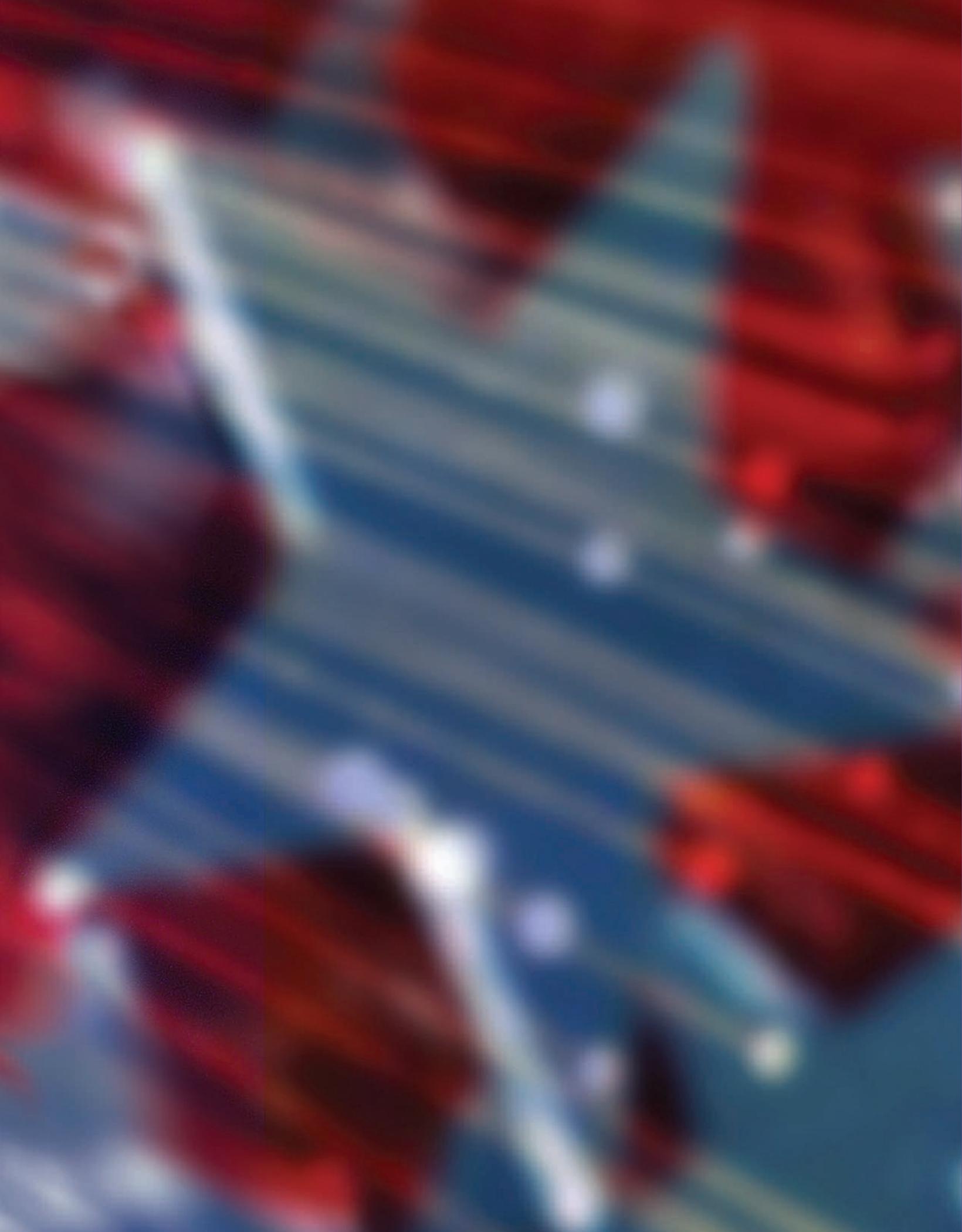
WYOMING

Voting systems	Optical scan, DRE and ballot-marking device (ES&S and Diebold)
Voter ID	Required of first-time voters who register by mail and do not provide verification with application
Provisional voting	Eligible for verification if cast in the correct precinct. Given to first-time voters who register and do not provide verification with application and do not provide photo ID at the polls.
Statewide database	Interim system in place.
VVPAT requirement	No
VVPATs and recounts	N/A
Absentee voting	No excuse required.
Pre-election day in-person voting	Yes. In-person absentee voting. No excuse required.
Voting rights restoration of individuals convicted of felonies	Not automatically restored.

