United States Government Accountability Office

GAO

Report to Congressional Committees

June 2006

ELECTIONS

The Nation's Evolving Election System as Reflected in the November 2004 General Election



GAO-06-450

June 2006

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The Nation's Evolving Election System as Reflected in the November 2004 General Election

GAO Accountability · Integrity · Reliability

Highlights

Highlights of GAO-06-450, a report to congressional committees

Why GAO Did This Study

The 2004 general election was the first presidential election that tested substantial changes states made to their election systems since the 2000 election, including some changes required by the Help America Vote Act of 2002 (HAVA). HAVA required some major changes in the nation's elections processes, not all of which had to be implemented by the November 2004 election. HAVA addressed issues of people, processes, and technology, all of which must be effectively integrated to ensure effective election operations. GAO initiated a review under the authority of the Comptroller General to examine an array of election issues of broad interest to Congress. For each major stage of the election process, this report discusses (1) changes to election systems since the 2000 election, including steps taken to implement HAVA, and (2) challenges encountered in the 2004 election. For this report, GAO sent a survey to the 50 states and the District of Columbia (all responded) and mailed a questionnaire to a nationwide sample of 788 local election jurisdictions about election administration activities (80 percent responded). To obtain more detailed information about experiences for the 2004 election, GAO also visited 28 local jurisdictions in 14 states, chosen to represent a range of election system characteristics.

What GAO Recommends

GAO is not making any recommendations at this time.

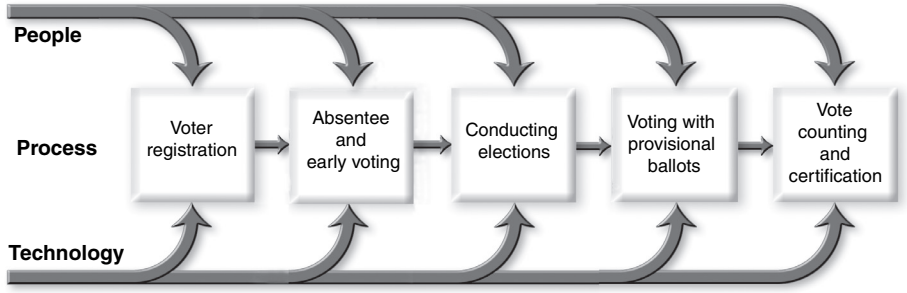
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To view the full product or the related surveys, click on the links above.
For more information, contact William O. Jenkins, Jr., at (202) 512-8777 or JenkinsWO@gao.gov.

What GAO Found

In passing HAVA, Congress provided a means for states and local jurisdictions to improve upon several aspects of the election system, but it is too soon to determine the full effect of those changes. For example, 41 states obtained waivers permitted under HAVA until January 1, 2006, to implement a requirement for statewide voter registration lists. States also had discretion in how they implemented HAVA requirements, such as the identification requirements for first-time mail registrants. Some local election jurisdictions described different identification procedures for first-time mail registrants who registered through voter registration drives. Although states differed regarding where voters who cast provisional ballots for federal office must cast those ballots in order for their votes to be counted, provisional voting has helped to facilitate voter participation. HAVA also created the Election Assistance Commission, which has issued best practice guides and voluntary voting system standards and distributed federal funds to states for improving election administration, including purchasing new voting equipment. The results of our survey of local election jurisdictions indicate that larger jurisdictions may be replacing older equipment with technology-based voting methods to a greater extent than small jurisdictions, which continue to use paper ballots extensively and are the majority of jurisdictions. As the elections technology environment evolves, voting system performance management, security, and testing will continue to be important to ensuring the integrity of the overall elections process.

GAO found that states made changes—either as a result of HAVA or on their own—to address some of the challenges identified in the November 2000 election. GAO also found that some challenges continued—such as problems receiving voter registration applications from motor vehicle agencies, addressing voter error issues with absentee voting, recruiting and training a sufficient number of poll workers, and continuing to ensure accurate vote counting. At the same time, new challenges arose in the November 2004 election, such as fraudulent, incomplete, or inaccurate applications received through voter registration drives; larger than expected early voter turnout, resulting in long lines; and counting large numbers of absentee ballots and determining the eligibility of provisional voters in time to meet final vote certification deadlines.

The Election Process Involves the Integration of People, Process, and Technology



Source: GAO.

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Abbreviations:

ADA	Americans with Disabilities Act
DRE	direct recording electronic
EAC	Election Assistance Commission
FBI	Federal Bureau of Investigation
FEC	Federal Election Commission
FPCA	Federal Post Card Application
FVAP	Federal Voting Assistance Program
HAVA	Help America Vote Act
MCD	minor civil division
MVA	motor vehicle agency
NASED	National Association of State Election Directors
NIST	National Institute for Standards and Technology
NVRA	National Voter Registration Act
PKI	public key infrastructure
SSA	Social Security Administration
UOCAVA	Uniformed and Overseas Citizens Absentee Voting Act
VVPT	voter-verifiable paper trail

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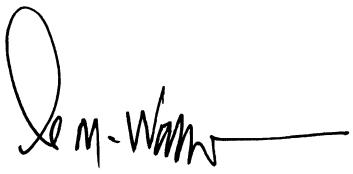
Congressional Committees

The November 2004 presidential election was not as close as the 2000 presidential election, but it still raised concerns about our election processes. Following the 2004 general election, a number of members of Congress asked GAO to review aspects of that election. In response to these requests, GAO initiated a review under the authority of the Comptroller General to examine an array of election issues of broad interest to Congress.

This report focuses on the changing election processes in the United States and the November 2004 general election. Specifically, for each major stage of the election process—voter registration, absentee and early voting, preparing for and conducting elections, provisional voting, and counting the votes—plus voting methods, this report discusses (1) changes to election systems since the 2000 election, including steps taken to implement the Help America Vote Act, and (2) challenges encountered by election officials in the November 2004 election.

Copies of this report are being sent to the congressional leadership and the Chairman and Ranking Minority Member of the House Committee on Science. Copies will also be sent to state election officials and the election official for the District of Columbia and local elections jurisdictions that participated in our research and will be made available to other interested parties upon request. As a courtesy, we are providing other members of Congress a copy of the report's highlights page and executive summary.

If you or your offices have any questions about matters discussed in this report, please contact me at (202) 512-5500; Norman J. Rabkin, Managing Director, Homeland Security and Justice, at (202) 512- 8777; or William O. Jenkins, Jr., Director, at (202) 512-8757. They can also be reached by e-mail at rabkinn@gao.gov and jenkinswo@gao.gov, respectively. Contacts and key contributors are listed in appendix XI.



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Comptroller General
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Executive Summary

Purpose

Faith in the fairness and accuracy of the U.S. election system is at the foundation of our democracy. All eligible persons, but only eligible persons, should be able to cast their votes and have their validly cast votes counted accurately. Reports of problems encountered in the close 2000 presidential election with respect to voter registration lists, absentee ballots, ballot counting, and antiquated voting systems raised concerns about the fairness and accuracy of certain aspects of the U.S. election system. Subsequently, the Help America Vote Act of 2002 (HAVA) was enacted,[1] and major election reforms are now being implemented. The November 2004 general election highlighted some of the same challenges as in 2000 as well as some new challenges in areas such as electronic voting technology and implementation of some HAVA requirements. The issues that arose in both elections highlighted the importance of the interaction of people, processes, and technology in ensuring effective election operations and maintaining public confidence that our election system works.

The November 2004 general election was the first federal election that tested changes states have made to their systems of election administration since the 2000 general election and the first presidential election since the enactment of HAVA. HAVA includes a number of provisions related to the administration of federal elections affecting voter registration, absentee voting, voting systems, and other election administration activities.

The November 2004 general election was not as close or contentious as the 2000 general election, but media reports, interest groups, and members of Congress raised concerns about various aspects of the elections process. Following the November 2004 election, a number of members of Congress asked us to review aspects of that election. In response to these requests, we initiated a review under the authority of the Comptroller General to examine an array of election issues of broad interest to Congress using an approach similar to that we used to examine election issues following the November 2000 election. During the design of the review, GAO kept key committees of jurisdiction and interested parties informed of its work.

This report focuses on the changing election processes in the United States and the November 2004 election. It discusses (1) changes to election systems since the 2000 election, including steps taken to implement HAVA, and (2) challenges encountered by election officials in the November 2004

[1]Help America Vote Act of 2002, Pub. L. No. 107-252, 116 Stat. 1666 (2002).

election for each major stage of the election process—voter registration, absentee and early voting, Election Day preparation and activities, provisional voting, and vote counting—and for voting technology.

Background

In the United States, election authority is shared by federal, state, and local entities. In addition to HAVA, federal laws have been enacted in several major areas of the voting process such as the National Voter Registration Act of 1993 (NVRA), which was designed to expand the opportunities for citizens to register to vote in federal elections by allowing registration by mail and at state motor vehicle agencies (MVA) and other public agencies, and the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA), which facilitated absentee voting by these populations.

The U.S. election system is highly decentralized, with primary responsibility for managing, planning, and conducting elections residing at the local jurisdiction level—generally, the county level in most states, but some states have delegated election responsibility to subcounty governmental units. Subcounty election jurisdictions in 9 states account for about 75 percent of about 10,500 local election jurisdictions in the United States, but about 12 percent of the 2000 U.S. Census population. Local election jurisdictions vary widely in size and complexity, ranging from small New England townships to Los Angeles County, whose number of registered voters exceeds that of many states. Our election system is based upon a complex interaction of people (voters, election officials, and poll workers), processes (controls), and technology that must work effectively together to achieve a successful election. Every stage of the election process—registration, absentee and early voting, preparing for and conducting Election Day activities, provisional voting, and vote counting—is affected by the interface of people, processes, and technology.

Following the November 2000 general election, GAO issued a series of reports addressing a range of issues that emerged during that election.[2] These reports also identified challenges that election officials reported they faced in major stages of the election process. We have also issued reports since the November 2004 general election on voter registration issues and security and reliability of electronic voting. As appropriate, information from our October 2001 comprehensive report on election processes

[2]See appendix I for a list of GAO reports on elections since 1983.

nationwide was used as a basis for determining changes since 2000.[3] Our more recent reports were used to supplement this report on challenges election officials faced in the November 2004 election. Our methodology for this report included a Web-based survey of all 50 states and the District of Columbia (all 51 responded) and a mail questionnaire sent to a representative probability sample of 788 local election jurisdictions nationwide, stratified by population (632, or 80 percent, responded). We also conducted site visits to a nonprobability sample of 28 local election jurisdictions in 14 states, selected to reflect variation in such factors as geographic location, whether early voting was offered, whether recounts for federal or statewide offices occurred, and voting technology used.[4] Some of the 28 jurisdictions visited were among those we had visited for our 2001 election report. In stratifying our nationwide mail survey of local election jurisdictions, we grouped election jurisdictions by their 2000 U.S. Census population—small (less than 10,000), medium (10,000 to 100,000), and large (more than 100,000). These categories are also used in this report to describe jurisdictions we visited. The results of our state and local surveys are presented in two supplemental products that can be found on our Web site at www.gao.gov.[5]

Results in Brief

The most prevalent changes to state and local elections systems since the 2000 presidential election were changes required under HAVA, which, among other things, established the U.S. Election Assistance Commission (EAC) with wide-ranging duties that include providing information and assistance to states and local jurisdictions with regard to election administration. EAC is led by four Commissioners who are to be appointed by the President and confirmed by the Senate. The Commissioners who, under HAVA, were to be appointed by February 26, 2003, were appointed by the President in October 2003 and confirmed by the Senate in December 2003. Since beginning operations in January 2004, EAC has achieved many of its objectives; however, EAC has reported that its delayed start-up affected its ability to conduct some HAVA-mandated activities within the

[3]GAO, *Elections: Perspectives on Activities and Challenges across the Nation*, GAO-02-3, (Washington, D.C.: October 2001).

[4]Appendix V provides more detailed information about our scope and methodology.

[5]GAO, *Elections: 2005 Survey of State Election Officials*, GAO-06-451SP (Washington, D.C.: June 6, 2006); and GAO, *Elections: 2005 Survey of Local Election Jurisdictions*, GAO-06-452SP (Washington, D.C.: June 6, 2006).

time frames specified in the act. In turn, according to its fiscal year 2004 annual report, the delayed EAC start-up affected states' procurement of new voting systems and the ability of some states and local jurisdictions to meet related HAVA requirements by statutory deadlines.

In addition, HAVA included specific changes to certain aspects of state administration of federal elections. Some key changes included requirements for states to implement statewide voter registration lists, a requirement that certain first-time mail registrants provide identification with their registration application or when they vote for the first time at the polls, and a requirement that most states permit, under certain circumstances, the casting of provisional ballots—those cast by voters at the polls whose eligibility to vote is unclear and to be determined later—in elections for federal office. HAVA also provided for funding to encourage states to replace their punch card and lever voting equipment, and set out voting system standards that state voting systems used in federal elections must meet. While HAVA defined some parameters for these requirements, the act leaves the states discretion in choosing the methods of implementing them. It is too early to determine the full effect that HAVA's requirements may have on the elections process because those requirements are in different stages of implementation. States had to implement HAVA's requirements for provisional voting and identification for first-time voters who register by mail prior to the November 2004 election. However, 41 states obtained waivers, allowed under HAVA, to delay the implementation of their statewide voter registration systems from January 1, 2004, to January 1, 2006. Moreover, states are in different stages of replacing their older voting equipment, such as punch card and lever machines, with newer technology.

On the basis of our surveys of states and local jurisdictions and visits to selected jurisdictions, we found that states varied in their progress in implementing their statewide voter registration lists and how they have implemented their voting systems. Except for the 9 states that did not obtain a waiver from HAVA's requirements for establishing a statewide voter registration lists, all other states subject to the statewide list requirement were not required to perform list maintenance activities as defined in HAVA until the extended waiver deadline of January 2006. By the November 2004 general election, states were in various stages of implementing provisions of HAVA related to their statewide voter registration lists and performing voter list verification and maintenance, and had different capabilities and procedures at the state and local level for performing required list maintenance functions. Thus, states are still

working to fully implement HAVA's voter registration requirements. As states gain more experience with their statewide voter registration and data-matching systems and processes, it is likely their systems and processes will evolve. Given the continuing challenge of maintaining accurate voter registration lists in a highly mobile society, this is to be expected.

We also found that implementation of the identification provision for certain first-time mail registrants varied. One noteworthy variation is in the definition of mail registration: Some local jurisdictions we visited said that applications received through voter registration drives would be treated as mail registrations and thus would be subject to the HAVA identification requirements. Other local jurisdictions we visited said applications from registration drives were not to be treated as mail registrations and therefore were not subject to the HAVA identification requirements. As to the other two provisions, the results of GAO's survey of state and local officials and jurisdictions we visited showed that states varied in their implementation of HAVA's requirement for provisional voting. One variation of particular note during the November 2004 election was the difference in state requirements regarding the location where voters must cast their provisional ballots in order for them to be counted. For example, in some jurisdictions, once the voter's eligibility to vote had been verified, the provisional ballot was counted if it was cast within the voter's county of residence, while in other jurisdictions the ballot was counted only if the voter had cast it in the assigned precinct. Notwithstanding these variations for implementing provisional voting, it is clear that provisional voting has helped to facilitate voter participation of those encountering eligibility-related issues when attempting to vote.

Many states have taken advantage of federal funding to replace their punch card and lever voting equipment with other voting methods. The results of our survey of local election jurisdictions indicate that large jurisdictions are replacing older voting equipment with more technology-based voting methods to a greater extent than small jurisdictions, which continue to use paper ballots extensively and constitute the majority of jurisdictions across the United States. On the basis of states' reported plans and local jurisdictions' estimated plans for acquiring voting systems for future elections, the election technology environment can be characterized as varied and evolving. Accordingly, voting system performance management, security, and testing will continue to be important to ensuring the integrity of the overall election process.

In addition to reporting the required HAVA changes, some states reported having taken other actions since the 2000 general election to reform election administration; for example, 6 states reported they had eliminated the need for an excuse to vote absentee, and 9 states reported establishing procedures to conduct an automatic recount (audit), in full or in part, of the vote tabulation to help ensure accuracy of the vote prior to certification.

Election officials identified challenges faced in the November 2004 general election. Some of these challenges were also identified as challenges in GAO's October 2001 comprehensive report on the election processes, while others were raised with us for the first time.

Continuing Challenges in 2004

- **Voter registration.** According to our nationwide survey of local election jurisdictions and visits to selected jurisdictions, many local jurisdictions reported that they continued to encounter challenges with the voter registration lists that they had experienced in the 2000 general election, such as difficulties related to voter registration applications with inaccurate and incomplete voter registration information, multiple registrations by the same person, or ineligible voters appearing on the list. Election jurisdictions also continued to face challenges obtaining voter registration applications from motor vehicle agencies and other NVRA entities.

- **Absentee voting.** The results of our nationwide survey indicate that election jurisdictions continued to experience absentee voting challenges that included receiving late absentee voter applications and ballots, managing large workloads with inadequate resources, addressing voter error issues such as unsigned or otherwise incomplete absentee applications, and preventing potential fraud. Although election officials in jurisdictions we visited provided examples of procedures used to help protect against fraud such as comparing signatures on absentee applications to signatures on registration applications, election officials still suspected instances of fraud. In 1 jurisdiction we visited, election officials reported they referred to the district attorney for investigation matters pertaining to 44 individuals who allegedly voted absentee ballots with invalid signatures.

- **Election Day activities.** According to our nationwide survey of local election jurisdictions and visits to selected jurisdictions, many local jurisdictions reported that they encountered many of the same challenges preparing for and conducting Election Day activities in the

November 2004 general election as they did in November 2000, including recruiting and training an adequate supply of skilled poll workers, locating a sufficient number of polling places that met requirements, designing ballots that were clear to voters when there were many candidates or issues to include, having long lines at polling places, and handling the large volume of telephone calls received from voters and poll workers on Election Day. On the basis of our nationwide survey, we estimate that large jurisdictions and, to some extent, medium jurisdictions encountered these challenges more than small jurisdictions.

- **Vote counting.** On the basis of interviews with election officials, many of the problems in managing people, processes, and technology for vote counting that had confronted election officials across the country in the November 2000 general election continued to be a challenge for them in the 2004 general election. Voting equipment problems, poll worker errors, and voter errors were reported as making it difficult to tabulate the votes quickly and accurately.

- **Voting technology.** According to our local jurisdiction survey and visits, voting system performance measures have not been systematically embraced, reliable performance data have not been collected, and security and testing activities have not been consistently required and performed for all voting systems. As a result, effective management of voting technology remains a challenge for many states and local jurisdictions because election officials may continue to use a patchwork of operational indicators and anecdotal experiences, rather than requirements-based information on voting system performance, to support decisions regarding voting system investments and operations.

New Challenges in 2004

- **Registrations from registration drives.** Election officials in some local election jurisdictions we visited reported that efforts of various groups to "get out the vote" by registering new voters through voter registration drives created new challenges not identified to us in the 2000 general election. Specifically, at some local jurisdictions we visited, election officials told us they faced a challenge processing large volumes of voter registration applications just prior to the deadlines for registration. The conditions that election officials reported experiencing in processing the volume of voter registration applications, such as long hours and lack of time to fully train temporary workers, can result in data entry errors that would have the impact of not properly registering

eligible voters and not identifying ineligible voters. Moreover, while not reported as a prevalent problem, applications received from voter registration drives was a challenge reported by election officials, who said that some of these applications had incomplete or invalid addresses, fictitious names, or questionable signatures. On the basis of our nationwide survey of local election jurisdictions, we estimate that 5 percent of local jurisdictions had voter registration applications that appeared to have fraudulent names.

- **Early voting.** Election officials reported encountering new challenges managing early voting. Some local jurisdictions we visited reported that they experienced long lines at early voting locations resulting from larger than expected early voter turnout. In some jurisdictions we visited, election officials said that factors such as inadequate planning on their part, limitations on types of facilities that could be used for early voting locations, and funding constraints on hiring more staff or acquiring more voting locations affected their management of large early voter turnout.

- **New UOCAVA provision.** A new challenge could develop for election officials as a result of a HAVA amendment to UOCAVA. In an effort to help make registration and voting easier for absent uniformed service voters and certain other civilian voters residing outside of the United States, this 2002 amendment extended the period of time that can be covered by a single application from the year during which the application was received to a time period covering up to the next two subsequent general elections for federal office, or 4 years. However, election officials in 4 jurisdictions we visited told us that a possible unintended consequence of this amendment could be that when uniformed services personnel are reassigned to other duty posts, absentee ballots may not be sent to the correct address for subsequent general elections. Even with a 2005 revision to the Federal Post Card Application form where voters can indicate that they want ballots for one federal election only, election officials were concerned that many absentee ballots would be returned as undeliverable.

- **Third-party polling place activities.** Election officials in some of the jurisdictions we visited in states where the presidential race was considered close (often referred to as battleground states) reported encountering challenges with disruptive third-party (e.g., poll watchers, observers, and electioneers) activities at polling places on Election Day. In some instances, these third parties simply increased the number of

people that poll workers were to manage at a polling location; in others, election officials told us third-party observers' behavior negatively affected poll workers and voters.

- **Provisional voting.** The implementation of provisional voting requirements as specified under HAVA highlighted another instance where states varied in their election systems, with somewhat distinct approaches for providing and counting provisional ballots. That is, states reported various differences in their counting processes such as the prescribed location (e.g., county or precinct) in which a voter must cast a provisional ballot in order for it to be counted. Another way states varied included circumstances, apart from those specified in HAVA, where a provisional ballot would be offered, such as when voters claimed they did not receive an absentee ballot. States also varied in the design of provisional ballots and how they tracked them.

- **Vote counting deadlines.** A new phenomenon emerged as a challenge to election officials with respect to counting the votes: Some jurisdictions reported difficulty completing the extra steps required to verify and count provisional votes within the time allowed for tallying the final vote count.

- **Voting systems**. States and local jurisdictions face a broad challenge in ensuring consistent accuracy, integrity, and security among their voting systems in light of their adoption of various versions of federal voluntary voting system standards containing somewhat different—and, in some cases, outdated—performance thresholds for voting equipment. Adoption of the *2005 Voluntary Voting System Guidelines* by EAC on December 13, 2005, provided updated criteria that states and local jurisdictions can choose to apply when evaluating and certifying their voting equipment. Organizations involved with voting system certification—including federal, state, and local governments; testing authorities; and vendors—may need the capacity to assume the workloads associated with the adoption of current standards, including upgrading, testing, and certifying newly acquired voting systems to meet the standards, particularly if the standards are to be applied to the 2006 general election. Furthermore, as states and jurisdictions move to a more integrated suite of election systems, proactive and systematic efforts in areas such as standards will be essential to addressing emerging technical, security, and reliability interactions among systems and managing risks in this dynamic election environment.

Principal Findings

Voter Registration

In managing the voter registration process and maintaining voter registration lists, state and local election officials must balance two goals—minimizing the burden on eligible persons of registering to vote, and ensuring that voter lists are accurate, that is, limited to those eligible to vote and that eligible registered voters are not inadvertently removed from the registration lists. During 2004 and 2005, many states were in the process of implementing their HAVA-required statewide voter registration lists and associated requirements for maintaining such a list. Thus, the potential benefits to be gained from HAVA's requirement for a statewide voter registration list were not evident in many states at the time of the November 2004 general election. Maintenance requirements in HAVA intended to help states and local election jurisdictions have access to more accurate voter registration list information, such as identifying duplicate registrations and matching the voter information against other state agency databases or records, were not yet fully implemented by many states. Many local jurisdictions were not yet seeing the benefits of being able to verify voter registration application information with state motor vehicle agency databases to identify eligible voters, or to match voter registration lists with a state agency's records to identify felons who may be ineligible to vote.

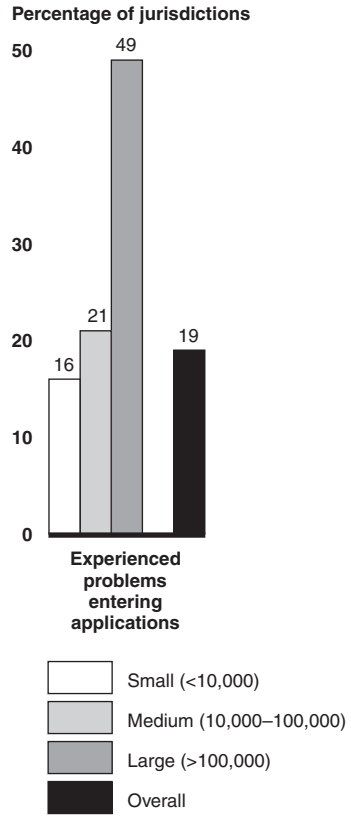
Local jurisdictions also encountered instances where voters claimed to be registered to vote and their names were not on the voter registration list. When this occurs, under HAVA's provisional voting requirements, states must permit voters to cast provisional ballots if the voters assert that they are registered in the jurisdiction where they desire to vote and are eligible to vote in a federal election. The results of our nationwide survey of local election jurisdictions indicate that many local jurisdictions encountered problems determining whether a provisional ballot was eligible to be counted where voters claimed to have registered at a motor vehicle agency or at another NVRA entity but there was insufficient evidence that the voter had submitted a registration application at one of those offices.

While registering to vote appears to be a simple step in the election system generally, applying to register and being registered are not synonymous, and election officials face challenges in processing the voter registration applications they receive. Local election jurisdictions continued to encounter challenges with the voter registration lists for the November

2004 election such as difficulties related to receiving inaccurate and incomplete voter registration information, multiple registrations, and ineligible voters appearing on the lists. The surge of last-minute registrations in many jurisdictions prior to the November 2004 election illustrated the challenge of balancing ease of registration with assurances that only eligible voters are on the registration rolls. In some cases, election officials reported that hundreds or thousands of applications were submitted just before the registration deadline and close to Election Day. According to our nationwide survey and visits to selected jurisdictions, entering voter registrations in a timely manner presented a challenge for some election officials in marshaling the needed resources, including in some cases hiring and training temporary employees, to review the applications, obtain missing or incomplete information from applicants, determine that the registrants were eligible to vote in the jurisdiction, and ensuring that the names of eligible voters were added to the voter registration rolls prior to Election Day. As shown in figure 1, we estimate that 19 percent of jurisdictions nationwide received applications just prior to the registration deadline that posed problems in entering them prior to Election Day, with large jurisdictions experiencing problems more than medium and small jurisdictions.[6]

[6]Our nationwide survey of local election jurisdictions was designed to have maximum sampling errors of +/- 5 percentage points for the complete sample.

Figure 1: Estimated Percentage of Jurisdictions Having Problems Entering the Number of Voter Registration Applications Received for the 2004 General Election



Source: GAO 2005 survey of local election jurisdictions.

Note: Large jurisdictions are statistically different from both medium and small jurisdictions.

During our site visits, 1 large jurisdiction we visited reported that on a daily basis it was 30,000 to 40,000 applications behind in data entry. As a result, election officials reported that they hired 80 full-time temporary workers who worked two full-time shifts to enter all eligible applications into the voter registration list used at the polls on Election Day. Election officials in another large jurisdiction told us that they unexpectedly received about 10,000 last-minute registration applications.

According to our nationwide survey of local election jurisdictions and election officials in jurisdictions we visited, many local election jurisdictions had processes to help manage receipt of voter registration

applications such as training for MVA and other NVRA entities' staff and local election office's staff for data entry and tracking of registration application forms. However, some local jurisdictions did not report having such management processes. We estimate that 76 percent of all jurisdictions provided training to data entry staff about the processing and inputting of registration applications, and we estimate that over half of all jurisdictions tracked incoming registration applications to ascertain the total number received, the number entered into registration lists, and the number not processed because of omission or application error, and to identify ineligible voters based on age or residence. In addition, some local jurisdictions we visited reported that they implemented processes such as tracking the number of applications distributed and the source from which applications are received, and providing receipts to voter registrants to help alleviate problems encountered with properly registering voters.

In addition to challenges encountered processing the large volume of registration applications received through voter registration drives, on the basis of our nationwide survey of local election jurisdictions, we estimate that 5 percent of local jurisdictions had voter registration applications that appeared to have fraudulent names. Election officials in some jurisdictions we visited reported receiving voter registration applications that had irregularities. For example, election officials in 1 jurisdiction reported receiving applications that were unreadable, had questionable signatures, were incomplete, or had invalid addresses. Election officials in another jurisdiction also reported receiving applications with fictitious names and fake signatures. Generally, election officials reported that the number of applications that were irregular were few in number, especially in relation to the total number of applications received.

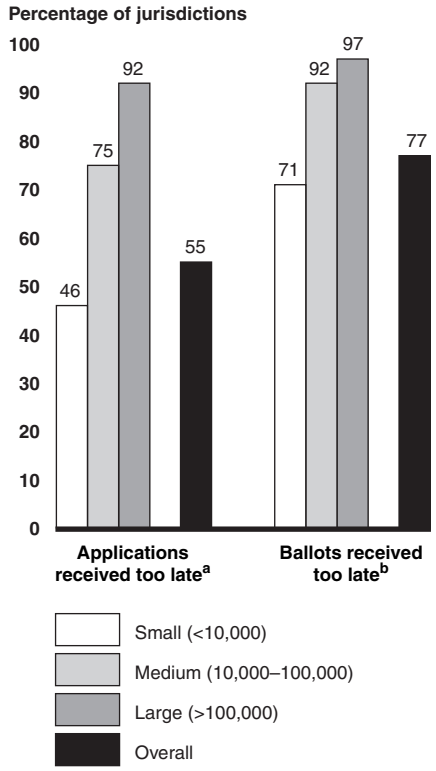
Absentee and Early Voting

Some states have increased the opportunities for citizens to vote absentee or early. For the November 2004 general election, 3 additional states reported that they no longer required voters to provide excuses such as being ill, having a disability, or being away from the precinct on Election Day to vote absentee. Three states reported expanding their provisions for permanent absentee status (usually reserved for the elderly or individuals with disabilities), allowing voters to receive absentee ballots for a state-specified time period, such as 4 years. One state reported eliminating its requirement that mail-in absentee voters provide an affidavit from a notary or witness for their signature along with the completed absentee ballot. Furthermore, HAVA amended UOCAVA to, among other things, extend the period of time that can be covered by a single absentee ballot application

by absent uniformed service voters and certain other civilian voters residing outside of the United States from the year during which the application was received to a time period covering up to the two next regularly scheduled general elections for federal office.

Absentee voting. Voting prior to Election Day can make voting easier for voters but can also create challenges for election officials. On the basis of our nationwide survey of local election jurisdictions, more than half of all jurisdictions encountered problems receiving absentee ballot applications and absentee ballots from voters too late to process—an estimated 55 percent of jurisdictions received applications too late and an estimated 77 percent received ballots too late, as shown in figure 2.

Figure 2: Estimated Percentage of Local Jurisdictions That Encountered Lateness with Absentee Ballot Applications and Absentee Ballots, November 2004 General Election



Source: GAO 2005 survey of local election jurisdictions.

[a]All size categories are statistically different from one another.

[b]Small jurisdictions are statistically different from medium and large jurisdictions.

Although the extent of the problem in terms of the number of applications and ballots that could not be processed is unknown, the estimated number of jurisdictions encountering the problem would seem to be of some concern to state and local election officials. Absentee application deadlines close to Election Day provide citizens increased time to apply to vote absentee. But such deadlines can create difficulties for election officials, providing a short period of time to ensure that eligible voters receive absentee ballots in time to vote, including having time to notify voters and have the voters correct errors on their ballot applications, such as failing to sign them. The impact of absentee ballot application deadlines on voters' ability to complete and return the absentee application and ballot in time

for their votes to be counted is another example of the difficulties of balancing voter access and ease of voting with appropriate election administration processes and controls.

Election officials identified problems related to voter errors on absentee ballot applications and ballots. On the basis of our nationwide survey of election jurisdictions, we estimate that almost half of the jurisdictions encountered problems with missing or illegible signatures on absentee ballot applications, and our survey results also indicate that local jurisdictions encountered problems with, among other things, missing or inadequate voting residence addresses on absentee applications and missing or incomplete witness information for a voter's signature or information. In jurisdictions that we visited, some election officials told us of steps they took, when time permitted, to address voter errors. States reported having information on their Web sites that included information on the basic requirements for requesting and casting an absentee ballot. In addition, some absentee voting applications and ballots provided to us by elections jurisdictions we visited included instructions for voting absentee.

Mail-in absentee ballots are considered by some to be particularly susceptible to fraud. Election fraud could include such activities as completion of a ballot by someone other than the registered voter or an attempt by a voter to cast more than one ballot in an election. On the basis of our nationwide survey, we estimated that a majority of jurisdictions used procedures in the November 2004 election designed to help ensure that absentee voters did not vote more than once and that absentee ballots were actually completed by the person requesting the ballot. However, some mail-in absentee voter fraud concerns remained. In particular, election officials expressed concern regarding absentee voters being unduly influenced or intimidated while voting by third parties who went to voters' homes and offered to assist them in voting ballots. Election officials also expressed concerns about the influence of third parties on voters for early voting when voters waiting in line were approached by candidates and poll watchers.

Uniformed military and overseas absentee voters. Election officials in a few jurisdictions we visited told us of a possible unintended consequence that may create a challenge with respect to provisions in UOCAVA as amended by HAVA, whereby the Federal Post Card Application can possibly cover as many as two subsequent general elections for federal office. Election officials in some jurisdictions we visited said that when uniformed service personnel are reassigned to other duty posts, ballots

might not be sent to the correct address for subsequent general elections. Election officials in some of these jurisdictions said they were taking steps to help ensure that absentee ballots would be sent to the correct address for the 2006 general election, such as requesting e-mail addresses as a means to obtain information to update mailing addresses or conducting mass mailings to these voters to confirm mailing addresses. However, election officials were concerned that if these efforts are not successful, a number of the ballots mailed to addresses provided on the Federal Post Card Application for the November 2006 election would be returned as undeliverable. This was a concern for these election officials because the jurisdictions would have to absorb the expense of mailing ballots that would be undeliverable. Furthermore, a potential effect may be that some uniformed services voters, who applied to vote absentee using the Federal Post Card Application, may not receive their ballots for subsequent general elections. As noted in our April 2006 report on election assistance provided to uniformed service personnel, one of the top two reasons for disqualifying absentee ballots for these voters was that they were undeliverable.[7]

Early voting. With respect to early voting, election officials in some jurisdictions we visited identified obtaining adequate staffing for conducting early voting as a challenge, especially when given the unanticipated large early voter turnout. In 11 of the 14 early voting jurisdictions visited, election officials emphasized the importance of staffing early voting locations with experienced staff such as election office staff or experienced and seasoned poll workers. According to our nationwide survey of local jurisdictions, we estimate that 30 percent of jurisdictions used permanent staff to work early voting polling locations. Our nationwide survey also showed that jurisdictions used other types of staff and combinations of staff such as permanent and part-time staff. Depending on the number of early voting locations to be staffed, using experienced staff may not always be feasible, and using other staff may affect the speed with which voters can be processed and may contribute to long lines. As states fully implement their statewide voter registration lists, processing voters at early voting locations may become easier as the voter registration systems evolve and systems become user-friendly so that all types of staff can be more effective in processing voters.

[7]GAO, *Elections: Absentee Voting Assistance to Military and Overseas Citizens Increased for the 2004 General Election, but Challenges Remain*, GAO-06-521 (Washington, D.C.: Apr. 7, 2006).

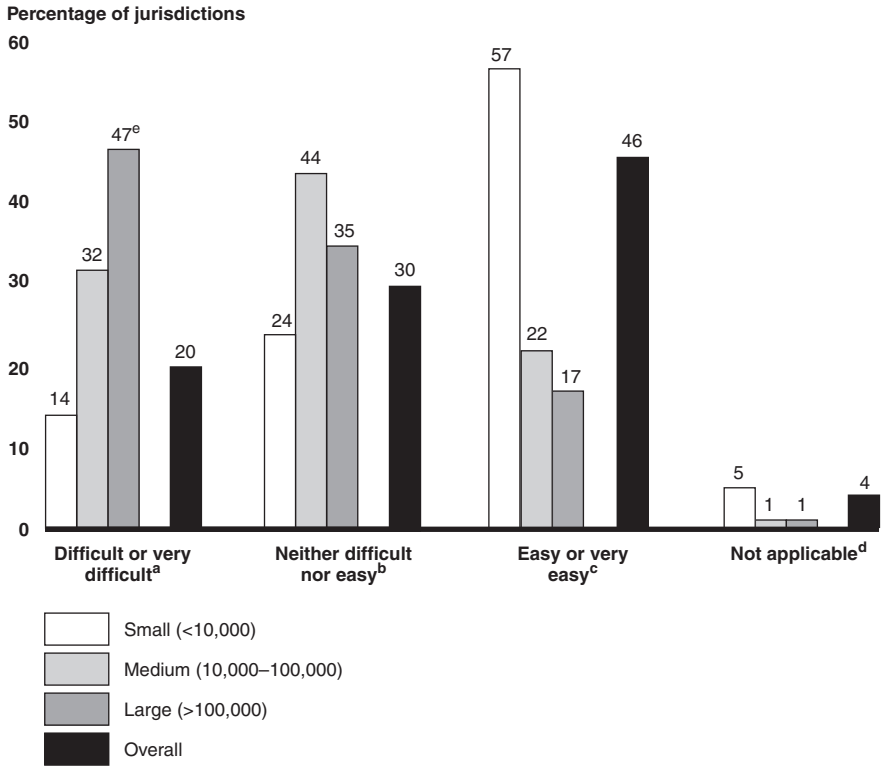
Conducting Elections

States and local jurisdictions have reported making changes since the November 2000 general election as a result of HAVA requirements and other state actions to improve the administration of elections in the United States. HAVA established requirements with respect to elections for federal office for, among other things, certain voters who register by mail to provide identification prior to voting; mandated that voting equipment accessible to individuals with disabilities be located at each polling place; and required that voter information be posted at polling places on Election Day. Since the November 2000 general election, some states have also reported making changes to their identification requirements for all voters.

Many of the challenges that election officials reported encountering in preparing for and conducting the November 2004 general election were not new challenges. Recruiting and training an adequate supply of poll workers, finding accessible polling places, and managing communications on Election Day were challenges that we identified in our October 2001 report on the November 2000 general election.[8] As shown in figure 3, on the basis of our nationwide survey, we estimate that more large jurisdictions encountered difficulties than medium and small jurisdictions when it came to obtaining a sufficient number of poll workers.

[8]GAO-02-3.

Figure 3: Estimated Percentages of All Local Jurisdictions and by Jurisdiction Size That Encountered Difficulties Obtaining a Sufficient Number of Poll Workers for the November 2004 General Election



Source: GAO 2005 survey of local election jurisdictions.

[a]All size categories are statistically different from one another.

[b]The difference between small and medium jurisdictions is statistically significant.

[c]The differences between both large and medium jurisdictions and small jurisdictions are statistically significant.

[d]Jurisdictions could indicate not applicable for a variety of reasons, including that poll workers are not recruited, but elected or appointed; that elections are conducted by mail ballot, and as a result there is not a need for poll workers to staff polling places on Election Day; or that the election officials themselves serve as poll workers.

[e]The 95 percent confidence interval for this percentage is +/-8 percentage points.

Administering an election in any jurisdiction is a complicated endeavor that involves effectively coordinating the people, processes, and technologies associated with numerous activities. However, we found in our survey of local jurisdictions and site visits to 28 localities that more large and, to some extent, medium jurisdictions reported that they encountered

challenges in preparing for and conducting the November 2004 general election than small jurisdictions did. This may be because the complexity of administering an election and the potential for challenges increase with the number of people and places involved and the scope of activities and processes that must be conducted, such as the need to provide ballots and voter assistance in languages other than English. The results of our local election jurisdiction survey indicate that more large and medium jurisdictions than small jurisdictions took steps—such as through voter education or providing instructions at polling places for poll workers—designed to minimize potential problems. Many of the election officials in large jurisdictions we visited told us that being well prepared, having established policies and procedures in place, and having high-quality election staff were factors that contributed to a smooth Election Day. One problem that election officials in some jurisdictions reported encountering on Election Day was actions by poll watchers and other third parties that election officials considered disruptive. This presents another issue that election officials may need to include in their Election Day preparations and training.

Provisional Voting

Concerns were raised with respect to the November 2000 election that some eligible voters were not allowed to vote because of questions regarding the voters' eligibility. HAVA required that by January 1, 2004, states permit the casting of provisional ballots in elections for federal office by voters who assert that they are eligible to vote and registered in that jurisdiction, but are not found on the voter registration list.[9] Such states are also required under HAVA to provide provisional ballots in federal elections under other circumstances, such as for certain voters who registered by mail and do not have required identification. While HAVA requires that states permit an individual under certain circumstances to cast a provisional ballot in a federal election, the act left the specific choices on the methods of implementation to the discretion of the states. Under HAVA, election officials receiving provisional voter information are to determine whether such individuals are eligible to vote under state law. If an individual is determined to be eligible, HAVA specifies that such individual's provisional ballot be counted as a vote in that election in accordance with state law.

[9]Six states are exempt from this requirement, in general, either because they permit voter registration on Election Day (Idaho, Minnesota, New Hampshire, Wisconsin, and Wyoming) or because they do not require voter registration (North Dakota).

On the basis of our survey of state election officials, our nationwide survey of election jurisdictions, and our visits to jurisdictions, states and local jurisdictions varied in a number of ways in how they implemented HAVA's provisional voting requirements in the November 2004 election. For example, in addition to those specified in HAVA, the circumstances reported by states and local jurisdictions when a provisional ballot would be offered varied, with some jurisdictions allowing voters claiming they did not receive an absentee ballot to vote provisionally. The results of our survey of state elections officials showed that states also varied as to the location where voters must cast their provisional ballots in order for such ballots to be eligible to be counted, as shown in figure 4.

Figure 4: State-Reported Locations Where a Provisional Vote Had to Be Cast in Order for It to Be Counted for the November 2004 General Election



Source: GAO survey of state election officials.

Note: Six states are not subject to HAVA's provisional voting requirements, but 2 of these 6 (Wisconsin and Wyoming) authorize some measure of provisional voting. Both of these states are included with the 32 states that reported requiring that provisional voters must cast their votes in the specific precincts in which they are registered in order for their votes to be eligible to be counted.

On the basis of our interviews with local election officials, local election procedures and unique circumstances add to the differences among jurisdictions. For example, in some jurisdictions we visited, election officials described various factors that affected the counting of provisional ballots, such as the time allowed for provisional voters to provide missing identification. Specifically, in 1 jurisdiction, voters had to provide the required identification before the polls closed for the ballot to be counted, while in other jurisdictions the ballot would be counted if the voter provided the required identification within a specified number of days after Election Day.

These variations in provisional voting implementation highlight how individual state rules, procedures, and practices may have affected the number of provisional ballots cast and counted in the November 2004 election. These differences and limited data availability make it difficult to determine with certainty how many provisional ballots were cast and counted nationally in the November 2004 election. However, the data that are available indicate that the HAVA requirement for provisional voting has helped to better facilitate voter participation of those encountering eligibility-related issues when attempting to vote.

Counting the Votes

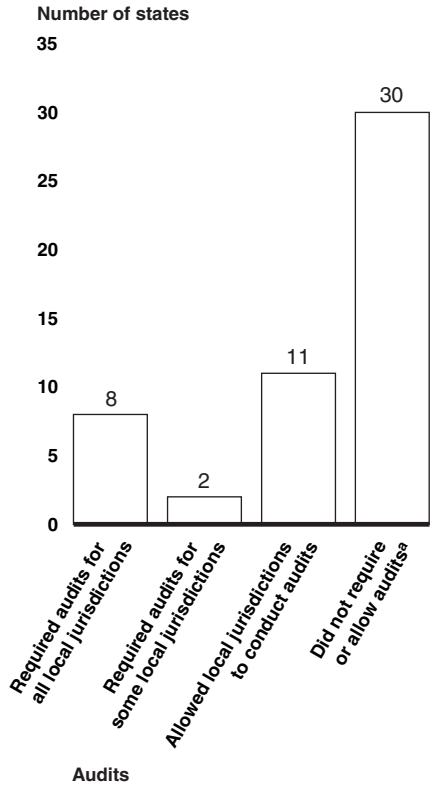
Although the methods used to secure and count ballots vary across the 50 states and the District of Columbia, the goal of vote counting is the same across the nation: to accurately process those ballots requiring verification and accurately count every valid ballot. As with the elections process overall, conducting an accurate vote count is not a simple process. It requires many steps, an unerring attention to detail, and the seamless integration of people, processes, and technology.

In 2004, vote counting remained an intricate multistep process characterized by a great variety of local procedures depending on a local jurisdiction's technology, size, and preferences. The multistep process can involve such activities as the initial vote count, a vote count audit to verify the accuracy of the count, certification of the vote count, and recounts of the votes when an election is close.[10] There were some notable developments related to conducting recounts that may be mandatory

[10]As used in this report, a vote count audit is an automatic recount, in full or in part, of the vote tabulation, irrespective of the margin of victory, in order to ensure accuracy before certification.

(because of a close margin of victory) or requested. Some states reported that they added rules for mandatory recounts. Others reported that they changed their guidance for who may request a recount. Regarding vote count audits, while 29 states and the District of Columbia reported they did not require audits of vote counts, 21 states reported having provisions that required or allowed audits of vote counts, as shown in figure 5. Furthermore, 9 states reported having taken some legislative or executive steps toward doing so since November 2004.

Figure 5: Number of States Reporting Vote Count Audit Requirements in Place for the 2004 General Election



Source: GAO 2005 survey of state election officials.

[a]Includes District of Columbia.