Voting systems: Wyoming purchased new DRE and optical scan machines for all of its counties in time for the vote, and few problems were reported in the first live test of the machines.²⁴⁴ Several elections officials had questions about turning the new machines on and in Laramie County. Clerk Debra Lathrop sent county workers to polls throughout the county to set up the new machines to avoid any problems with precinct judges. “For having deployed new equipment throughout the county, we’re doing fine that way,” Lathrop said.²⁴⁵

Voter registration database: One area of HAVA where the state was

not compliant by the January 1 deadline was the implementation of a statewide voter registration database. The state announced late in 2005 that it would not meet the first of the year deadline and then in March of 2006, it terminated its contract with Bermuda-based Accenture who had been contracted to produce the database.²⁴⁶ In April Accenture agreed to pay the state \$3.7 million in addition, the state retained approximately \$250,000 worth of equipment which had been distributed to Wyoming’s 23 counties.²⁴⁷



METHODOLOGY

Data for maps, charts and state-by-state data was collected using state election law and other state election primary sources. Other primary source information came from telephone interviews, email correspondence, official press releases, documents from state legislatures, reports and other official notices.

Secondary sources were used as well in compiling information. Those included national and/or regional newspapers and wire services and reports from non-governmental organizations.

All sources are listed in the endnotes section.

The opinions expressed by election officials, lawmakers and other interested parties in this document do not reflect the views of nonpartisan, non-advocacy *electionline.org* or the Election Reform Information Project.

All questions concerning research should be directed to Sean Greene, research coordinator, at 202-338-9860.

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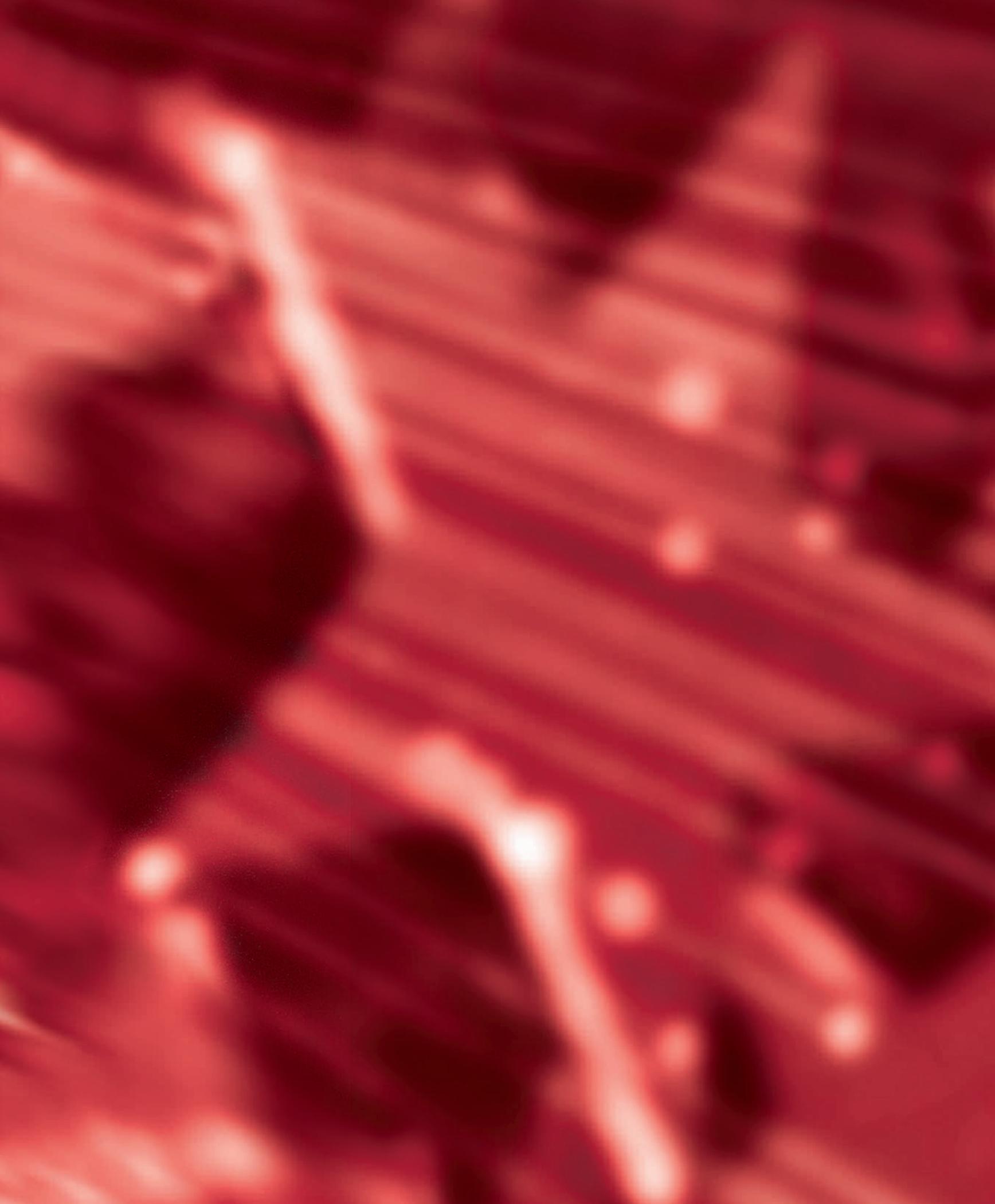
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