Providing eligible voters multiple means and times within a jurisdiction for casting their ballots—early, absentee, provisional, and Election Day voting—enhances eligible voters' opportunity to vote. At the same time,

multiple voting methods and types of ballots can make the vote-counting process more complicated. In addition, short deadlines for certifying the final vote—as little as 2 days in 1 state—provide little time for election officials to review, verify, and count provisional and absentee ballots. Larger jurisdictions generally face more challenges than smaller jurisdictions because of the sheer volume of votes cast by all ballot types—absentee, provisional, and regular ballots. Provisional ballots were new for many jurisdictions in November 2004 and created some challenges in tracking, verifying, and counting. On the basis of their experience in November 2004, some election officials in jurisdictions we visited said that they are implementing new procedures for provisional voting, such as printing provisional ballots in a color different from other types of ballots or using paper ballots rather than direct recording electronic (DRE) machines for provisional voters. These procedures are intended to help election officials track provisional ballots to ensure that they are all accounted for and included in the vote count.

Two jurisdictions we visited in Washington told us that they are moving to all-mail elections, which was authorized on a countywide basis by a new state law. Although replacing in-person voting with all-mail voting eliminates some challenges that can affect accurate vote counting—e.g., poll worker training on voting equipment operations and provisional voting or the chance of malfunctioning voting equipment at the polls—it magnifies the importance of other aspects of the process, such as accurately matching voter signatures and having clear guidance for determining voter intent from improperly or unclearly marked ballots.

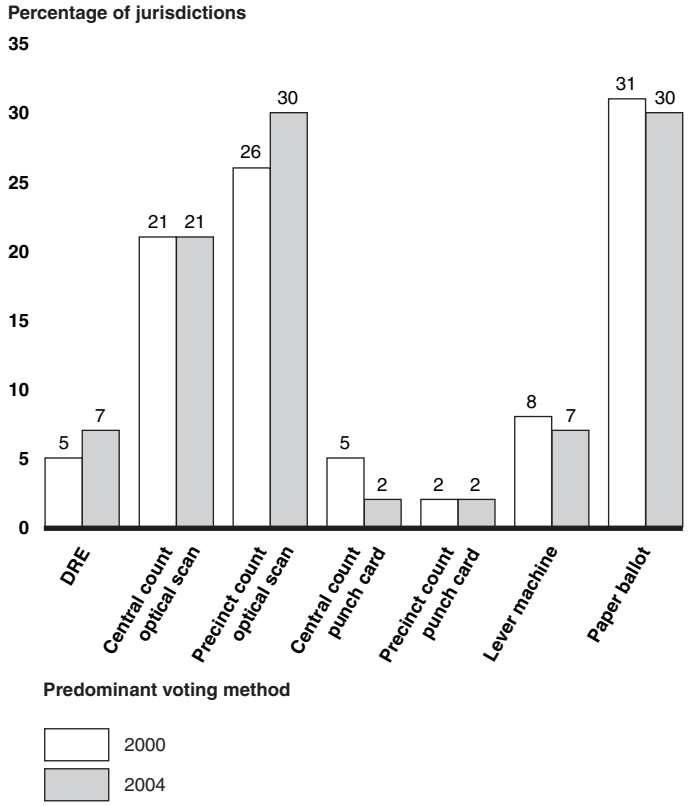
The recount in the close gubernatorial election in Washington revealed the interdependence of every stage of the elections process in ensuring an accurate vote count. In the initial statewide count, a mere 261 votes separated the two top candidates, and an initial recount reduced that margin of victory to just 42 votes out of more than 2.7 million cast, and the final recount resulted in a 129-vote margin of victory for the candidate who came in second in the first two vote counts. The experiences of election jurisdictions that had to conduct the recounts illustrated how small errors in the election administration process can affect the vote count. For example, in at least 11 counties provisional ballots were found by a Washington state superior court to have been counted without verifying voter signatures or before verification of voter registration status had been completed. Furthermore, 573 absentee ballots were erroneously disqualified in one county, and 22 absentee and provisional ballots were discovered in the base units of optical scan machines in another county

after the election had been certified. Were any state's election processes subjected to the very close scrutiny that characterized the recount in Washington state, it is likely that imperfections would be revealed. Votes are cast and elections are conducted by people who are not and cannot be 100 percent error free in all their tasks all the time. Thus, the consistently error-free vote count may be elusive, particularly in very large jurisdictions with hundreds of thousands of ballots cast in person, absentee, or provisionally. However, diligent efforts to achieve a consistently error-free count can help to ensure that any errors are reduced to the minimum humanly possible.

Voting Methods and Technologies

The technology of the voting environment can be characterized as varied and evolving, according to our 2005 state survey results and local jurisdiction survey estimates. Figure 6 shows the estimated percentages of all jurisdictions' use of a predominant voting method in the 2000 and 2004 general elections. Two key patterns emerged in the use of voting methods between the 2000 and 2004 general elections. First, we estimate that the percentage of large jurisdictions using DREs doubled from 15 percent in the 2000 general election to 30 percent in 2004. The predominant voting method most often used for large jurisdictions changed from precinct count optical scan in 2000 to both DRE and precinct count optical scan in 2004. In contrast, we estimate that the predominant voting methods most often used remained the same for small and medium jurisdictions (paper ballots and precinct count optical scan, respectively) from 2000 to 2004. Furthermore, on the basis of our local jurisdiction survey, we estimate that at least one-fifth of jurisdictions plan to acquire DRE or optical scan equipment before the 2006 general election. Second, in response to our state survey, 9 states reported that they eliminated the lever machine and punch card voting methods for the 2004 general election. In addition, 18 other states plan to eliminate lever or punch card voting methods for the 2006 general election. This greater state involvement in jurisdictions' choice of voting methods, the availability of federal funding to replace lever and punch card voting equipment, and certain HAVA requirements—among other factors—are likely influences on the adoption of DRE and optical scan voting methods.

Figure 6: Estimated Percentages of Jurisdictions Using a Predominant Voting Method in the 2000 and 2004 General Elections



Source: GAO 2005 survey of local election jurisdictions.

HAVA recognized the importance of voting system performance by specifying requirements for error rates in voting systems and providing for updates to the federal voting system standards, including the performance components of those standards. According to our local jurisdiction survey, most local jurisdictions adopted performance standards for accuracy, reliability, or efficiency for the 2004 general election—usually standards selected by their respective states. It is important that system performance be measured during an election, when the system is being used and operated according to defined procedures by voters and election workers, to provide a basis for determining where performance needs, requirements, and expectations are not being met so that timely corrective action can be taken. As was the case for the 2000 general election, jurisdictions collected various types of voting system performance measures for the 2004 general

election, although some types of measures were collected by fewer jurisdictions than others—in part because they were not well suited to particular voting methods. From our local jurisdiction survey, we estimate that the vast majority of all jurisdictions were very satisfied or satisfied with their systems' performance during the 2004 general election, even though performance data may not have been collected to an extent that would provide firm support for these views. The moderate collection levels of data on operational voting systems' performance may present a challenge to state and local election officials in their efforts to make informed decisions on both near-term and long-term voting system changes and investments.

Having secure voting systems is essential to maintaining public confidence in the election process, and according to our local jurisdiction survey estimated results, accomplishing this was a shared responsibility among states, local jurisdictions, vendors, law enforcement officials, and others for most jurisdictions. According to our state survey, estimates from our local jurisdiction survey, and visits to jurisdictions, there were differences across states and jurisdictions in areas such as the adoption of system security standards and reported implementation of system security controls, which was generally consistent with what we reported in our October 2001 report on election processes. In addition, 27 states reported in our state survey that they are requiring jurisdictions to apply voluntary federal standards to voting systems used for the first time in the November 2006 general election that are outdated, unspecified, or entail multiple versions. In the area of testing, most states reported that they required national or state certification of their voting systems, but the systems covered by those requirements and the criteria used for certification also varied by state and by voting method. Readiness (logic and accuracy) testing continued to be commonly performed by an estimated 92 percent of local jurisdictions that used automated voting systems for the 2004 general election, but the local election officials we talked with described a variety of testing approaches.[11] We estimate that two other forms of testing—parallel testing and postelection auditing of voting equipment—were much less prevalent than readiness testing and were conducted by 2 percent and 43 percent of jurisdictions that used automated voting, respectively.[12]

[11]For the questions in our local survey related to types of testing, jurisdictions that used only hand-counted paper ballots on Election Day were excluded.

[12]We estimate that 91 percent of jurisdictions considered parallel testing to be not applicable.

Appropriately defined and implemented standards for system functions and testing processes are essential to ensuring the accuracy, integrity, and reliability of voting systems across all phases of the elections process. States and local jurisdictions face the challenge of regularly updating and consistently applying appropriate standards and other directives for security management and testing to address vulnerabilities and risks in their specific election environments.

The number of jurisdictions that had integrated particular aspects of voting system components and technologies was limited for the 2004 general election according to estimates from our local jurisdiction survey and visits to local jurisdictions for the selected areas of integration we examined, such as electronic programming or setup and electronic management. Furthermore, relatively few local jurisdictions we visited reported having plans for integrating or further integrating their election-related systems and components for the 2006 general election, and in the instances where jurisdictions reported plans, the scope and nature of the plans varied. Nevertheless, there is real potential for greater integration among voting systems, election systems, and components as states and jurisdictions act on plans to acquire optical scan and DRE equipment that lends itself to integration. It is unclear if and when this migration to more technology-based voting methods will produce more integrated election system environments. However, suitable standards and guidance for these interconnected components and systems—some of which remain to be developed—could facilitate the development, testing, operational management, and maintenance of components and systems, thereby maximizing the benefits of current and emerging election technologies and achieving states' and local jurisdictions' goals for performance and security. The challenge inherent in such a dynamic environment is to update system standards so that emerging technical, security, and reliability interactions are systematically addressed.

Concluding Observations

The administration of election systems will never be error free or perfect. Each stage of the election process poses a major challenge for election officials. Effective management of the election system requires a variety of resources that must be prepared, mobilized, and deployed at regular intervals. These resources include the people who conduct the election and participate in it, the processes that govern what the people do and how the election is conducted, and the technology that facilitates the efforts of the people as they work through the election processes. Although responsibility for election administration falls largely on local

governmental units, state and federal governments have a role to play in helping to minimize the types of errors that can occur. Thus, as technology evolves and circumstances warrant, state and federal governments might consider what, if any, actions on their part could help to improve election processes.

GAO found that states have made changes—either as a result of HAVA or on their own—that addressed some of the challenges identified in the 2000 general election. GAO also found that some challenges continue and new challenges occurred in the 2004 general election. In passing HAVA, Congress provided a means for states and local jurisdictions to improve upon several aspects of the voting administration system. It is too soon to determine the full effect of those changes, especially the requirement for statewide voter registration lists for federal elections and new voting systems, both of which are at different stages of implementation across the states.

Introduction

The basic goal of the elections system in the United States is straightforward: All eligible persons, but only eligible persons, should be able to cast their votes and, if such votes have been properly cast by the voters, have those votes counted accurately. Faith in the fairness and accuracy of the U.S. election system is at the foundation of our democracy. Reports of problems encountered in the close 2000 presidential election with respect to voter registration lists, absentee ballots, ballot counting, and antiquated voting equipment raised concerns about the fairness and accuracy of certain aspects of the U.S. election system. After the events surrounding the November 2000 general election, the Help America Vote Act of 2002 (HAVA) was enacted and major election reforms are now being implemented.[1] The November 2004 general election highlighted some of the same challenges as 2000 as well as some new challenges in areas such as electronic voting technology and implementation of some HAVA requirements. The issues that arose in both elections highlighted the importance of the effective interaction of people, processes, and technology in ensuring effective election operations and maintaining public confidence that our election system works.

Since 2001, GAO has issued a series of reports covering aspects of the election process primarily with respect to federal elections.[2] This report focuses on the changing of such election processes in the United States and the November 2004 general election. Specifically, primarily with respect to federal elections, our objectives were to examine each major stage of the election process to (1) identify changes to election systems since the 2000 election, including steps taken to implement HAVA, and (2) describe the issues and challenges encountered by election officials in the November 2004 election.

[1]Pub. L. No. 107-252, 116 Stat. 1666 (2002).

[2]See appendix I for a list of these reports. One of the most comprehensive is GAO, *Elections: Perspectives on Activities and Challenges across the Nation*, GAO-02-3 (Washington, D.C.: Oct. 15, 2001).

Election Authority

Election authority is shared by federal, state, and local officials in the United States. Congressional authority to affect the administration of elections derives from various constitutional sources, depending upon the type of election.[3] Congress has passed legislation in several major areas of the voting process. For example, the National Voter Registration Act of 1993 (NVRA),[4] expanded the opportunities for citizens to register to vote for federal elections by, among other things, requiring most states to accept registration applications for federal elections by mail and at state motor vehicle agencies (MVA) and at certain other state agencies. The act also requires that in the administration of elections for federal office, states are to take certain steps to accurately maintain voter registration lists, and it limits the circumstances for removing names from voter lists. The Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) requires states to, among other things, permit uniformed services voters absent from the place of residence where they are otherwise qualified to vote, their dependents, and U.S. citizens residing outside the country to register and vote absentee in elections for federal office.[5]

The Help America Vote Act was enacted into law on October 29, 2002. As discussed below, the act includes a number of provisions related to voter registration, provisional voting, absentee voting, voting equipment, and other election administration provisions, and authorizes the appropriation of funds to be used toward implementing the law's requirements. HAVA also provides that the choices on the methods of implementation of such requirements, for example, a computerized statewide voter registration list, provisional voting, voter information requirements at the polling place, identification requirements, and voting system standards (for ballot verification, manual audit capacity, accessibility, and error rates), are left to the discretion of the states. HAVA further specifies that such requirements are minimum requirements and should not be construed to prevent states from establishing election technology and administration requirements that are stricter than HAVA requirements as long as they are not inconsistent with certain other specified provisions.

[3]GAO, *Elections: The Scope of Congressional Authority in Election Administration*, GAO-01-470 (Washington, D.C.: Mar. 13, 2001).

[4]42 U.S.C. §§ 1973gg to 1973gg-10.

[5]42 U.S.C. §§ 1973ff to 1973ff-6.

HAVA, in general, applies to all 50 states and the District of Columbia. Areas covered by the law include

- *Computerized statewide voter registration list*: HAVA requires most states to implement a single, uniform, centralized, computerized statewide voter registration list to serve as the official voter registration list for the conduct of all elections for federal office in each such state.[6] Under HAVA, the computerized statewide voter registration list was to have been implemented by 2004. However, 40 states and the District of Columbia received waivers to extend the deadline until January 1, 2006. States are required to perform regular maintenance of the voter list by comparing it to state records on felons and deaths, and to match voter registration applicant information on the voter list with information in the state motor vehicle agency's records and Social Security Administration records, as appropriate.

- *Absentee ballots*: HAVA contains various amendments to UOCAVA regarding absentee voting for absent uniformed service voters and certain other civilian voters residing outside of the United States. The amendments, among other things, (1) required that the secretaries of each military department, to the maximum extent practicable, provide notice to military personnel of absentee ballot deadlines, (2) extended the time that can be covered by a single absentee ballot application from UOCAVA voters, and (3) prohibited states from refusing to accept or process, with respect to federal elections, a voter registration application or an absentee ballot application by an absent uniformed services voter on the ground that the application was submitted before the first date that the state otherwise accepts or processes applications for that year from nonuniformed service absentee voters.

[6]Under HAVA, states with no voter registration requirements for voters with respect to federal elections on and after the date of HAVA's enactment (e.g., North Dakota) are not subject to the act's computerized statewide voter registration list requirement.

- *Provisional ballots*: HAVA requires most states to implement provisional voting for elections for federal office.[7] Under HAVA, in an election for federal office, states are to provide a provisional ballot to an individual asserting (1) to be registered in the jurisdiction for which he or she desires to vote and (2) eligible to vote in a federal election but (3) whose name does not appear on the official list of eligible voters for the polling place. Provisional ballots are also to be provided in elections for federal office to individuals who an election official asserts to be ineligible to vote, and for court-ordered voting in a federal election after the polls have closed. These various types of individuals, under HAVA, are to be permitted to cast the provisional ballot upon the execution of written affirmation at the polling place that they are registered voters in the jurisdiction and that they are eligible to vote in that election. If election officials determine that the individual is eligible under state law to vote, the individual's provisional ballot is to be counted as a vote in accordance with state law. HAVA also requires that a free access system be established to inform voters if their votes were counted, and if not, the reason why.

- *Polling places*: HAVA provisions targeted, among other things, improving information at polling places and Election Day procedures. To improve the knowledge of voters regarding voting rights and procedures, HAVA requires election officials[8] to post voting information at each polling place on the days of elections for federal office, including, for example, a sample ballot, polling place hours, how to vote, instructions for first-time voters who registered by mail, and general information on federal and state voting rights laws and laws prohibiting fraud and misrepresentation. The act also authorized the appropriation of funds for payments to states for educating voters concerning voting procedures, voting rights, and voting technology. Under HAVA, voting systems used in elections for federal office are required to meet specified accessibility requirements for individuals with disabilities. With respect to

[7]Under HAVA, states that had either (1) no voter registration requirements for voters with respect to federal elections (North Dakota) or (2) polling place registration on Election Day with respect to federal elections (Idaho, Minnesota, New Hampshire, Wisconsin, and Wyoming) in effect on and after August 1, 1994, are not subject to HAVA's provisional voting requirements.

[8]Jurisdictions call their poll workers by different titles, including clerks, wardens, election judges, inspectors, captains, and precinct officers and often have a chief poll worker for each polling place.

improving accessibility, HAVA also authorized the appropriation of funds for payments to states to be used for improved accessibility of polling places for, among others, individuals with disabilities and those with limited English proficiency. HAVA also requires that such voting systems provide individuals with disabilities with the same opportunity for access and participation (including privacy and independence) as for other voters. In connection with this requirement, HAVA provides for the use of at least one direct recording electronic (DRE) device or other voting system equipped for individuals with disabilities at each polling place.[9]

- *Identification requirements:* Under HAVA, states are to require that certain voters who register by mail to provide specified types of identification when voting at the polls or send a copy of the identification with their mailed applications.[10] Acceptable identification includes a current and valid photo identification or current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Under HAVA, voters at the polls who have not met the identification requirement may cast a vote under HAVA's provisional voting section. Similarly, mail-in ballots from persons who have not provided the required identification also are to be counted as HAVA provisional ballots.

- *Election administration:* HAVA also established an agency with wide-ranging duties to help improve state and local administration of federal elections. The Election Assistance Commission is to be involved with, among other things, providing voluntary guidance to states implementing certain HAVA provisions, serving as a national clearinghouse and resource for information with respect to the

[9]There are two types of DREs, push-button, and touch screen. For push-button machines, voters press a button next to the candidate's name or ballot issue, which then lights up to indicate the selection. Similarly, voters using touch screen DREs make their selections by touching the screen next to the candidate or issue, which is then highlighted. When voters are finished on a push-button or touch screen DRE, they cast their votes by pressing a final "vote" button on the machine or screen.

[10]Voters subject to this provision are those who have registered to vote in a jurisdiction by mail and have not previously voted in an election for federal office in the state or those who have not previously voted in such an election in the jurisdiction and the jurisdiction is located in a state that does not have a statewide computerized voter registration list, as required by HAVA.

administration of federal elections, conducting studies, administering programs that provide federal funds for states to make improvements to some aspects of election administration, and helping to develop testing for voting systems, and standards for election equipment. EAC is led by four Commissioners, who are to be appointed by the President and confirmed by the Senate. The Commissioners, who, under HAVA, were to be appointed by February 26, 2003, were appointed by the President in October 2003 and confirmed by the Senate in December 2003. Since beginning operations in January 2004, EAC has achieved many of its objectives. Among other things, EAC has held hearings on the security of voting technologies and the national poll worker shortage; established a clearinghouse for information on election administration by issuing two best practices reports; distributed payments to states for election improvements, including payments for voter education and voting equipment replacement; drafted changes to existing federal voluntary standards for voting systems; and established a program to accredit the national independent certified laboratories that test electronic voting systems against the federal voluntary standards. However, EAC has reported that its delayed start-up affected its ability to conduct some HAVA-mandated activities within the time frames specified in the act. In turn, according to its fiscal year 2004 annual report, the delayed EAC start-up affected states' procurement of new voting equipment and the ability of some states and local jurisdictions to meet related HAVA requirements by statutory deadlines.

- *Voting systems*: One of the primary HAVA provisions relates to encouraging states to replace punch card voting systems and lever voting systems and authorizing appropriations for payments to support states in making federally mandated improvements to their voting systems. A voting system includes the people, processes, and technology associated with any voting method. It encompasses the hardware and software used to define the ballot, conduct the vote, and transmit and tally results, and system maintenance and testing functions. With respect to standards for voting systems used in elections for federal office, HAVA requirements for such systems include providing voters with the ability to verify their votes before casting their ballots, producing permanent paper records for manual auditing of voting systems, and compliance of voting system ballot counting error rates with those set out in specified federal voting system standards. HAVA also directs that updates to the federal voluntary voting system standards for these requirements be in place

by January 1, 2004,[11] and provides for additional updates to the voluntary standards as approved by the Election Assistance Commission. Mechanisms are also specified that can be used by states and localities in acquiring and operating voting systems, including accreditation of laboratories to independently test and evaluate voting systems and federal certification for voting systems that undergo independent testing.

The time frames for implementing various HAVA requirements ranged from as early as 45 days after enactment (a deadline for establishing a grant program for payment to the states for improved election administration) to as late as January 1, 2006, for various voting system standards.[12] Several key deadlines were set for January 1, 2004, including implementation of HAVA's provisional voting requirements and the establishment of a statewide voter registration list (or to request a waiver from the deadline until January 1, 2006). States receiving funds to replace punch card voting systems or lever voting systems could also request a waiver until January 1, 2006; otherwise such systems were to be replaced in time for the November 2004 general elections. The deadline for states and jurisdictions to comply with specific requirements for voting systems, such as producing a paper record for audit purposes, was January 1, 2006.

HAVA vests enforcement authority with the Attorney General to bring a civil action against any state or jurisdiction as may be necessary to carry out specified uniform and nondiscriminatory election technology and administration requirements under HAVA. These requirements pertain to HAVA voting system standards, provisional voting and voting information requirements, the computerized statewide voter registration list requirements, and requirements for persons who register to vote by mail. The enforcement of federal statutes pertaining to elections and voting has, with certain exceptions, been delegated by the Attorney General to the Civil Rights Division.

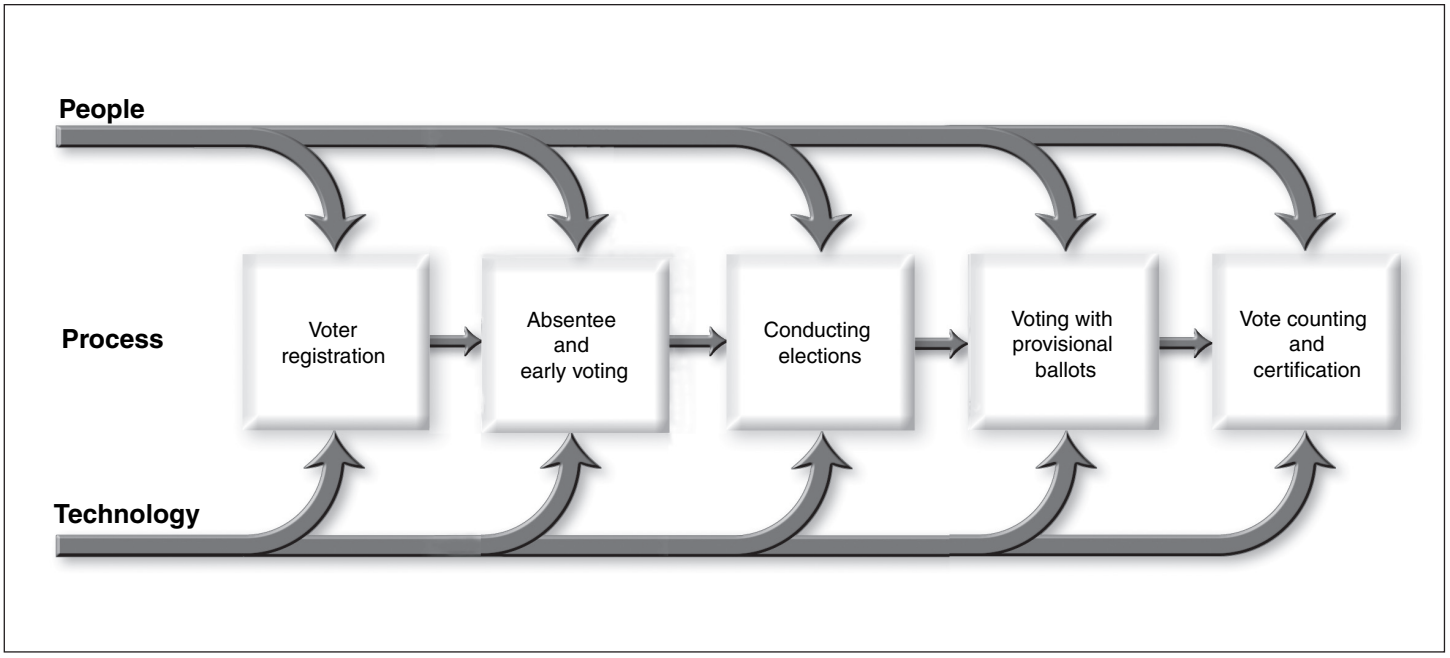
[11]The Election Assistance Commission approved the Voluntary Voting System Guidelines in December, 2005.

[12]These HAVA voting system standards pertain to, among other things, voter ballot verification prior to casting a vote, permanent paper records with a manual audit capacity, federal standards for error rates, alternative language accessibility, and accessibility for individuals with disabilities. In addition, HAVA requires that voting systems purchased with specified HAVA funds on or after January 1, 2007, must meet HAVA voting system standards for disability access.

Election System Elements

The U.S. election system is highly decentralized and based upon a complex interaction of people (election officials and voters), processes, and technology. Each of the 50 states and the District of Columbia has its own election system with a somewhat distinct approach. Within each of these 51 systems, the guidelines and procedures established for local election jurisdictions can be very general or specific. Each election system generally incorporates elements that are designed to allow eligible citizens to vote and ensures that votes are accurately counted. While election systems vary from one local jurisdiction to another, most election systems have the elements identified in figure 7.

Figure 7: The Election Process Involves the Integration of People, Process, and Technology



Source: GAO.

Delegation of Election Responsibility

Typically, states have decentralized elections so that the details of administering elections are determined at the local jurisdiction. States can be divided into two groups according to how they delegate election responsibilities to local jurisdictions. The first group include 41 states where election responsibilities are delegated to counties, with a few of these states delegating election responsibilities to some cities, and 1 state that delegates these responsibilities to election regions. We included the District of Columbia along with this group. The second group is composed of 9 states that delegate election responsibilities to subcounty governmental units, known by the U.S. Census Bureau as minor civil divisions (MCD). However, in 1 of these states, Minnesota, election functions are split between county-level governments and MCDs. For example, registration is handled exclusively by county officials, and functions, such as polling place matters, are handled by MCDs. Overall, about 10,500 local government jurisdictions are responsible for conducting elections nationwide, with the first group of states containing about one-fourth of the local election jurisdictions and about three-fourths of the local election jurisdictions located in the states delegating responsibilities to MCDs. Although more election jurisdictions are in the 9 states, most of the population (88 percent of the U.S. population based on the Census of 2000) lives in the states delegating responsibilities primarily to counties.

Voter Registration

While voter registration is not a federal requirement, the District of Columbia and all states, except North Dakota, generally require citizens to register before voting.[13] The deadline for registering, and what is required to register, varies; at a minimum, state eligibility provisions typically require a person to be a U.S. citizen, at least 18 years of age, and a resident of the state, with some states requiring a minimum residency period. Citizens apply to register to vote in various ways, such as at motor vehicle agencies, during voter registration drives, by mail, or at local voter registrar offices. Election officials process registration applications and compile and maintain the list of registered voters to be used throughout the administration of an election. Prior to HAVA, voter registration lists were not necessarily centralized at the state level, and separate lists were often

[13]Historically, Wisconsin has not required voters in all jurisdictions to register to vote. Only municipalities with populations exceeding certain specified thresholds were required to register voters. Changes made in 2003 to Wisconsin's election laws will require voter registration in every municipality regardless of population size. This registration requirement first applies to the 2006 spring primary election.

managed by local election officials. HAVA requires voter registration information for federal elections to be maintained as a statewide computerized list and matched with certain state data, and that voter registration application information be matched with certain state data and, in some cases, with federal data, to help ensure that the voter list is accurate.

Absentee and Early Voting

All states and the District of Columbia have provisions allowing voters to cast their ballot before Election Day by voting absentee with variations on who may vote absentee, whether the voter needs an excuse, and the time frames for applying and submitting absentee ballots. In addition, some states also allow early voting, in which the voter goes to a specific location to vote in person prior to Election Day. As with absentee voting, the specific circumstances for early voting—such as the dates, times, and locations—are based on the state and local requirements. In general, early voting allows voters from any precinct in the jurisdiction to cast their vote before Election Day either at one specific location or at one of several locations. The early voting locations are staffed by poll workers who have a registration list for the jurisdiction and ballots specific to each precinct. The voter is provided with and casts a ballot for his or her assigned precinct.

Conducting Elections

Election officials perform a broad range of activities in preparation for and on Election Day itself. Prior to an election, officials recruit and train poll workers to have the skills needed to perform their Election Day duties, such as opening and closing the polls, operating polling place equipment, and explaining and implementing provisional voting procedures for certain voters such as those who are not on the registration list. Where needed and required, election officials must also recruit poll workers who speak languages other than English. Polling places have to be identified as meeting basic standards for accessibility and having an infrastructure to support voting machines as well as voter and poll worker needs. Ballots are designed and produced to meet state requirements, voter language needs, and identify all races, candidates, and issues on which voters in each precinct in their jurisdiction will vote. Election officials seek to educate voters on topics such as what the ballot looks like, how to use a voting machine, and where their particular polling place is located. Finally, election officials seek to ensure that voting equipment, ballots, and supplies are delivered to polling places.

On Election Day, poll workers set up and open the polling places. This can include tasks such as setting up the voting machines or voting booths, readying supplies, testing equipment, posting required signs and voter education information, and completing paperwork such as confirming that the ballot is correct for the precinct. Before a voter receives a ballot or is directed to a voting machine, poll workers typically are to verify his or her eligibility. The assistance provided to voters who are in the wrong precinct depends on the practices for that particular location.

Provisional Voting

One of the most significant post-2000 election reforms found in HAVA, according to the Election Assistance Commission, is that states are required to permit individuals, under certain circumstances, to cast a provisional ballot in federal elections.[14] More specifically, states are to provide a provisional ballot to an individual asserting to be (1) registered in the jurisdiction for which he or she desires to vote and (2) eligible to vote in a federal election, but (3) whose name does not appear on the official list of eligible voters for the polling place. In addition, provisional ballots are to be provided in elections for federal office to individuals who an election official asserts to be ineligible to vote, and for court-ordered voting in a federal election after the polls have closed. Although many states had some form of provisional balloting prior to the passage of HAVA, 44 of the 50 states and the District of Columbia were required to provide provisional ballots for the 2004 general election. Under HAVA, 6 states were exempt from HAVA's provisional voting requirements because they either permitted voters to register on Election Day or did not require voter registration.[15] If individuals are determined to be eligible voters, their provisional ballots are to be counted as votes in accordance with state law, along with other types of ballots, and included in the total election results.

[14]The United States Election Assistance Commission, *2004 Election Day Survey; How We Voted: People, Ballots, and Polling Places*. September 2005.

[15]Under HAVA, states that had either (1) no voter registration requirements for voters with respect to federal elections (e.g., North Dakota) or (2) polling place registration on Election Day with respect to federal elections (as in Idaho, Minnesota, New Hampshire, Wisconsin, and Wyoming) in effect on and after August 1, 1994, are not subject to HAVA's provisional voting requirements.

Vote Counting and Recounting

Following the close of the polls, election officials and poll workers complete a number of basic steps to get the votes counted and determine the outcome of the election. Equipment and ballots are to be secured, and votes are to be tallied or transferred to a central location for counting. The processes used to count or to recount election votes vary with the type of voting equipment used in a jurisdiction, state statutes, and local jurisdiction policies. Votes from Election Day, absentee ballots, early votes (where applicable), and provisional ballots are to be counted and consolidated for each race to determine the outcome. While preliminary results are available usually by the evening of Election Day, the certified results are generally not available until days later. Some states establish a deadline for certification of results, while other states do not.

Voting Methods and Technologies

Voting methods are tools for accommodating the millions of voters in our nation's approximately 10,000 local election jurisdictions. Since the 1980s, ballots in the United States have been cast and counted using five methods: paper ballots, lever machines, punch cards, optical scan, and DREs. Four of the five methods by which votes are cast and counted involve technology; only the paper ballot system does not use technology. The three newer methods—punch card, optical scan, and DRE—depend on computers to tally votes. Punch card and optical scan methods rely on paper ballots that are marked by the voter, while many DREs use computers to present the ballot to the voter. Voting systems utilize technology in different ways to implement these basic voting methods. For instance, some punch card systems include the names of candidates and issues on the printed punch card, while others use a booklet of candidates and issues that must be physically aligned with the punch card. The way systems are designed, developed, tested, installed, and operated can lead to a variety of situations where misunderstanding, confusion, error, or deliberate actions by voters or election workers can, in turn, affect the equipment's performance in terms of accuracy, ease of use, security, reliability, and efficiency. In fact, some recent election controversies have been specifically associated with particular voting methods and systems. Nevertheless, all voting methods and systems can benefit from established information technology management practices that effectively integrate the people, processes, technologies.

Scope and Methodology

For this report, we conducted a Web-based survey of election officials in all 50 states and the District of Columbia, surveyed by mail a nationally representative stratified random probability sample of 788 local election jurisdictions, and conducted on-site interviews with election officials in 28 local jurisdictions in 14 states. Copies of the survey instruments are in appendixes II and III. In addition, the results of our state and local surveys are presented in two supplemental GAO products that can be found on our Web site at www.gao.gov.[16] Appendix IV provides a summary of jurisdictions we visited. In reporting the state survey data, actual numbers of states are provided. When reporting local jurisdiction survey data, we provide estimates for jurisdictions nationwide. Unless otherwise noted, the maximum sampling error, with 95 percent confidence, for estimates of all jurisdictions from our local jurisdiction survey is plus or minus 5 percentage points (rounded).[17] We also provide some national estimates by jurisdiction population size, and the sampling errors for these estimates are slightly higher. For these estimates, large jurisdictions are defined as those with a population over 100,000, medium jurisdictions have a population of over 10,000 to 100,000, and small jurisdictions have a population of 10,000 or less. Unless otherwise noted, all estimates from our local jurisdiction survey are within our planned confidence intervals.

Jurisdictions in which we conducted on-site interviews were chosen based on a wide variety of characteristics, including voting methods used, geographic characteristics, and aspects of election administration, such as whether early voting was offered. We did not select jurisdictions we visited on the basis of size, but as appropriate, we identify the size of a jurisdiction we visited using the same groupings we used for our nationwide mail survey.

[16]GAO, *Elections: 2005 Survey of State Election Officials*, GAO-06-451SP (Washington, D.C.: June 6, 2006); and GAO, *Elections: 2005 Survey of Local Election Jurisdictions*, GAO-06-452SP (Washington, D.C.: June 6, 2006).

[17]Measures of sampling error are defined by two elements: the width of the confidence intervals around the estimate (sometimes called the precision of the estimate) and the confidence level at which the intervals are computed. Because we followed a probability procedure based on random selections, our sample is only one of a large number of samples that we might have drawn. As each sample could have provided different estimates, we express our confidence in the precision of our particular sample results as a 95-percent confidence interval (e.g., plus or minus 5 percentage points). This is the interval that would contain the actual population value for 95 percent of the samples we could have drawn. As a result, we are 95 percent confident that each of the confidence intervals based on the mail survey includes the true values in the sample population.

We also reviewed extensive prior GAO work and other national studies and reports, and attended an annual election official conference. A comprehensive description of our methodology for this report is contained in appendix V.

We conducted our work between March 2005 and February 2006 in Washington, D.C.; Dallas; Los Angeles; and 28 local election jurisdictions in 14 states, in accordance with generally accepted government auditing standards.

Voter Registration

In general, the goal of a voter registration system is to ensure that eligible citizens who complete all the steps required of them to register to vote in their jurisdictions are able to have their registrations processed accurately and in a timely fashion, so they may be included on the rolls in time for Election Day. The November 2000 general election resulted in widespread concerns about voter registration in the United States. Headlines and reports questioned the mechanics and effectiveness of voter registration by highlighting accounts of individuals who thought they were registered being turned away from polling places on Election Day, the fraudulent use of the names of dead people to cast additional votes, and jurisdictions incorrectly removing the names of eligible voters from voter registration lists. With the passage of HAVA,[1] with respect to federal elections, most states were required to establish statewide computerized voter registration lists and perform certain list maintenance activities as a means to improve upon the accuracy of voter registration lists.[2] List maintenance is performed by election officials and consists of updating registrants' information and deleting duplicate registrations and the names of registrants who are no longer eligible to vote.

The voter registration process includes the integration of people, processes, and technology involved in registering eligible voters and in compiling and maintaining accurate and complete voter registration lists. In managing the voter registration process and maintaining voter registration lists, state and local election officials must balance two goals—minimizing the burden on eligible persons registering to vote, and ensuring that voter lists are accurate, that is, limited to those eligible to vote and that eligible registered voters are not inadvertently removed from the voter registration lists. This has been a challenging task, and remains so, as we and others have noted. While registering to vote appears to be a simple step in the election system generally, applying to register and being registered are not synonymous, and election officials face challenges in processing the voter registration applications they receive. This chapter describes various HAVA and state changes related to the voter registration processes that have occurred since the 2000 general election. It also examines

[1]Pub. L. No. 107-252,116 Stat. 1666 (2002).

[2]HAVA section 303(a) (codified at 42 U.S.C.§ 15483(a)). North Dakota did not have voter registration requirements for persons with respect to federal elections as of the date of HAVA's enactment and, under HAVA, is therefore not subject to the act's requirement to create and maintain a computerized statewide voter registration list.

continuing and new registration challenges encountered by local jurisdictions for the 2004 general election.

Overview

With respect to voter registration, a significant change since the 2000 general election is the HAVA requirement for states to each establish a single, uniform, statewide, computerized voter registration list for conducting elections for federal office. The HAVA requirements for states to develop statewide lists and verify voter information against state and federal agency records presented a significant shift in voter list management in many states. While the initial deadline to implement HAVA's statewide list requirement was January 1, 2004, more than 40 states took advantage of a waiver allowing an extra 2 years to complete the task, or until January 1, 2006. The statewide registration lists for federal elections are intended to implement a system capable of maintaining voter registration lists that are more accurate by requiring states to (1) match voter registration application information against other state and federal agency databases or records to help ensure that only eligible voters are added to such lists, (2) identify certain types of ineligible voters whose names should be removed from the lists, and (3) identify individual voter names that appear more than once on the list to be removed from the lists. While HAVA defined some parameters for the required statewide voter registration lists and required matching voter information with certain state and federal records, the act leaves the choices on the methods of implementing such statewide list requirement to the discretion of the states. On the basis of our survey of state election officials, states varied in the progress made in implementing their statewide voter registrations lists, how they have implemented these systems, and the capabilities of their systems to match information with other state and federal agency records as well as many other features of the state systems.

In addition to requiring states to develop statewide voter registration lists, HAVA provides that states must require that mail registrants who have not previously voted in a federal election in the state are to provide certain specified types of identification with their mail application, and if they do not provide such identification with their application, these first-time mail registrants are to provide the identification at the polls. Furthermore, if such a voter does not have the requisite identification at the polls, HAVA requires that the voter be provided a provisional ballot with the status of his or her ballot to be determined by the appropriate state or local official. As with the statewide voter registration list requirement, HAVA leaves the choices on the methods of implementing the provisional voting

requirement to the discretion of the states. On the basis of interviews of officials in 28 local election jurisdictions, implementation of the requirement for first-time voters who registered by mail varied. One noteworthy variation is in the definition of mail registration, where some local jurisdictions we visited told us that applications received through voter registration drives would be treated as mail registrations subject to HAVA identification requirements and other local jurisdictions we visited told us applications from registration drives were not treated as mail registrations and therefore were not treated as subject to HAVA identification requirements.

As noted above, during 2004 and 2005 many states were in the process of implementing their HAVA-required statewide voter registration lists and associated requirements for maintaining the lists. Thus, the potential benefits to be gained from HAVA's requirement for the statewide voter registration lists were not evident in many states at the time of the November 2004 general election. Maintenance requirements in HAVA intended to help states and local election jurisdictions to have access to more accurate voter registration list information, such as identifying duplicate registrations and matching the voter information against other state agency databases or records, were not yet fully implemented by many states. Many local jurisdictions were not yet seeing the benefits of being able to verify voter registration application information with state motor vehicle agency databases to identify eligible voters, or to match voter registration lists with state vital statistics agency records to identify deceased persons, and to appropriate state agency's records to identify felons who may be ineligible to vote. Thus, on the basis of our nationwide survey and local election jurisdictions we visited, many local jurisdictions continued to encounter challenges with the voter registration lists that they had experienced in the 2000 general election, such as difficulties related to receiving inaccurate and incomplete voter registration information, multiple registrations, or ineligible voters appearing on the list. In addition, election officials in some jurisdictions we visited told us they continued to face challenges obtaining voter registration applications from motor vehicle agencies and other NVRA entities.[3]

[3]In 1993, the National Voter Registration Act (42 U.S.C. §§ 1973gg to 1973gg-10), among other things, expanded the number of locations and opportunities of citizens to apply to register to vote in federal elections at MVAs and other public organizations, such as public assistance agencies and armed forces recruiting centers.

In addition, for some local election jurisdictions we visited, election officials told us that efforts on the part of various groups to get out the vote by registering new voters through voter registration drives created new challenges not identified to us as a problem in the 2000 general election. Specifically, at some local jurisdictions we visited, election officials told us they faced a challenge processing large volumes of voter registration applications just prior to the deadlines for registration, which included challenges in some large jurisdictions to resolve issues of incomplete or inaccurate (and potentially fraudulent) applications submitted by entities conducting voter registration drives.

Changes Required by HAVA Subsequent to the 2000 General Election

HAVA requires states to, among other things, (a) implement a single, uniform, computerized statewide voter registration list for conducting elections for federal office;[4] (b) perform regular maintenance by comparing the voter list against state records on felons and deaths; (c) verify information on voter registration applications with information in state motor vehicle agency databases or with a Social Security Administration database, as appropriate. In addition, HAVA imposes new identification requirements for certain mail registrants—such as, individuals who register by mail and have not previously voted in a federal election within the state.[5]

[4]This HAVA-required statewide voter registration list is, among other things, to be defined, maintained, and administered at the state level. In addition, this list is to serve as a secure, centralized, and interactive database that is coordinated with other state agency databases and grants state and local election official immediate electronic access to information contained in the list.

[5]These HAVA identification requirements also apply to individuals who register to vote in a jurisdiction by mail or have not previously voted in a jurisdiction when the jurisdiction is located in a state that does not have a HAVA compliant statewide voter registration list.

HAVA Requirements for Statewide Voter Registration List

Historically, to ensure that only qualified persons vote, states and local jurisdictions have used various means to establish and compile voter registration lists.[6] Prior to HAVA, we noted in our October 2001 comprehensive report on election processes nationwide that in compiling these lists, election officials used different methods to verify the information on registration forms, check for duplicate registrations, and update registration records, and we noted that states' capabilities for compiling these lists varied. At the time, some states had statewide voter lists, but others did not and were not required to do so. Moreover, most jurisdictions we visited at the time maintained their own local, computerized voter lists.[7] Under HAVA, this has changed. HAVA requires the chief election official in the state to implement a "single, uniform, official, centralized, interactive, computerized statewide voter registration list" that must contain the name and registration information of every legally registered voter in the state. Under HAVA, states were required to be in compliance with the statewide voter registration list requirement by January 2004 unless they obtained a waiver until January 2006. Forty-one states and the District of Columbia obtained a waiver and thus, for the 2004 general election, were not required to have their statewide voter registration lists in place.[8]

With respect to the HAVA required statewide voter registration list, states are to, among other things:

- Make the information in such lists electronically accessible to any election officials in the state.
- Ensure that such voter lists contain registration information on every legally registered voter in the state, with a unique identifier assigned to each legally registered voter.

[6]Throughout this chapter, the use of the term "voter registration list" refers specifically to the names of registered voters compiled by state and local officials in accordance with HAVA provisions. The term "voter registration system" refers more broadly to computer systems (stand-alone or Internet- or network-based) where voter registration lists reside in accordance with appropriate security and privacy measures.

[7]GAO-02-3.

[8]Nine states (Alaska, Arizona, Georgia, Hawaii, Kentucky, Minnesota, South Carolina, South Dakota, and West Virginia) did not seek a waiver.

- Verify voter identity; most states are required to match voter information obtained on the voter registration application for the applicant's drivers' license number or the last four digits of the voter's Social Security number, when available, to state MVAs or the Social Security Administration databases. In connection with this requirement to verify voter registration application information, states must require that individuals applying to register to vote provide a current and valid driver's license number, or the last four digits of their Social Security number; if neither has been issued to the individual, then the state is to assign a unique identifier to the applicant. The state MVA must enter into an agreement with the Social Security Administration (SSA), as applicable, to verify the applicant information when the last four digits of the Social Security number are provided, rather than a driver's license number or state ID number.[9]

- Perform list maintenance on the statewide voter registration lists by coordinating them on a regular basis with state records on felony status and deaths, in order to identify and remove names of ineligible voters.[10] List maintenance is also to be conducted to eliminate duplicate names.

- Implement safeguards ensuring that eligible voters are not inadvertently removed from statewide lists.

[9]Seven states (Georgia, Hawaii, Kentucky, New Mexico, South Carolina, Tennessee, and Virginia) required, at the time of our review, full Social Security numbers on applications for voter registration. HAVA provides that for states using full Social Security numbers on applications in accordance with section 7 of the Privacy Act of 1974, the HAVA voter registration verification requirements are optional. Georgia's right to require full Social Security numbers under this Privacy Act provision, however, has been the subject of recent litigation. In January 2005 a federal district court found that Georgia did not qualify to use full Social Security numbers under this Privacy Act provision (*Schwier v. Cox*, Civil No. 1:00-CV-2820, (N.D. Ga. January 31, 2005)). The district court determined, in part, that Georgia must correspondingly revise its voter registration forms and instructions and expressly inform applicants that they are not required to provide their Social Security numbers. On February 16, 2006, the U.S. Court of Appeals for the Eleventh Circuit affirmed the district court's January 2005 ruling (*Schwier v. Cox*, 439 F. 3d 1285 (2006)).

[10]In 1993, the National Voter Registration Act, among other things, limited the circumstances under which states could remove the names of registrants from registration lists for federal elections and required states to take certain steps to accurately maintain such voter registration lists by removing the names of certain types of ineligible persons.

- Include technological security measures as part of the statewide list to prevent unauthorized access to such lists.

Except for the 9 states that did not obtain a waiver from HAVA's requirements for establishing a statewide voter registration list, all other states subject to the statewide list requirement were not required to perform list maintenance activities as defined in HAVA until the extended waiver deadline of January 2006. By the November 2004 general election, states were in various stages of implementing provisions of HAVA related to their statewide voter registration lists and performing voter list verification and maintenance, and had different capabilities and procedures at the state and local levels for performing required list maintenance functions. Many states reported that their statewide voter registration systems implementing the statewide list requirement include or will include additional election management features not required under HAVA.

Progress Establishing Statewide Voter Registration Lists Varied

Voter registration system development was an ongoing process in 2004 and 2005. For the November 2004 general election, the use of technology to compile voter registration information remained an issue. Developing and implementing statewide computerized voter lists has been an ongoing process for many states, and state and local election officials reported encountering difficulties along the way. Our state survey and site visits suggest that states and jurisdictions were still coming to terms, as of the last half of calendar year 2005, with how their systems should be updated and whether states or jurisdictions should control the flow of information into statewide registration systems.

As mentioned in chapter 1, HAVA vests the Attorney General with the responsibility of enforcing certain HAVA requirements with respect to the states. In January 2006, the Justice Department asked all states, the District of Columbia, and other covered territories to provide a detailed statement of their compliance with voting systems standards and implementation of a single, uniform, official, centralized, interactive computerized statewide voter registration list. If the states, the District of Columbia, or covered territories were not implementing HAVA's requirements for the computerized statewide voter registration lists as of January 2006, the Justice Department reported that it then asked them to identify steps they planned to take to achieve full implementation of the HAVA-compliant statewide voter registration list and the date on which each step would be accomplished. According to Justice Department officials, they are

reviewing the information provided by the states, the District of Columbia, and such territories to make determinations of what, if any, enforcement action might be needed. The Department of Justice reports that it entered into a memorandum of agreement with California in November 2005 after that state realized it would not be able to fully meet HAVA's requirements by the January 1, 2006, deadline. On March 1, 2006, the Department of Justice also filed suit in a federal district court against the state of New York alleging the state not to be in compliance with, among other things, HAVA's requirement for a computerized statewide voter registration list and seeking a judicial determination of noncompliance and a court order requiring the state to develop a plan for how it will come into compliance.[11]

During our site visits in 2005, we asked local election officials about the status of their statewide registration systems. Election officials in some local jurisdictions we visited cited difficulties related to implementing their statewide voter registration systems involving, among other things, internal politics and technology-related challenges. For example, election officials in a large jurisdiction reported that a disagreement between the State Board of Elections and local election officials over the type of system to implement delayed the project for a year. State election officials wanted a system requiring all voter registrations to be entered at the state level but maintained locally. The local election officials expressed the view that such a system would result in a lack of control over data entry at the local level at the front end, while imposing accountability on them on the back end (data maintenance). During our interview in August 2005, these election officials told us that a statewide registration system had not been implemented yet. In some jurisdictions, the difficulties cited by election officials may have reflected the fact that they were establishing statewide voter registration systems for the first time. For example, in 1 large jurisdiction that was establishing a HAVA voter registration list from scratch, local election officials noted that at the time of our interview in August, the system was behind schedule, lacked the ability to identify duplicates, had no quality control, and was not planned to function as a real-time system.

[11]*United States v. New York State Board of Elections*, Civil No. 06-CV-0263 (N.D. NY, March 1, 2006).

State Capabilities for Matching Voter Registration Lists with State and Federal Records, as Required by HAVA, Were Under Way or Not Yet Achieved

In our survey of states and the District of Columbia, and our survey of local election jurisdictions nationwide, among other things, we inquired about the status of their capabilities for meeting HAVA provisions for (1) verifying voter registration application information against MVA and SSA databases and (2) maintaining the statewide voter lists by comparing information on the statewide voter registration list against state death records and felon information, and discussed the issues during our local site visits. Our work focused on how states had matched or planned to match voter registration lists against other state records, as required by HAVA. However, it is important to note that the success of such matching in ensuring accurate voter registration lists is dependent upon the accuracy and reliability of the data in the databases used for matching. If that state's MVA databases, felon records, death records, or other records used for matching are inaccurate, they can result in voter registration list errors.

Matching to MVA Databases

When a driver's license or driver's license number is presented as identification when registering to vote in an election for federal office, HAVA requires that states match the voter registration application information presented with that in the MVA records.[12] In our survey of state election officials, we asked states whether their voter registration systems would have the capability to perform electronic matching of such voter registration information with state motor vehicle agency records for the purposes of verifying the accuracy of information on the registration application. Twenty-seven states reported they will have or currently had the capability to match on a real-time basis, 15 states and the District of Columbia reported they will have or currently had capability to match in batches, and 4 states reported they would not have the capability to perform electronic matching. The remaining 4 states included 2 states that reported that they are not subject to HAVA's registration information verification requirement because they collect the full Social Security numbers on voter registration applications;[13] 1 state, North Dakota, which

[12]HAVA section 303(a)(5) (codified at 42 U.S.C.§ 15483(a)(5)).

[13]The authority of one of these states (Georgia) to require full Social Security numbers has been the subject of recent litigation. In February 2006 a federal appeals court affirmed a January 2005 federal district court ruling that Georgia did not have the authority, under the Privacy Act of 1974, to require voter applicants to disclose their Social Security numbers on voter registration forms. *Schwier v. Cox*, 439 F. 3d 1285 (11th Cir. 2006).

does not require voter registration, did not respond, and 1 state reported that it was uncertain of its capability to perform electronic matching.

Matching with SSA Records

With respect to matching voter information with SSA data when a Social Security number is presented instead of a driver's license, in our state survey, 7 states had and 26 states and the District of Columbia reported that they would have the capability, by January 1, 2006, to electronically match voter registration information with SSA (through the MVA); 10 states reported they planned to have this capability in place but not by January 2006; and 6 states had not yet determined whether they could do so. Many states reported concerns with whether SSA would be able to return responses to verify requests in a timely manner. Specifically, 30 states and the District of Columbia reported some level of concern about the issue. When asked whether they thought local jurisdictions would be able to resolve nonmatches resulting from SSA verification checks, opinions were divided, with a number of states (21) expressing some degree of concern about this, while a nearly equal number (22 states and the District of Columbia) did not.

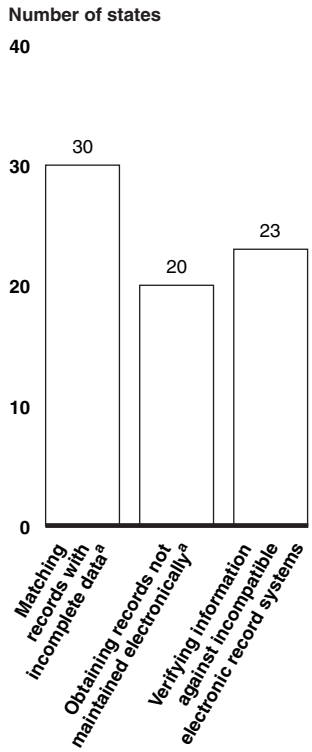
In our June 2005 report on maintaining accurate voter registration lists, we found that in one state (Iowa) that had verified its voter registration list with SSA before the 2004 general election, there was no unique match for 2,586 names, according to the SSA records.[14] As we stated in our report, Iowa officials said that the biggest problem they faced was that SSA did not specify what specific voter information did not match (i.e., was the mismatch in name, date of birth, or final four-digit Social Security number). Without that information, they were not able to efficiently resolve the non-matching problems. In that same report, we also noted that an SSA official said that the system established to perform the HAVA matching on the four-digit Social Security number is not able to provide that detail. In addition, we found that use of SSA's database to identify deceased registrants, which is linked with the system established to perform the HAVA verification of voter registration application information, had matching and timeliness issues.

[14]GAO, *Elections: Additional Data Could Help State and Local Elections Officials Maintain Accurate Voter Registration Lists*, GAO-05-478 (Washington, D.C.: June 2005).

Overall Matching Challenges

As shown in figure 8, many states reported that they faced significant challenges when trying to match voter registration information with state records. For example, in our survey, 29 states and the District of Columbia reported that records with incomplete data posed a challenge; 19 states and the District of Columbia reported that obtaining records not maintained electronically was a challenge; and 23 states reported that verifying information against incompatible electronic record systems was also a challenge.

Figure 8: Many States Report Challenges Matching Voter Registration Information with State Records



Source: GAO 2005 survey of state election officials.

[a]Includes the District of Columbia.

During our site visits to local jurisdictions, we obtained additional views on how well, in general, states were believed to perform various data-

matching functions.[15] We asked local election officials to describe their state system's ability to match voter registration information with MVA and SSA records and the system's ability to verify information on eligibility status for felons, noncitizens, and others with other state databases or records. One jurisdiction in Illinois reported it was not sure how or if its voter registration system would be able to match data with MVA and SSA databases or to verify eligibility status for felons and by age. An official in a jurisdiction in Florida said that Florida's system could not verify information on the eligibility status of felons, noncitizens, the mentally incompetent, or the underaged—though plans were under way to obtain information from the Clerk of Courts Information System to perform some of these tasks.

Removing Voters Names from the Registration List

HAVA's list maintenance provisions require states to match the statewide voter registration list information against certain state records to identify ineligible voters and duplicate names.[16] If a voter is ineligible under state requirements and is to be removed from the statewide voter registration list, states are generally required to remove such names in accordance with NVRA provisions relating to the removal of voter names from registration lists for federal elections. Under NVRA, in the administration of voter registration for federal elections, states may not remove the names of people who are registered to vote for nonvoting and names may be removed only for certain specified reasons: at the request of the registrant; by reason of criminal conviction, as provided by state law; by reason of mental incapacity, as provided by state law; or pursuant to a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists by reason of the death of the voter or on the ground that the voter has changed address to a location outside the election jurisdiction on the basis of change of address information from the U.S. Postal Service (but only if either (1) the voter confirms in writing a change of address to a place outside the election jurisdiction or (2) the voter has failed to respond to a confirmation mailing and the voter has not voted or appeared to vote in any election between the time of such notice and the passage of two federal general elections).[17]

[15]HAVA's list maintenance provisions require states to compare the statewide registration list with state records on felons and deaths to identify ineligible voters as well as to identify duplicate registrations.

[16]HAVA section 303(a)(2) (codified at 42 U.S.C.§ 15483).

[17]42 U.S.C. § 1973gg-6.

Reasons Names Removed from Registration Lists

In our survey of local election jurisdictions nationwide, we asked about the reasons names were removed from voter registration lists. On the basis of our survey of local election jurisdictions, the following table shows various reasons that jurisdictions removed names from voter registration lists for the 2004 general election and our estimates of how frequently names were removed for that reason. For example, the most frequent reason was the death of the voter (76 percent). Names were removed with about equal frequency because the voter requested that his or her name be removed (54 percent) or the registrant's name appeared to be a duplicate (52 percent). The least frequent reason was for mental incompetency (10 percent). In many jurisdictions, names were not removed but rather placed on an inactive list for a period of time. In our survey of local jurisdictions, nearly half, or an estimated 46 percent, took this step.

Table 1: Estimated Percentage of Jurisdictions That Removed Names from Voter Registration List for 2004 General Election for Various Reasons

Name removed because:	Percentage of all jurisdictions
Information received from state/county vital statistics offices identified registrants as deceased	76
Registrants requested that their names be removed from the voter registration list (e.g., moved out of jurisdiction or other reason)	54
Registrant's name appeared to be a duplicate	52
Change of address information received from U.S. Postal Service showed that the registrants had moved outside of the jurisdiction where registered	45
Registrant failed to respond to a notice from the registrar and had not voted or had not appeared to vote in the most recent two federal elections	38
Felony records received from federal/state/local governmental entities identified registrant as ineligible to vote or register to vote because of a felony conviction	38
Newspaper obituaries identified registrant as deceased	31
Names removed from the voter registration list for other reasons	11
Information received from federal/state/local courts indicating that registrant had been judged to be mentally incompetent	10

Source: GAO 2005 survey of local election jurisdictions.

In our June 2005 report on maintaining accurate voter registration lists,[18] on the basis of interviews of election officials in 14 jurisdictions and 7 state election offices, we reported that in larger jurisdictions, the task of identifying and removing registrants who died can be substantial. For example, in the city of Los Angeles, in 1 week in 2005 alone, almost 300 persons died.

The issue of felons voting unlawfully—that is, voting when their felony status renders them ineligible to voter under state law—was a high-profile issue in some jurisdictions. According to an election official in a Washington jurisdiction we visited, this issue was identified during the November 2004 general election. This official also told us that the Secretary of State is working to establish a database that will indicate felony status and cancel the registration of felons. This election official noted that the jurisdiction rarely receives information from federal courts on felony convictions. Under federal law, U.S. Attorneys are to give written notice of felony convictions in federal district courts to the chief state election official of the offender's state of residence.[19] In our June 2005 report on maintaining accurate voter registration lists, we found that U.S. Attorneys had not consistently provided this information, and while the law did not establish a standardized time frame or format for forwarding the federal felony conviction information, election officials in 7 states we visited reported that the felony information received from U.S. Attorneys was not always timely and was sometimes difficult to interpret.[20] We recommended that the U.S. Attorneys provide information in a more standardized manner.

Removing Duplicate Names

Under HAVA, duplicate names on the statewide voter registration list are also to be identified and removed. In our state survey, 49 states and the District of Columbia reported that their voter registration systems will include a function for checking duplicate voter registration records.[21] On the basis of our nationwide survey of local jurisdictions, we estimate that

[18]GAO-05-478.

[19]42 U.S.C. § 1973gg-6(g).

[20]GAO-05-478.

[21]One state responded that it did not know whether its system would include checking for duplicates.

72 percent of local jurisdictions employed a system of edit checks (automated controls to identify registration problems) to identify duplicates. Our prior work has also found that states were, for the most part, able to handle duplicate registrations—though obtaining timely, accurate data to facilitate the identification of duplicate registrations has been viewed as a challenge among some state election officials. Specifically, in our February 2006 report on certain states' (9 states that did not seek a waiver until January 1, 2006 and were to implement a computerized statewide voter registration list by January 1, 2004) experiences with implementing HAVA's statewide voter registration lists, we found that 8 of the 9 states we reviewed screened voter applications to identify duplicate registrations, and most did so in real time.[22] We also reported that 8 of these 9 states checked voter registration lists for duplicate registrations on an annual, monthly, or other periodic basis. And 4 of the 9 states reported that implementing the HAVA requirements led to some or great improvement in the accuracy of their voter lists by reducing duplicate registrations or improving the quality of voter information before it was entered into the statewide voter list.

Checking for duplicates remained a challenge for some in 2004 and 2005, however. In our June 2005 report on maintaining accurate voter registration lists, we noted that officials in 7 of the 21 local election jurisdictions we spoke with during 2004 and 2005 had some concern about the accuracy and timeliness of data they received to identify duplicate registrants and verify that registrants resided within the jurisdiction.[23] They noted that the matching and validation of names are complex and made more so when considering aliases and name changes, as are matches such as "Margie L. Smith" with "Margaret Smith." Officials from several states who reported, at the time of our review, that their state had not implemented a statewide voter registration system noted that there was no way to identify duplicates outside their jurisdiction.

[22]These are the 9 states that implemented the HAVA requirement to have statewide voter registration lists in place by the earlier deadline of January 1, 2004.

[23]GAO-05-478.

Most States Reported Having Established Centralized Voter Registration Systems, and Half Reported They Can Enter Voter Information on a Real-Time Basis

While HAVA requires that both state and local election officials have immediate electronic access to information in the statewide voter registration list, HAVA grants states discretion as to the method used to ensure that this capability is established.[24] According to EAC, state and local election officials may determine whether to establish (a) a top-down system, whereby the statewide voter registration list resides on a state database hosted on a single, central platform (e.g., a mainframe or client servers), which state and local election officials may query directly; (b) a bottom-up system, whereby the statewide voter list is stored on a state-level database that can be downloaded to jurisdictions and updated by the state only when the jurisdictions send new registration information back to the state;[25] or (c) take another approach. According to the EAC voluntary guidance on HAVA's statewide voter registration system, the top-down approach most closely matches HAVA requirements—but other configurations may be used as long as they meet the HAVA requirement for a single, uniform list that allows election officials to have immediate access.

Our 2005 survey of state election officials sought information on how states were implementing statewide computerized voter registration systems. We asked, among other things, whether states were using a top-down or a bottom-up approach. In response, 40 states and the District of Columbia reported that they have a database maintained by the state, with information supplied by local jurisdictions (top-down system); 4 states reported that local jurisdictions retain their own lists and transmit information to a statewide list (a bottom-up system); and 5 states reported they use a hybrid of these two options. We also asked whether state election officials would have immediate, real-time access to their state lists for the purposes of entering new voter registration information, updating existing information, and querying voter registration records. About half the states and the District of Columbia reported they had or would have all these capabilities. Specifically, 24 states and the District of Columbia reported they had or would have as of January 2006, real-time access for entering new voter registration information, while 23 states reported they did not plan to do so and 2 states did not respond. In addition, 26 states and

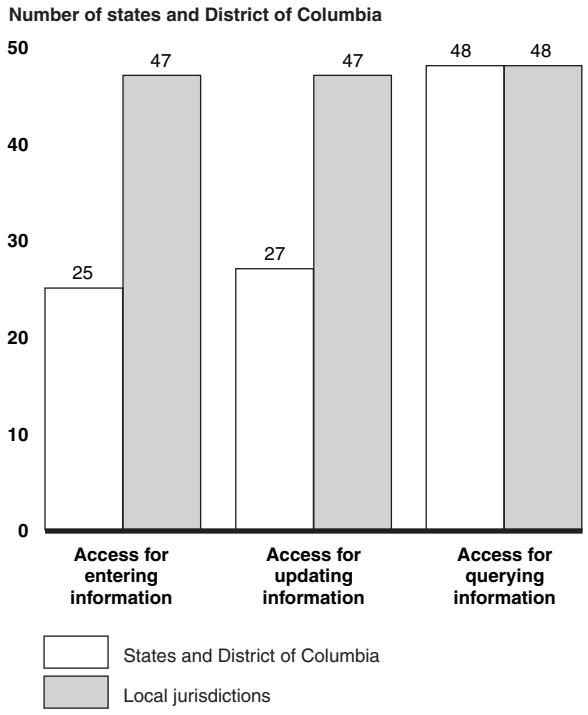
[24]HAVA section 305 (codified at 42 U.S.C.§ 15485).

[25]According to EAC, a bottom-up system remains static until the state electronically provides the next updated version; registration information held solely in a local database is not part of the official registration list until it is electronically transmitted to the state and added to the list.

the District of Columbia reported that they had or would have as of January 2006, real-time access for updating existing voter registration information, while 21 states reported they did not plan to do so and 2 states did not respond. And 47 states and the District of Columbia reported they had or would have as of January 2006 real-time access for querying all state voter registration records, while 1 state reported it would not do so and 1 state did not respond. For each of these questions, one state reported it too would have these capabilities, but not by the January 1, 2006, HAVA deadline.

We also sought state election officials' views on whether election officials in local jurisdictions would have immediate, real-time access to voter list information for the same three purposes stated above: entering new information, updating existing information, and querying records. In our state survey, most states and the District of Columbia reported that local jurisdictions had these capabilities. Specifically, 46 states and the District of Columbia reported that local jurisdictions had or would have as of January 2006, real-time access for entering new voter registration information, and 3 other states reported that they planned to do so as well, but not by January 1, 2006. Also, 46 states and the District of Columbia reported that local jurisdictions had or would have as of January 2006, real-time access for updating existing voter registration information, and 3 other states planned to do so as well, but not by the deadline. Finally, 47 states and the District of Columbia reported local jurisdictions had or would have as of January 2006 the capability to query records for their jurisdictions in real time, and 2 states planned to do so, but not by January 2006. Figure 9 compares the capability of state and local jurisdiction election officials to access the voter registration lists to perform certain tasks.

Figure 9: States Reporting That They Had or Would Have as of January 2006, Capability for Real-Time Access to Voter Registration List to Enter, Update, and Query Information



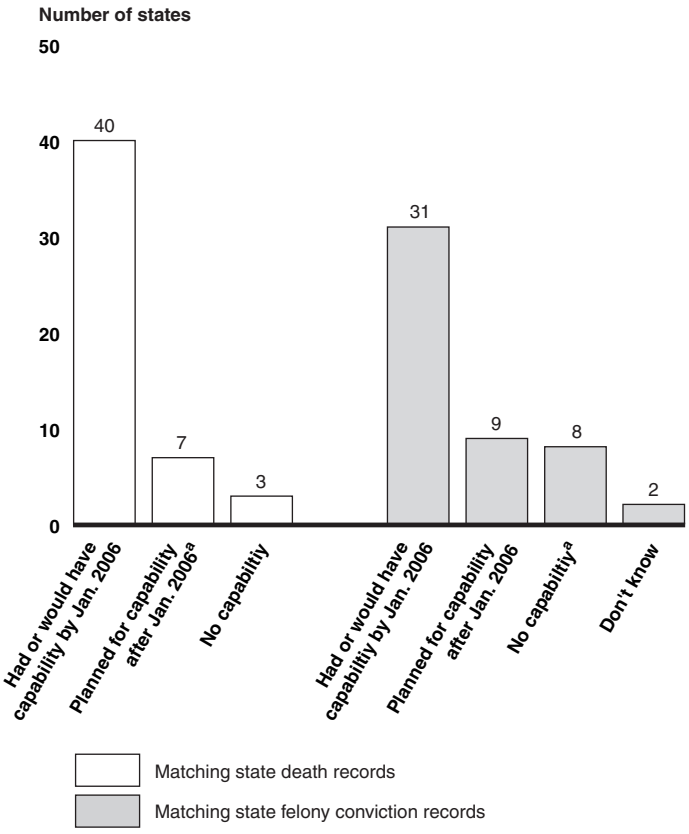
Source: GAO 2005 survey of state election officials.

Most States Reported They Will Match Statewide Voter Registration List Information Electronically against State Databases

While HAVA's list maintenance provisions require states to coordinate statewide voter registration list information with certain other state records within their state in order to identify and remove ineligible names, the act does not specifically provide that such coordination must be done electronically. However, to determine whether state systems had or would have the capability to perform electronic data matching, our survey asked states about existing or planned electronic capability. As shown in figure 10, more than half the states reported that they had, or planned to have, the ability to match voter registration information electronically with state records on felony convictions and deceased registrants. Specifically, 25 states reported they had and 15 states reported that they would have the capability to electronically match against state death records as of January 2006, and 6 states and the District of Columbia planned to have the capability, but not by January 2006. Three states reported that they did not

plan to have this capability. With respect to identifying ineligible felons, 16 states reported they had, and 15 reported they would have the capability to electronically match against felony conviction records as of January 2006, while 9 states planned to do so but would not have done so by January 2006. In addition, 7 states and the District of Columbia did not plan to have this capability, and 2 states had not determined whether to have the capability.

Figure 10: States' Reported Capabilities to Electronically Match Voter Registration Information with State Death Records and Felony Conviction Records



Source: GAO 2005 survey of state election officials.

[a]Includes District of Columbia.

On the topic of states' efforts to meet HAVA's data-matching requirements electronically—as opposed to transmitting paper records—EAC

recommends that voter registration information be transmitted electronically, particularly between states and their MVAs. EAC further recommends that to the extent allowed by state law and available technologies, the electronic transfer between statewide voter registration lists and coordinating verification databases should be accomplished through direct, secure, interactive, and integrated connections. While EAC provided guidance to states for their statewide systems, under HAVA, the states are to define the parameters for implementing interactive and integrated systems.

Security of Voter Information in the Statewide Voter Registration Lists

HAVA requires election officials to provide adequate technological database security for statewide voter registration lists that is designed to prevent unauthorized access.[26] EAC provided states with voluntary guidance, issued in July 2005, to help clarify HAVA's provisions for computerized statewide voter registration lists. Among other things, the EAC guidance noted that such computer security must be designed to prevent unauthorized users from altering the list or accessing private or otherwise protected information contained on the list. Access may be controlled through a variety of tools, including network- or system-level utilities and database applications (such as passwords and "masked" data elements). Special care must be taken to ensure that voter registration databases are protected when linked to outside systems for the purposes of coordination. Any major compromise of the voter registration system could lead to considerable election fraud.[27]

We sought information on what documented standards or guidance for computer and procedural controls would be in place to prevent unauthorized access to the lists. In our state survey, 45 states and the District of Columbia reported having such standards or guidance, 3 plan to do so, and 1 reported that it did not know. We also asked states what actions they had taken or planned to take to deal with privacy and intrusion issues. We asked, for instance, what, if anything, had been done to install or activate mechanisms to detect or track unauthorized actions affecting the state's computerized voter registration system. A majority of states

[26]HAVA section 303(a)(3) (codified at 42 U.S.C.§ 15483(a)(3)).

[27]Election fraud includes conduct that corrupts the electoral process for (1) registering voters; (2) obtaining, marking, or tabulating ballots; or (3) canvassing and certifying election results. Types of fraudulent conduct may include, among other things, voting by ineligibles, voting more than once, voter impersonation, intentional disruption of polling places either physically or by corrupting tabulating software, or destroying ballots or voter registrations.

reported actions had been taken or were to be taken at some point. Specifically, 26 states reported taking action as of August 1, 2005, while 12 states and the District of Columbia reported they would do so by January 1, 2006. An additional 4 states reported that actions were planned, but at no particular point in time. In a related question, we asked what actions had been taken or were planned to install or activate mechanisms to protect voter privacy. Again, a majority of states reported actions had been taken or were to be taken at some point. Specifically, 32 states reported taking action as of August 1, 2005, while 13 states and the District of Columbia reported they would do so by January 1, 2006. Two other states reported actions would be taken at a later point in time.

During our site visits, we asked local election officials what standards or procedures were used for the November 2004 general election to help ensure that the registration list was secure and that the privacy of individuals was protected. Election officials in most jurisdictions reported that voter information (such as name and address) is public information if it is to be used for political purposes—though some do not release Social Security numbers, and others limit access to this information by requiring a fee. Some local election officials noted that security standards for this information were not set by the state but rather at the county or local level, though many look to the state for future guidance on standards. The type of security in place to restrict access to voter registration records varied by jurisdiction; among the procedures commonly used were password protection (so that only certain election officials could log onto the voter registration system to access the information); storage of voter registration records in locked facilities; use of "best practice" protocols such as system firewalls; and in some cases, registration information is maintained on a computer system that is separate from the jurisdiction's central system. Along these lines, 1 jurisdiction noted that it planned to implement a public key infrastructure (PKI). A PKI is a system of computers, software, policies, and people that can be used to facilitate the protection of sensitive information and communications. The official noted it is a felony in that jurisdiction to use a PKI authorization without authorization from the State Board of Elections. Election officials in another jurisdiction we visited told us that all voter registration system users must log on using unique user IDs and passwords, which are maintained by the county registrar. The system tracks all data entries and changes, which user made them, and when they were made. In a few jurisdictions, election officials said they grant additional privacy to the records of voters involved in domestic disputes or other law enforcement matters.

When asked whether they had any plan to develop or change existing security standards or procedures, local election officials in 16 of the 28 jurisdictions we visited told us there were no plans to alter current practices, though some noted they were not sure. Among those indicating that security procedures were being enhanced, election officials in 1 large jurisdiction said they planned to enclose their computer systems server in a secure case with restricted access. Another official in a large jurisdiction in another state said that because of a change in state law in 2004, a hard copy of voter records was no longer available for public inspection.

Sharing Registration and Eligibility Information among States Is Limited

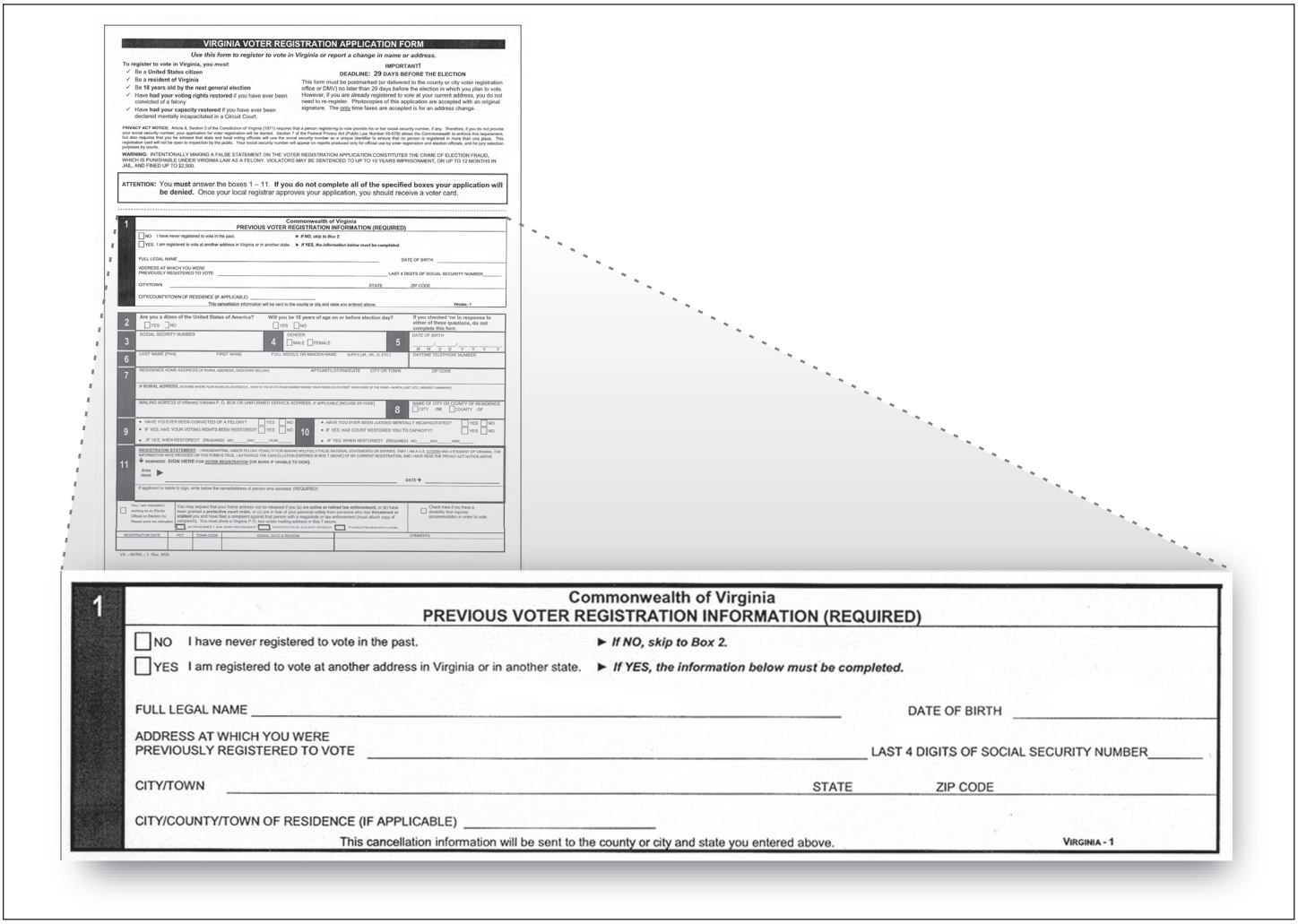
As mentioned earlier, the HAVA computerized statewide voter registration list provisions require states to perform list maintenance to identify duplicate registrations, deceased registrants, and registrants who may be ineligible to vote under state law based upon a felony conviction. However, we note that requirements for matching voter registration lists with certain state records leaves some potential gaps for incomplete and inaccurate voter registration lists because election officials may not have information regarding registered voters who die out of state or who are in prison in another state and ineligible because of a criminal conviction. To determine whether states went beyond HAVA requirements to share voter registration data with other states to identify registrants who died in another state, were incarcerated in another state, or registered in another state, we asked on our survey of state election officials whether they had taken action to electronically exchange voter registration information with at least 1 other state and whether they were sharing registration information routinely with other states. In our state survey, 31 states and the District of Columbia reported that they did not plan to electronically exchange voter registration information with another state. However, 35 states and the District of Columbia reported they share information with states when a new registrant indicates he or she previously resided in another state. Other types of information sharing across state lines were less common. For instance, 6 states reported sharing voter registration information with neighboring states, and 1 state reported that it shared information with states where an individual is known to reside part of the year. In our state survey, 14 states reported they do not currently share voter registration information with other states.

We analyzed state and federal voter registration applications to determine whether these applications provided space for applicants to indicate they were registered in other states or in other jurisdictions within the same state to identify duplicate registrations.[28] We obtained state application forms during site visits with local election jurisdictions, from state Web sites or, if not available from there, we obtained the application from the state. Registration forms were those on the Web site or obtained from the states as of January 2006. Applications for the 46 states and the District of Columbia and both federal applications had a place on their registration application where registration applicants could indicate prior registration in another state on their forms. Three states (Kentucky, Texas, and Wyoming) did not include a place on their registration forms to identify prior registration information in another state.[29] Forty-five states and the District of Columbia included a space for registration applicants to indicate prior registration in another jurisdiction within their state on their forms, or in the case of the District of Columbia applicants were to indicate the address of their last registration. Four states (Alaska, Hawaii, Kentucky, and Wyoming) did not provide space to indicate prior registration within their state. Figure 11 is an example of a state registration form that provided a space for the voter registration applicant to indicate that he or she had registered in another state.

[28]The National Voter Registration Act required the Federal Election Commission (FEC) to develop a mail voter registration application form for elections for federal office. NVRA also requires states to accept and use this federal mail voter registration application form for the registration of voters in elections for federal office. Pursuant to HAVA, various FEC functions, including those relating to the federal mail voter registration form application were transferred to the Election Assistance Commission.

[29]The total number of states does not add to 50 because North Dakota does not require voters to register to vote and therefore does not have voter registration forms.

Figure 11: Virginia Voter Registration Form Indicating whether the Voter Had Registered Elsewhere



Source: State Board of Elections Web site for Virginia.

On the basis of our survey of local election jurisdictions, we estimated that 12 percent of local jurisdictions administered their own registration application form in addition to the state registration application. Of the 12 percent who had their own form, we estimate that 70 percent had space on their voter registration applications so that an applicant can indicate

whether he or she was previously registered in another state.[30] However, we estimate that about a third did not capture this information on their forms.

Many States Have or Plan to Have Additional Election Management Features in Voter Registration Systems

Although HAVA's voter registration-related provisions focus primarily on state election management activities for developing, verifying, and maintaining voter lists, we sought information on what other types of registration system upgrades, if any, states planned, and we asked at the sites we visited what additional system capabilities, if any, had been implemented or planned. In our state survey, 15 states reported taking action to upgrade the processing speed or records capacity of their systems as of August 2005; 6 states reported that such actions would be taken by January 2006; and 12 states and the District of Columbia reported they would take such action at a later time.

In other recent work, we have also looked at selected states' efforts to enhance their statewide voter list systems. In our February 2006 report on certain states' experiences with implementing HAVA's statewide voter registration lists, we found that 7 of 9 states that reported implementing HAVA provisions for a computerized, statewide voter registration system by January 1, 2004, also reported that they have upgraded or enhanced their systems, or planned to so do, to include additional election management capabilities.[31] For example, Arizona reported plans to upgrade its current system to reflect reciprocity agreements with other states, so that election officials can be alerted when a voter moves from state to state, and will allow election officials to retrieve data on such issues as voter petitions, provisional ballots, poll worker training, and polling locations. Other states reported adding or planning similar enhancements. Kentucky reported another type of enhancement: It has used its statewide computerized voter registration system to establish voter information centers on the state's Web site, to assist applicants and staff in the voter registration process.

During our site visits, we asked local election officials to comment on the election management functions their voter registration systems might perform. While some local election officials noted they were not certain

[30]The 95 percent confidence interval for this percentage is +11 or -13 percentage points.

[31]GAO, *Election Reform: Nine States' Experiences Implementing Federal Requirements to Establish Computerized Voter Registration Lists*, GAO-06-247 (Washington, D.C.: February 2006).

whether their new statewide voter registration systems would include the same array of features as the local county versions, other local election officials in some jurisdictions responded that they expect their statewide systems to be able to perform some or all of the following functions:

- maintain records confirming mailings to new registrants,
- generate letters informing rejected applicants of reasons for rejection,
- generate forms or mailing labels,
- note status or date of absentee applications and ballots sent and received,
- identify polling places for use on Election Day, and
- identify poll workers.

In some jurisdictions, other capabilities were mentioned; 2 large jurisdictions noted, for instance, that bar coding would be used to identify registrants, and 2 other large jurisdictions indicated that their systems would track and maintain candidate petition information.

Not all jurisdictions expressed equal confidence in the extra (non-HAVA-related) capabilities of their systems. Election officials in a couple of large jurisdictions, for instance, told us they were not certain their statewide voter system would have features comparable to those already in place, and that their vendor or state was taking a one-size-fits-all approach for all jurisdictions regardless of size, rather than taking specific local needs into account. In some jurisdictions, election officials stated that their statewide systems were still too new to know whether these additional functions would be operational, and some said they were not yet familiar with all the system's capabilities.

Implementation of Identification Requirements for First-Time Mail Registrants Varied

HAVA imposed new identification requirements for certain mail registrants—such as, individuals who register by mail and have not previously voted in a federal election within the state.[32] These individuals (first-time mail registrants) must provide certain specified types of identification either by submitting copies of such identification during the mail registration process or by presenting such identification when voting in person for the first time following their mail registration.[33] Moreover, first-time mail registrants are to be informed on the application that appropriate identifying information must be submitted with the mailed form in order to avoid additional identification requirements upon voting for the first time. An individual who asserts that he or she has registered by mail and desires to vote in person but who does not meet the identification requirements may cast a provisional ballot under HAVA's provisional language. However, according to election officials in some jurisdictions we visited, casting a provisional ballot requires that these voters are to provide identification to election officials by a specified time (e.g., by close of polls on Election Day or within a certain number of days following Election Day) to have their ballot count. On the basis of our local survey, we estimate that 32 percent of local jurisdictions encountered a problem in counting provisional ballots because voters did not provide identification as specified by HAVA for mail-in registrants and were voting for the first time in the precinct or jurisdiction.[34] Our discussion of provisional voting processes appears in chapter 5.

[32]HAVA section 303(b) (codified at 42 U.S.C.§ 15483(b)).

[33]Acceptable forms of identification to meet this HAVA requirement include, for example, a current and valid photo identification, a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

[34]The 95 percent confidence interval for this percentage is +/- 6 percentage points.

HAVA, in general, provides states with discretion as to the methods of implementing HAVA's identification requirements for first-time mail registrants, such as ensuring that voters comply with the requirements and, subject to certain limitations, allows states to establish requirements that are stricter than those required under HAVA.[35] According to our state survey, 7 states reported that such HAVA requirements were already covered by existing state legislation or some type of state executive action (such as orders, directives, regulations, or policies); 44 states and the District of Columbia reported that they enacted new legislation or took some type of state executive action (such as orders, directives, regulations, or polices) to address the identification requirements in HAVA for first-time mail registrants.[36]

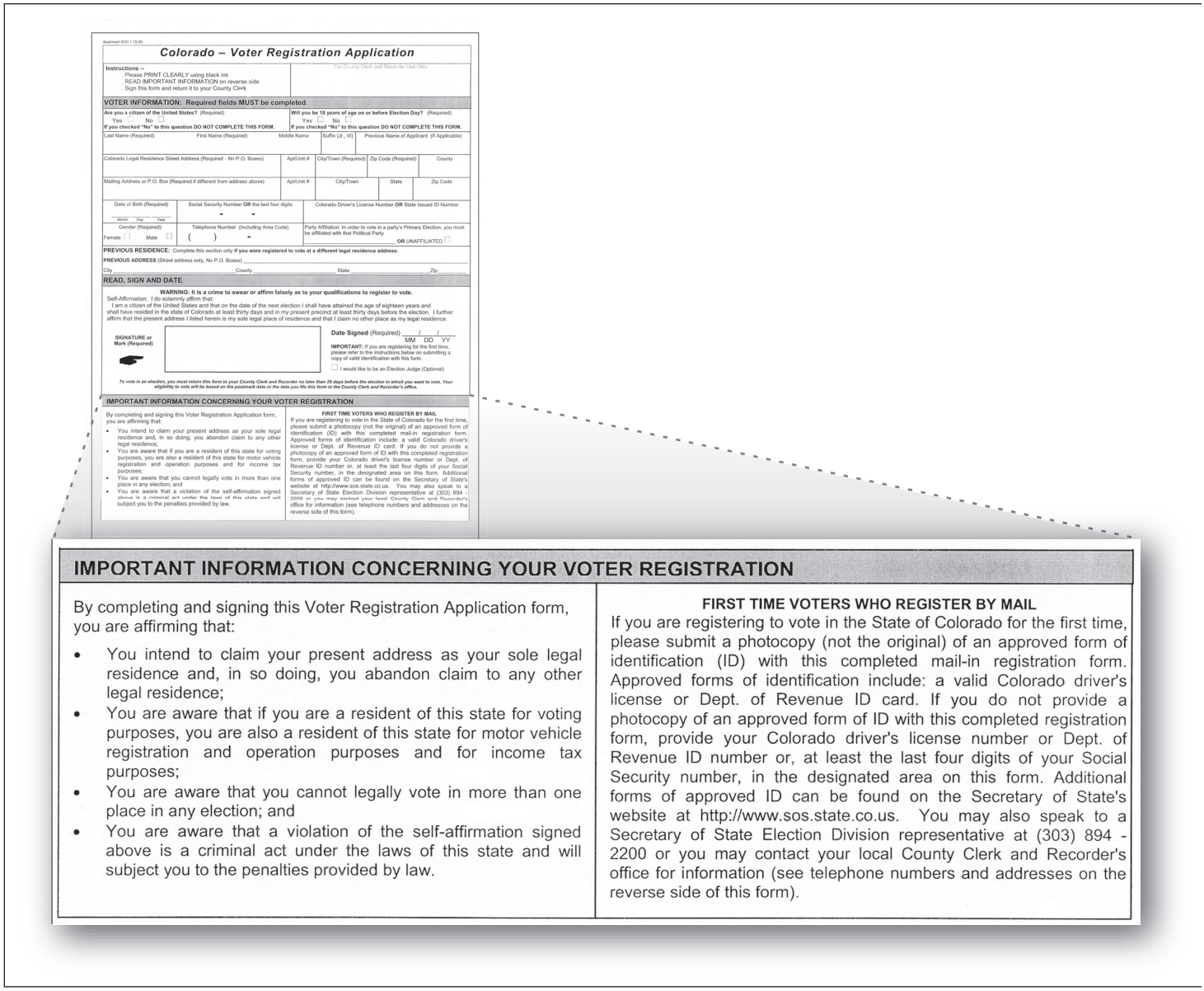
We analyzed state and federal (NVRA) voter registration application forms to determine whether the applications provided instructions on identification requirements for individuals registering in a jurisdiction for the first time. We obtained some state application forms during site visits with local election jurisdictions, and others from state Web sites or, if not available from there, we obtained the application from the state. Registration forms were those on the Web site or obtained from the states as of January 2006. Our analysis showed that 39 states and the District of Columbia had information on their application forms and 10 states did not provide this information on their forms.[37] The NVRA voter registration form included this information. Figure 12 is an example of a voter registration form that included instructions for first-time mail registrants.

[35]HAVA sections 304 and 305 (codified at 42 U.S.C.§§ 15484, and 15485, respectively). For example, Arizona submitted an inquiry to Department of Justice's Civil Rights Division asking whether it was permissible under HAVA for a state to mandate that a potential voter show identification at the polls prior to receiving a provisional ballot. The Civil Rights Division responded, in part, in September 2005, that while HAVA requires states to allow voters who meet certain specified conditions the opportunity to cast a provisional ballot, states are free to prescribe their own rules for deciding whether to count those ballots. (September 1, 2005, letter to the State of Arizona from the Civil Rights Division).

[36]Three states (California, Texas, and Washington) reporting that existing legislation or executive action addressed HAVA first-time voter identification requirements also reported enacting additional legislation or taking executive action to address such HAVA requirements.

[37]The 10 states are Alabama, Hawaii, Iowa, Kentucky, New Hampshire, Pennsylvania, South Dakota, Tennessee, Utah, and Wyoming. Three of these states, Hawaii, Kentucky, and Tennessee, require full Social Security numbers on applications for voter registration.

Figure 12: Colorado Voter Registration Form with Instructions for First-Time Mail Registrants



Approved SOS 7.18.05

Colorado – Voter Registration Application

Instructions --
- Please PRINT CLEARLY using black ink
- READ IMPORTANT INFORMATION on reverse side
- Sign this form and return it to your County Clerk

For County Clerk and Recorder Use Only

VOTER INFORMATION: Required fields MUST be completed.

Are you a citizen of the United States? (Required) Yes ☐ No ☐
If you checked "No" to this question DO NOT COMPLETE THIS FORM.

Will you be 18 years of age on or before Election Day? (Required) Yes ☐ No ☐
If you checked "No" to this question DO NOT COMPLETE THIS FORM.

Last Name (Required) | First Name (Required) | Middle Name | Suffix (Jr., III) | Previous Name of Applicant (If Applicable)

Colorado Legal Residence Street Address (Required - No P.O. Boxes) | Apt/Unit # | City/Town (Required) | Zip Code (Required) | County

Mailing Address or P.O. Box (Required if different from address above) | Apt/Unit # | City/Town | State | Zip Code

Date of Birth (Required) Month Day Year | Social Security Number OR the last four digits - - | Colorado Driver's License Number OR State Issued ID Number

Gender (Required) Female ☐ Male ☐ | Telephone Number (Including Area Code) ( ) - | Party Affiliation: In order to vote in a party's Primary Election, you must be affiliated with that Political Party ____ OR UNAFFILIATED ☐

PREVIOUS RESIDENCE: Complete this section only if you were registered to vote at a different legal residence address:
PREVIOUS ADDRESS (Street address only, No P.O. Boxes) _____
City _____ County _____ State _____ Zip _____

READ, SIGN AND DATE

WARNING: It is a crime to swear or affirm falsely as to your qualifications to register to vote.

Self-Affirmation: I do solemnly affirm that:
I am a citizen of the United States and that on the date of the next election I shall have attained the age of eighteen years and shall have resided in the state of Colorado at least thirty days and in my present precinct at least thirty days before the election. I further affirm that the present address I listed herein is my sole legal place of residence and that I claim no other place as my legal residence.

SIGNATURE or Mark (Required)

Date Signed (Required) ___/___/___ MM DD YY

IMPORTANT: If you are registering for the first time, please refer to the instructions below on submitting a copy of valid identification with this form.

☐ I would like to be an Election Judge (Optional)

To vote in an election, you must return this form to your County Clerk and Recorder no later than 29 days before the election in which you want to vote. Your eligibility to vote will be based on the postmark date or the date you file this form in the County Clerk and Recorder's office.

IMPORTANT INFORMATION CONCERNING YOUR VOTER REGISTRATION

By completing and signing this Voter Registration Application form, you are affirming that:

- You intend to claim your present address as your sole legal residence and, in so doing, you abandon claim to any other legal residence;
- You are aware that if you are a resident of this state for voting purposes, you are also a resident of this state for motor vehicle registration and operation purposes and for income tax purposes;
- You are aware that you cannot legally vote in more than one place in any election; and
- You are aware that a violation of the self-affirmation signed above is a criminal act under the laws of this state and will subject you to the penalties provided by law.

FIRST TIME VOTERS WHO REGISTER BY MAIL

If you are registering to vote in the State of Colorado for the first time, please submit a photocopy (not the original) of an approved form of identification (ID) with this completed mail-in registration form. Approved forms of identification include: a valid Colorado driver's license or Dept. of Revenue ID card. If you do not provide a photocopy of an approved form of ID with this completed registration form, provide your Colorado driver's license number or Dept. of Revenue ID number or, at least the last four digits of your Social Security number, in the designated area on this form. Additional forms of approved ID can be found on the Secretary of State's website at http://www.sos.state.co.us. You may also speak to a Secretary of State Election Division representative at (303) 894 - 2200 or you may contact your local County Clerk and Recorder's office for information (see telephone numbers and addresses on the reverse side of this form).

Source: Secretary of State Web site for Colorado.

During our site visits, we asked local election officials whether they considered registering by mail to only include when someone mails in a single application or to also include mailed-in applications from voter registration drives. Five local jurisdictions told us that applications received by mail as a result of voter registration drives are not treated as mail-in applications and therefore are not treated as subject to mail registration identification requirements under HAVA; 3 jurisdictions told us that applications submitted by voter registration drives were treated as mail-in applications subject to HAVA's mail registration identification requirements. Election officials in 1 of these jurisdictions told us that under their state law (Pennsylvania) all voters who are voting for the first time in a district must show a valid form of identification, regardless of how they registered to vote.

Also, during our site visits we asked local election officials how they processed voter registration applications from first-time mail registrants for the 2004 general election. Election officials reported taking different approaches, many involving mailed communications from election officials sent back to the applicant, particularly if required information was missing. For example, at least 2 large jurisdictions reported that first-time voters who did not mail in identification with their applications were sent letters instructing them to do so. Similarly, officials in 2 jurisdictions in another state said letters were sent to applicants whose applications were incomplete, advising them of the need to provide photo ID—and informed applicants that if they failed to do so, they may have to use a provisional ballot on Election Day, which would be subject to the voter subsequently providing identification. In other jurisdictions, though local election officials reported taking steps to process incomplete applications from first-time voters, they did not necessarily give the applicant a chance to correct the application prior to Election Day. For example, in a medium jurisdiction we visited, first-time voter applicants who did not submit proper identification were to have been given provisional ballots. However, the election official told us her office did not inform them about this in advance for the 2004 general election.

In addition to contacting applicants to inform them of the need to provide identification discussed above, 1 jurisdiction we visited told us that it periodically provided a list of applicants who provided driver's license numbers but did not provide identification at the time of registration to the state MVA as another means to verify the registrant's identity. In this case, the MVA compared the county clerk office's registration list against its list of licensed drivers to see if the name, date of birth, and driver's license

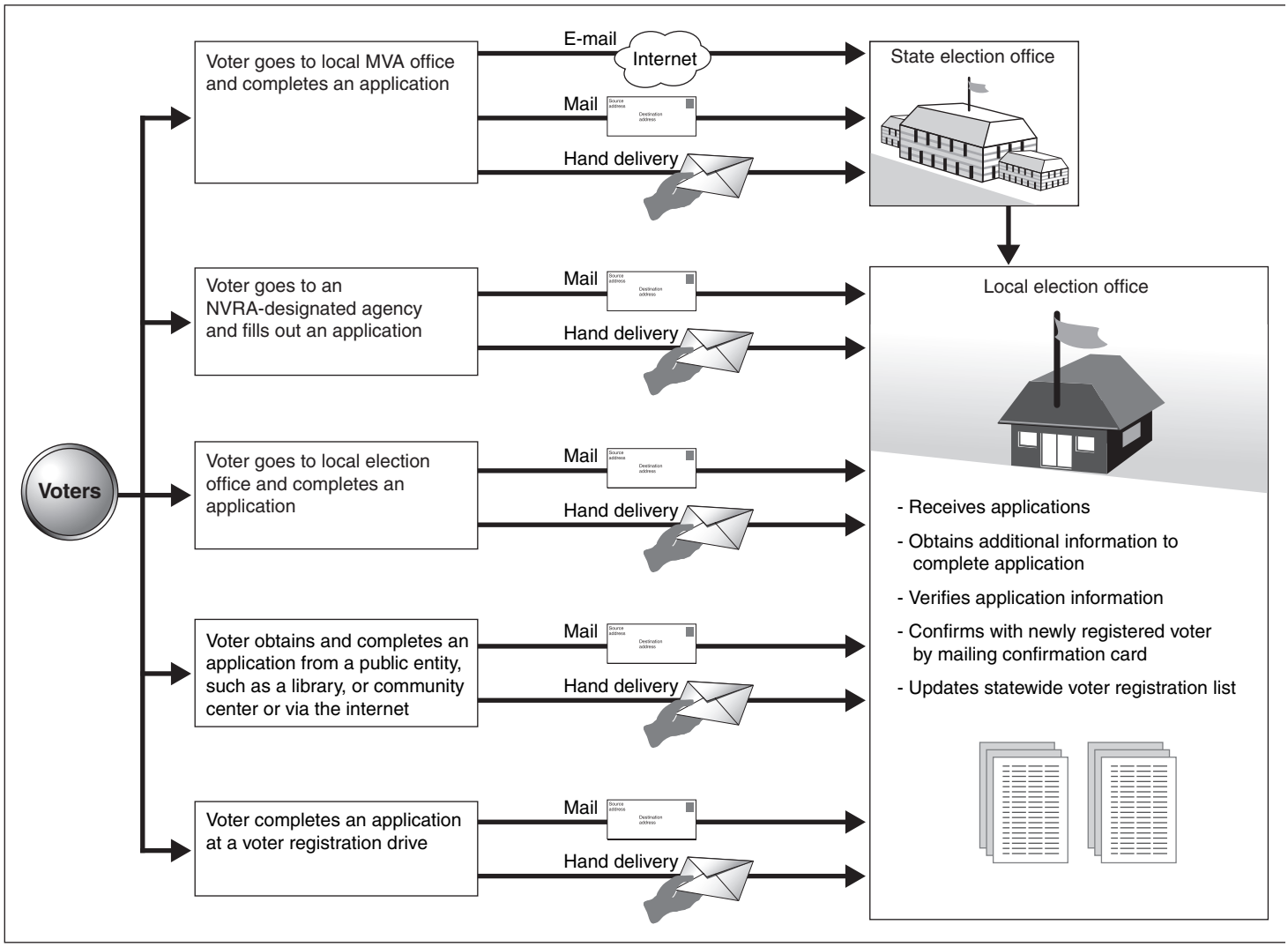
number matched, and returned the results to election officials. If all these data elements matched, the election official certified the records and these prospective voters were not required to show identification at the polling place.

If a registrant did not provide identification prior to Election Day, local election officials at all 28 sites we visited reported having a system for recording first-time voters who failed to provide identification and transferring that information to a polling site by annotating the poll book. One large jurisdiction, for example shaded the voter line in the poll book, while another printed the words "ID required" next to the voter's name. With respect to voters who presented themselves at a polling place and did not have identification, election officials at some local jurisdictions we visited described different ways that the voter's provisional ballot could become verified. For example, a jurisdiction in Georgia said that if a voter did not provide identification at the polls, it allowed the voter to vote a provisional ballot and the voter had until 2 days after the election to provide identification. Another jurisdiction in Kansas told us that the voter had until the day that votes were canvassed to provide identification. Other jurisdictions told us that voters would have until the close of the polls on Election Day to provide identification to election officials. A local jurisdiction in Washington told us that if the voter did not have identification on Election Day, the voter would vote a provisional ballot and election officials would subsequently have the voter's signature matched against the registration application to verify the voters identity.

Processing Registration Applications Received from MVAs and Other NVRA Entities Remained a Challenge

Citizens generally have numerous opportunities to apply to register to vote. Figure 13 shows several of these opportunities—such as applying at a local election office, at a motor vehicle agency, or through a voter registration drive—and the processes used to submit an application.

Figure 13: Example of the Voter Registration Application Process



Source: GAO.

Problems with applications submitted to MVAs have been identified as a challenge since 1999. Our October 2001 report on election processes found that 46 percent of local jurisdictions nationwide had problems processing applications submitted at MVAs and other public registration sites

designated pursuant to NVRA requirements.[38] In its reports to Congress on the impact of NVRA on federal elections in 1999 through 2002, the Federal Election Commission (FEC) found that several states reported problems with election officials receiving applications from MVA offices in a timely manner, resulting in, the FEC stated, "the effective disenfranchisement" of citizens who had applied to vote but were not processed by Election Day.[39] FEC recommended in both reports that states develop ongoing training programs for personnel in NVRA agencies, such as MVAs.

HAVA includes requirements providing that voters who contend that they registered (at MVAs or through other means) in the jurisdiction in which they desire to vote, but whose names are not on the voter registration list for that polling place, be allowed to cast a provisional ballot.[40] HAVA also requires that voters who an election official asserts is not eligible to vote also be permitted to cast a provisional ballot. Election officials would determine the voter's eligibility under state law and whether the vote should count as part of the vote counting process. From our local jurisdiction survey, we estimate that for the 2004 general election, 61 percent of local jurisdictions had a problem in counting provisional ballots because of insufficient evidence that individuals had submitted voter registration applications at MVAs.[41] In addition, we estimate that 29 percent of local jurisdictions had a problem in counting provisional ballots because of insufficient evidence that individuals had submitted voter registration applications at NVRA agencies other than MVAs.[42] Also, our September 2005 report on managing voter registration reported that 4 of 12 jurisdictions we surveyed reported that election office staff experienced challenges,[43] either to a great extent or some extent, receiving

[38]GAO-02-3.

[39]Federal Election Commission, *The Impact of the National Voter Registration Act on Federal Elections 1999-2000* and *2001-2002*. These reports surveyed 44 states, and the District of Columbia, that were subject to NVRA provisions for the administration of elections for federal office.

[40]HAVA section 302 (codified at 42 U.S.C.§ 15482).

[41]The 95 percent confidence interval for this percentage is +/- 7 percentage points.

[42]The 95 percent confidence interval for this percentage is +/- 6 percentage points.

[43]GAO, *Elections: Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote*, GAO-05-997 (Washington, D.C.: September 2005).

voter registration applications from motor vehicle agencies.[44] They reported taking steps to address the problem by hiring additional staff to handle the volume of applications received and by contacting applicants to obtain correct information.

There is evidence that, at least in 1 jurisdiction, election officials took steps since the 2000 general election to address the MVA voter registration issue, though problems persisted for the November 2004 general election. When we revisited the same small jurisdiction in 2005 that we had visited in 2001, election officials reported they were still experiencing problems receiving registration forms from the MVA, for all those who registered to vote there—but noted that the process had improved. For example, they said elections staff now have access to the MVA database directly, so they can verify whether someone who claimed to have registered at the MVA actually did so.

In our local jurisdictions survey, we estimate that few jurisdictions provided training to MVA or other NVRA agencies. Specifically, for the 2004 general election, we estimate that 12 percent of local jurisdictions provided training or guidance to MVA offices and an estimated 3 percent provided training to other NVRA entities regarding procedures for distributing and collecting voter registration applications. Large jurisdictions are statistically different from small or medium jurisdictions, and medium jurisdictions are statistically different from small jurisdictions. Specifically, we estimate that 34 percent of large jurisdictions provided training to MVA offices, an estimated 18 percent of medium jurisdictions did so, and an estimated 9 percent of small jurisdictions did this. In addition, large jurisdictions are statistically different from both medium and small jurisdictions in providing training to other NVRA entities.

In our October 2001 comprehensive report on election processes nationwide, we identified measures such as improving the training of MVA staff as a means of addressing challenges related to applications received from MVAs.[45] After the November 2004 general election, the National Task Force on Election Reform—composed almost exclusively of officials who

[44]We surveyed 14 jurisdictions altogether, but Wisconsin, represented by 2 jurisdictions on this question, was not, at the time of our survey, subject to NVRA, and therefore the MVA question did not apply.

[45]GAO-02-3.

served in voter registration and administration of elections capacities[46]—reported that while the NVRA expanded the number of locations and opportunities where citizens can apply to register to vote, supporting the voter registration application process is a secondary duty for entities that do so under this law. The task force report noted that it is a challenge for these entities to provide this service in a consistent manner and to transfer the registrations collected accurately and efficiently to voter registration offices.

Jurisdictions Encountered New Challenges Processing the Large Volume of Voter Registration Applications for the November 2004 General Election

In our October 2001 report on election processes, some election officials noted that while extending voter registration deadlines gave voters additional chances to register, it shortened the time for processing applications.[47] And a few election officials raised concerns about short time frames for processing applications in relation to the possibility of voter fraud if there was insufficient time to verify an applicant's eligibility. For the 2004 general election, the time frame for processing applications had the potential to pose an even greater challenge given the increase in the number of voter registration applications that elections officials reported receiving for the November 2004 general election. The conditions that election officials experienced in processing the volume of voter registration applications, such as long hours and lack of time to fully train temporary workers, could have resulted in data entry errors that would have had the impact of not properly registering eligible voters and not identifying ineligible voters.

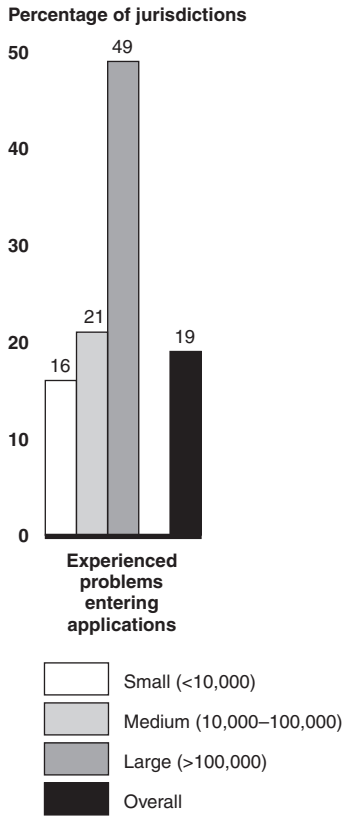
During our site visits to local jurisdictions, election officials told us that for the 2004 general election, entering applications in a timely manner was possible—but challenges did arise, and election officials described actions taken to help ensure that voters were properly registered. Furthermore, on the basis of our survey of local election jurisdictions, we estimate that 81 percent of local jurisdictions were able to process applications received just prior to the registration deadline—though we estimate 19 percent of the jurisdictions received applications just prior to the registration deadline

[46]The task force, composed of local election officials, was convened by the nonprofit Election Center, also known as the National Association of Election Officials, following the 2000 federal election to study and address questions about the election. The task force was reconvened in 2005 to examine the 2004 election.

[47]GAO-02-3.

that posed problems in entering them prior to Election Day. As shown in figure 14, we estimate that large jurisdictions experienced problems in entering the number of voter registration applications more than small and medium jurisdictions. Large jurisdictions are statistically different from both medium and small jurisdictions. This may be attributable to larger jurisdictions having larger populations with more registration activity, among other things.

Figure 14: Estimated Percentage of Jurisdictions Having Problems Entering the Number of Voter Registration Applications Received for 2004 General Election



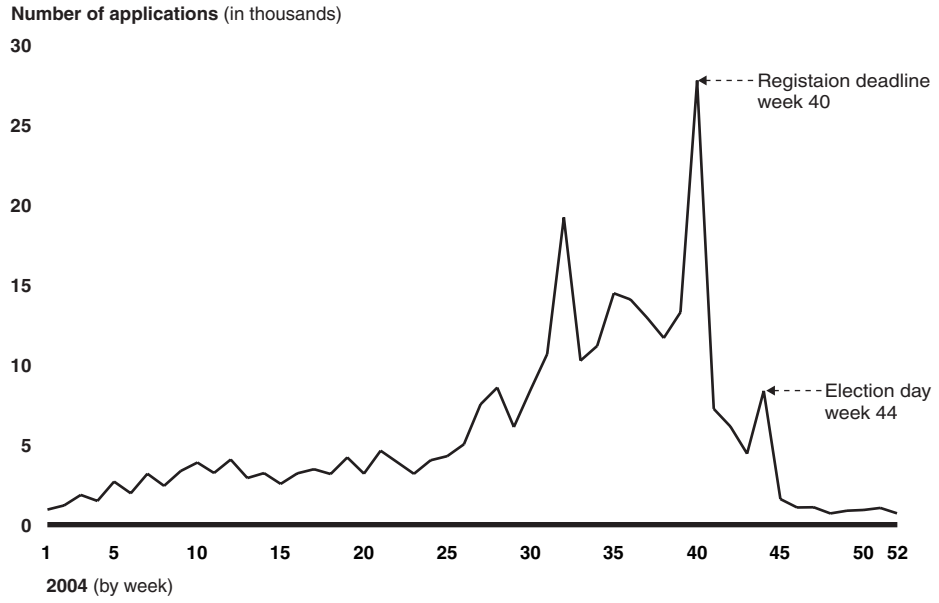
Source: GAO 2005 survey of local election jurisdictions.

Note: Large jurisdictions are statistically different from both medium and small jurisdictions.

All jurisdictions we visited reported that they were able to enter all eligible applications into the voter registration lists. Nevertheless, most reported it was a challenge to process the large volume of applications received. For

example, 1 large jurisdiction we visited reported that on a daily basis it was 30,000 to 40,000 applications behind in data entry. As a result, election officials reported that they hired 80 full-time temporary workers who worked two full-time shifts to enter all eligible applications into the voter registration list used at the polls on Election Day. Election officials in another large jurisdiction told us that they unexpectedly received about 10,000 last-minute registrants. Another large jurisdiction reported it was "swamped" with registration applications right before the registration deadline and was not prepared for the volume of applications submitted. Several jurisdictions required permanent employees to work extended hours or on weekends. To manage registration workloads, other jurisdictions reported hiring temporary workers and recruiting county employees to handle processing workloads. Figure 15 shows the reported spike in voter registration applications received prior to Election Day in 1 large jurisdiction. Some applications were received after the final week allowed for voter registration and could not be registered for the 2004 general election but were registered for future elections.

Figure 15: Total Weekly Voter Registration Applications Documented by a Large Jurisdiction in 2004



Source: GAO (analysis), Clark County, Nevada (data).

In our state survey, a few states reported that since the 2000 general election they increased the time that voters in their states have to register. Although setting registration deadlines close to Election Day itself provides citizens increased time to apply to register, reducing the number of days from the registration deadline to Election Day can make it difficult for election officials to ensure that all eligible voters are included on the voter registration list. Specifically, in our state survey, 3 states (Maryland, Nevada, and Vermont) reported changing their registration deadlines for the November 2004 general election. For the 2000 general election, Maryland's registration deadline had been 25 days before the election, but for the 2004 general election, the deadline for registration was 21 days before the election, extending the time that voters could register by 4 days. Nevada's 2000 registration deadline (9 p.m. on the fifth Saturday preceding any primary or general election) remained the same for mail-in registrations. However, for the 2004 general election, the state extended in-person registration by 10 days. Vermont's voter registration deadline changed from the second Saturday before the election to the second Monday before the election, allowing voters 2 more days to register. Appendix VI provides information on state laws pertaining to registration deadlines.

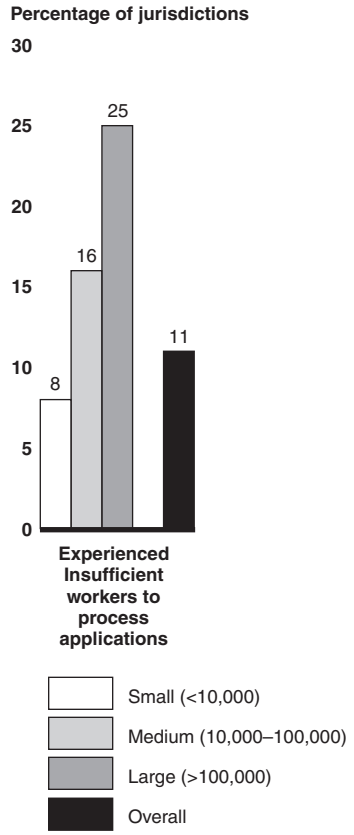
On the basis of our local jurisdiction survey, entering all voter registration applications for the time between the registration deadline and the November 2004 general election posed problems for large jurisdictions more than it did for small and medium jurisdictions. Specifically, we estimate that 41 percent of large jurisdictions experienced problems, 18 percent of medium jurisdictions, and 13 percent of small jurisdictions. Large jurisdictions are significantly different from both medium and small jurisdictions. Inasmuch as large jurisdictions have more potential registrants, it is reasonable to expect that they would experience more difficulty entering all voter registration applications by Election Day than smaller ones would.

For the 2004 general election, while many states reported having registration deadlines that were 20 to 30 days prior to Election Day, a few states reported having registration deadlines that were 10 days or less prior to Election Day, and some states reported having same-day registration. Four states (Alabama, Maine, New Hampshire, and Vermont) reported having registration deadlines that were 10 days or less prior to Election Day. Idaho, Maine, Minnesota, New Hampshire, Wisconsin, and Wyoming reported having Election Day registration at the polling place.

According to Our Nationwide Survey and Jurisdictions Visited, Some Jurisdictions Lacked Sufficient Staff to Process Applications

Having sufficient staff to process the increased number of voter registration applications was an issue for large local election jurisdictions. On the basis of our nationwide survey, most local jurisdictions (an estimated 89 percent) had a sufficient number of election workers (whether full-time, part-time, or temporary) who were able to enter registration applications in a timely manner. However, we estimate that 11 percent had an insufficient workforce for this task. Large jurisdictions experienced problems with insufficient election workers to enter voter registrations applications more than small and medium jurisdictions did, as shown in figure 16. The difference between large jurisdictions and both medium and small jurisdictions is statistically significant. This difference could be attributable to larger jurisdictions having a greater need for additional staff.

Figure 16: Estimated Percentage of Local Jurisdictions with Insufficient Election Workers to Process Voter Registration Applications



Source: GAO 2005 survey of local election jurisdictions.

Note: The difference between large jurisdictions and both medium and small jurisdictions is statistically significant.

Several jurisdictions we visited reported that there was a price to pay for the large volume of registration applications received, such as the need to hire temporary workers or extend the hours of permanent employees in order to process voter registration applications for the November 2004 general election. Election officials in several jurisdictions we visited commented on the financial impact of the temporary workers hired, overtime hours, and the purchase of needed equipment, such as computers.

In our September 2005 report on managing voter registration, we noted that all but 1 of the 14 jurisdictions we surveyed faced challenges receiving and processing voter registration applications during the 2004 general election

and took various steps to address them.[48] For example, election officials in 7 of the 14 jurisdictions reported challenges checking voter registration applications for completeness, or for accuracy, or for duplicates. At that time, as in our more recent site visits, jurisdictions reported hiring extra staff, among other things, to address these challenges.

Larger Jurisdictions More Likely than Small or Medium Ones to Provide Training to Staff and Track Receipt of Voter Applications

Providing training to data entry staff and tracking applications provide ways for election officials to manage the flow of applications for processing that can help ensure that voter registration applications are appropriately entered into the voter registration list. As part of our inquiry into the methods jurisdictions used to enter completed registration application data into voter lists, our questionnaire to local election jurisdictions asked how they went about accomplishing this task. On the basis of our survey, we estimate that 76 percent of all local jurisdictions provided training to data entry staff about the processing and inputting of registration applications. Seventy-five percent of small jurisdictions provided this training, 73 percent of medium jurisdictions did so, and 94 percent of larger jurisdictions did so, too. Large jurisdictions are statistically different from both medium and small jurisdictions. Another activity that election officials undertook when entering completed registration applications included tracking incoming registrations. The results of our survey show that over half of local jurisdictions tracked incoming registration applications to ascertain the total number received, the number entered into registration lists, and the number not processed because of omission or application error, and to identify ineligible voters based on age or residence. Again, large jurisdictions are statistically different from both medium and small jurisdictions. Table 2 provides information on the different activities that local election jurisdictions undertake when entering completed registration applications into the official voter registration list.

[48] GAO-05-997.

Table 2: Estimated Percentage of Local Jurisdictions That Engaged in Various Quality Assurance Activities when Entering Completed Voter-Registration Applications

Jurisdictions engaged in the following activities when entering completed registration applications	Percentage of all jurisdictions	Percentage of small jurisdictions (<10,000)	Percentage of medium jurisdictions (10,000–100,000)	Percentage of large jurisdictions (>100,000)
Provided training to data entry staff about the processing and inputting of registration applications[a]	76	75	73	94
Employed a system of edit checks in the voter registration database to identify duplicates[b]	72	66	82	95
Employed a system of edit checks in the voter registration database to identify ineligibles based on age[a]	67	62	74	89
Employed a system of edit checks in the voter registration database to identify ineligibles based on residence[a]	64	61	68	84
Verified input of data by the same or a different individual to confirm initial input accuracy[c]	60	57	64	77
Tracked incoming registration applications for total number received, number entered into registration list, and number not processed because of an omission or error on application[c]	59	55	64	74

Source: GAO 2005 survey of local election jurisdictions.

[a] Large jurisdictions are statistically different from both medium and small jurisdictions.

[b] All size categories are statistically different from one another.

[c] Large jurisdictions are statistically different from small jurisdictions.

Processing Applications Obtained through Voter Registration Drives Posed Additional Challenges for Some Jurisdictions

Nongovernmental organizations in many states sponsored voter registration drives for the November 2004 general election in an effort to increase the number of citizens eligible to vote. Voter registration drives pose a dilemma for some election officials. On one hand, voter registration drives provide another means by which persons can apply to register to vote. On the other hand, they pose challenges in assessing the validity of submitted registrations and in processing large numbers of registrations submitted close to the registration deadline. For the November 2004 general election, election officials in some jurisdictions we visited told us they encountered challenges validating and processing the large number of voter registration applications obtained through voter registration drives

that employed either paid staff (where workers are paid for each voter registration application completed and submitted to election authorities prior to Election Day)[49] or used volunteers. For example, Wisconsin's state legislative audit bureau conducted an evaluation of the 2004 general election in its state.[50] It found, among other things, that many registration deputies appointed for the November 2004 general election worked for special interest groups or political parties interested in increasing voter turnout.[51] The evaluation states that investigators found that registration deputies had submitted 65 falsified names for the 2004 general elections and that district attorneys in two counties charged four individuals with submitting fraudulent registration forms. According to the evaluation report, these registration deputies were reportedly paid by their employer on a per registrant basis, which may have encouraged them to submit fraudulent registration forms to increase their compensation.

Such questions about the integrity of the voter registration process were of particular concern in battleground states such as Florida, Ohio, and Pennsylvania, where margins of victory were slim and accurate tallies of eligible votes were therefore of consequence.[52] In our state survey several states reported that their state election provisions do not address the issue of voter registration drives that involve payment per application, while relatively fewer states reported prohibiting them outright. Specifically, 19 states and the District of Columbia reported that state laws or executive actions are silent about these drives (that is, it is left up to each local jurisdiction to decide). However, 1 of these 19 states further reported that while its state law does not address voter registration drives that involve

[49]With respect to federal voter registration forms, the National Voter Registration Act of 1993 provides that the chief election official of a state shall make such forms available through governmental and private entities, with particular emphasis on making them available for organized voter registration programs. 42 U.S.C. § 1973gg-4(b).

[50]Legislative Audit Bureau, State of Wisconsin. *An Evaluation: Voter Registration*, Report 05-12 (Madison, Wisconsin: September 2005).

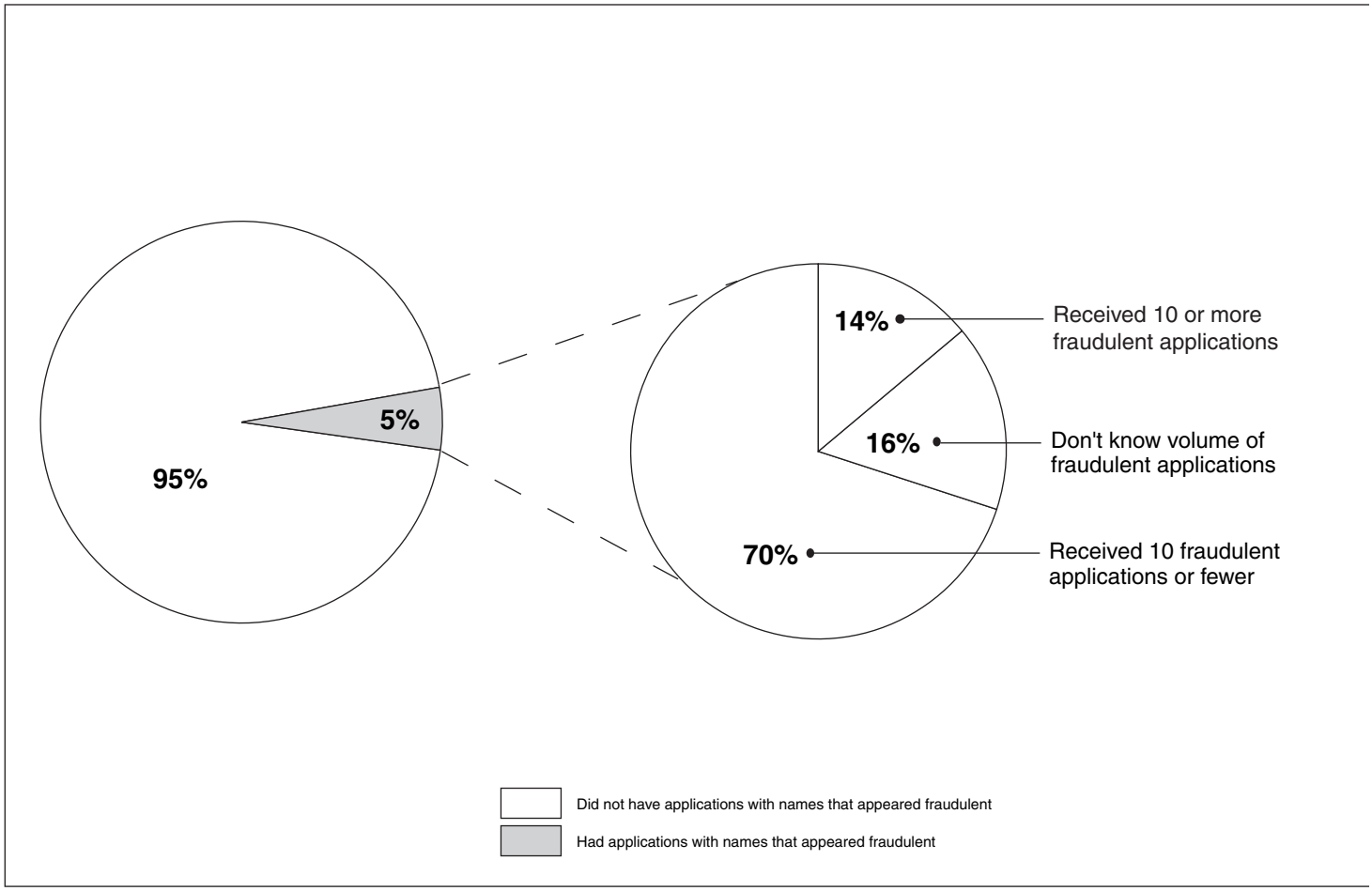
[51]In some states, election officials appoint registration deputies who assist with voter registration. Some registration deputies are municipal officials and are permitted to work for interest groups or political parties.

[52]EAC, using various news media sources, identified 17 states deemed to be most competitive in the 2004 presidential contest. These "battleground or highly contested" states included Arkansas, Arizona, Colorado, Florida, Iowa, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Mexico, Ohio, Oregon, Pennsylvania, Washington, West Virginia, and Wisconsin. We visited 8 of these 17 states during our site visits; alternatively, 16 of the 28 jurisdictions we visited were located in these battleground states.

payment per application, the conduct of such drives is not left up to each local jurisdiction—the local jurisdictions have no authority in regulating such matters. Sixteen states reported that voter registration drives are allowed either by state law or by executive action, 13 states reported that they are prohibited by state law, and 2 states did not respond.

In addition, our nationwide survey of local election jurisdictions inquired about their awareness and handling of registration drives, and any actions taken to deter fraudulent applications from being submitted by persons or groups participating in paid registration drives, and we discussed this matter during our site visits to selected jurisdictions as well. In our nationwide survey, we estimate that 91 percent of all local jurisdictions were not aware of such drives, while 9 percent were aware. About a third (an estimated 32 percent) of the large jurisdictions—those with populations greater than 100,000—were aware of such drives. We also queried local election jurisdictions whether any names on voter registration applications appeared to be fraudulent. On the basis of our local survey, nearly all jurisdictions—an estimated 95 percent—did not have any names that appeared to be fraudulent. Although only 5 percent of local election jurisdictions had voter registration applications that appeared to have fraudulent names, an estimated 70 percent identified receiving 10 fraudulent applications or fewer, an estimated 14 percent identified receiving 10 or more fraudulent applications, and an estimated 16 percent did not know the volume of fraudulent applications received. The distribution of the volume of fraudulent applications received is of a smaller subset of our total sample and therefore has larger confidence intervals than other estimates. Figure 17 shows the extent to which local jurisdictions identified experiencing fraudulent voter registration applications.

Figure 17: Estimated Percentage of Local Jurisdictions That Had Names on Voter Registration Applications Appearing to Be Fraudulent and Volume of Fraudulent Applications Identified for the 2004 General Election



Source: GAO 2005 survey of local election jurisdictions.

Note: The distribution of the volume of fraudulent applications received is of a smaller subset of our total sample and therefore has larger confidence intervals than other estimates. For the category of 10 or fewer fraudulent applications the confidence interval is +/- 17 percent, for the category of 10 or more the confidence level is +/- 16 percent, and for the category of don't know the confidence level is +/- 12 percent. Furthermore, not all respondents who had names on voter registration applications that appeared to be fraudulent answered our question about the volume of these applications. Therefore, our estimate of the subset for the volume of applications that were received is based on 4 percent of jurisdictions that answered that question.

In addition, our prior work raised concerns about the quality of voter registration applications obtained through voter registration drives. In our September 2005 report on managing voter registration, we reported that

among 12 of 14 local jurisdictions we surveyed, processing applications received from voter registration drives sponsored by nongovernmental organizations posed a challenge to election officials because applications were incomplete or inaccurate.[53]

Election Officials' Views on Irregular Voter Registration Applications from Registration Drives

During our site visits, we sought local officials' views on a host of issues related to the integrity of the voter registration process, including how or whether voter registration drive applications were tracked, how many registration applications were submitted by volunteer or paid registration drives in calendar year 2004 leading up to the November election, and how their jurisdictions dealt with irregular applications. (We defined irregular applications as those using fictitious names, unusual dates of birth, nonexistent addresses, or fake signatures or party affiliations.) We also asked election officials whether they had the ability to determine if individuals were using false or fictitious names. Many local jurisdictions that we visited told us that they did not have specific procedures to ensure that voter applications obtained through voter registration drives were collected or tracked. This was because, in some cases, the application forms could simply be downloaded from the Internet. One large jurisdiction that did not track applications coming from various sources told us it planned to begin doing so, using a drop-down menu in its statewide voter registration system that will allow staff to record the information.

Overall, at local jurisdictions that we visited where applications from voter registration drives were tracked or at least estimated, the number and proportion of applications submitted through voter registration drives relative to total registrations—and the number and proportion considered irregular—varied widely. For example, in 1 large jurisdiction, election officials reported that approximately 30,000 registrations received in 2004—about 90 percent—were submitted by registration drives. Of these, the election officials estimated that only about 50 applications were irregular—that is, they were unreadable, had questionable signatures, were incomplete, or had invalid addresses. The election official from this jurisdiction noted that it appeared some of the applications had been filled out by individuals who took addresses from the phone book and changed them slightly. In another large jurisdiction in a battleground state, local election officials estimated that 70,000 registration applications were submitted by volunteer or paid registration drives, and here too

[53]GAO-05-997.

irregularities were noted—such as fictitious names and fake signatures—but election officials stated that these irregular applications represented a "low" percentage of the total. In other large jurisdictions, fewer voter registration applications were received; 1 jurisdiction, for example, in another battleground state, reported receiving 2,500 such applications and estimated that about 20 percent of them were irregular. Two medium jurisdictions we visited reported receiving a few hundred voter registration applications or fewer, and both reported that there were no irregularities. One small jurisdiction did not report any voter registration drives taking place.

When we asked local election officials during our site visits whether they had the ability to determine whether a person actually tried to vote using a false or fictitious name, responses were mixed: Election officials in 3 large jurisdictions we visited told us they did not have the ability to make this determination. An election official in another large jurisdiction stated that "there is no way to know if someone falsely registered has voted." Others, however, reported that they were able to determine whether false identities had been used. For example, in 1 large jurisdiction, election judges check voter IDs and signatures at the polls to prevent the use of fictitious identities. One large jurisdiction verifies voter registration information against Social Security and driver's license information and checked voter history internally; election officials in this jurisdiction reported that they believe anyone who attempted to use a false or fictitious name in the November 2004 general election would have been caught. And in another jurisdiction, election officials told us that if an individual attempted to vote using a fictitious name that was not in the poll book, that individual would be issued a provisional ballot—which would not be verified if it was determined that the name was indeed fictitious. Election officials in some jurisdictions we visited said there was no way to know whether the poll book already contained fictitious names.

When asked what steps, if any, local jurisdictions we visited took to notify law enforcement or other legal authorities on irregular registration applications received, most reported taking some actions. For example, 1 large jurisdiction we visited reported providing irregular registration applications to the Federal Bureau of Investigation (FBI) and the district attorney's office and to the Secretary of State's office for investigation. Both the FBI and the district attorney declined to pursue the matter on the ground that they were understaffed, the jurisdiction reported. The Secretary of State's office concluded that while the registration applications were fraudulent or fictitious, a purposeful fraud was not

committed and that the people completing the fake applications were not trying to alter an election, but to obtain money by working for the registration drives. Four other jurisdictions that we visited said they contacted appropriate state or federal authorities, such as state law enforcement, a State's Attorney, a state election enforcement agency, or the FBI, but election officials did not know whether any action had been taken.

In addition, in our June 2005 report on maintaining voter registration lists, we reported that election officials in seven locations we visited referred reported instances of voter registration fraud allegations to appropriate agencies, such as the district attorney and the U.S. Attorney for investigation.[54] Also, EAC issued voluntary guidance in July 2005 to help states implement HAVA. EAC's guidance suggested that when the voter registration verification process indicates the possible commission of an election crime, such as the submission of false registration information, such matters should be forwarded to local, state, and federal law enforcement authorities for investigation.

Some Jurisdictions Have Controls to Manage Registration Drives

When we asked local jurisdictions that we visited whether they had procedures in place for registration groups to follow when submitting applications, election officials in most jurisdictions reported that some type of system was in place to control registration drives. For example, 1 large jurisdiction reported that it had a program to train volunteer field registrars to register citizens on behalf of the county registrar; these field registrars were to comply with all registration rules and laws and must themselves be registered voters, and noncandidates, have proof of identify, complete a 2-hour training course, and pass a brief examination before taking an oath. In addition, this same jurisdiction required that any group requesting more than 50 voter registration forms was required to provide a plan to the state elections department for when, where, and how it would distribute the forms—all of which were numbered so that election offices could track them. Some jurisdictions reported, however, that no procedures were in place that registration groups had to follow. One large jurisdiction, for instance, reported that anyone can run a voter registration drive simply by downloading the voter registration form from the election office Web site.

On the topic of what actions, if any, local jurisdictions had taken to deter paid registration drives from submitting fraudulent registration

[54]GAO-05-478.

applications, from our nationwide survey, we estimate that roughly half of the estimated 9 percent of local jurisdictions that were aware that paid registration drives were occurring provided training or guidance on how to accurately complete an application, and an estimated 41 percent of these jurisdictions notified the persons or groups engaged in paid registration drives that they had submitted incomplete, inaccurate, or fraudulent applications.[55] In addition, on the basis of our survey, 41 percent of local jurisdictions that were aware of the drives helped prevent submission of incomplete, inaccurate, or fraudulent applications by working with persons and groups engaged in paid registration drives.[56]

Actions Taken to Help Prevent Fraudulent Registrations and Ensure Submission of Registrations to Election Offices

In a couple of jurisdictions, election officials told us they took other steps, such as meeting with registration drive organizers and contacting the registrant identified on the application, to help prevent fraudulent registrations. A jurisdiction in Colorado reported that numerous complaints had been received from voters who claimed to have completed registrations through a drive but for whom the county had no record of application. The jurisdiction reported that Colorado's legislature passed a bill pertaining to voter registration drives. Subsequently, Colorado enacted legislation effective in June 2005 that, among other things, requires voter registration organizers to file a statement of intent with the Secretary of State, fulfill training requirements pursuant to rules promulgated by the Secretary of State, and, in general, submit or mail registration applications within 5 business days. In addition, the 2005 state legislation provides that voter registration organizers may not compensate persons circulating voter registration application forms based on the number of applications distributed or collected. The Secretary of State issued rules in November 2005 implementing such requirements, including rules that require registration drive organizers to file a statement of intent with the Secretary of State and require persons circulating such application forms to ensure that the tear-off receipt on the application is completed and given to the applicant. Election officials in 17 jurisdictions we visited told us that they had procedures in place for managing voter registration drives to some extent. For example, in 1 medium jurisdiction, election officials stated that groups or persons seeking to run registration drives must be trained and deputized by the registrar's office.

[55]The 95 percent confidence interval is +/- 13 percentage points.

[56]The 95 percent confidence interval is +/- 14 percentage points.

Concluding Observations

In 43 of the 50 states and the District of Columbia, successfully registering to vote prior to Election Day is a prerequisite for casting a ballot and having that ballot counted. States are still working to fully implement HAVA's voter registration requirements. As states gain more experience with their statewide voter registration and data matching systems and processes, it is likely their systems and processes will evolve. Given the continuing challenge of maintaining accurate voter registration lists in a highly mobile society, this is to be expected.

For election officials, the voter registration process presents a continuing challenge in balancing ease of registration for eligible voters with sufficient internal controls to help ensure that only eligible voters are added to and remain on the voter registration rolls. To maintain accurate voter registration lists, election officials must use and rely upon data from a number of sources, such as state death and criminal records and applications from MVAs.

HAVA's requirements for creating and maintaining statewide voter registration lists and its identification requirements for first-time voters who register by mail were designed to help improve the accuracy of voter registration lists and reduce the potential for voter fraud. Specifically, HAVA's requirements for creating and maintaining a statewide voter registration list was designed to improve voter registration list accuracy by identifying duplicate registrations within the state and identifying those ineligible to vote because of death, criminal status, or other reasons. HAVA requires states to match the names and other identifying information on their statewide voter registration lists against death and felony records in the state. States may voluntarily match their voter registration lists with the voter registration lists, death, felony, or other records in other states. In the absence of voluntary cross-state matching, it is possible to fully implement HAVA's statewide voter registration provisions and still have ineligible persons on the state's voter registration rolls on Election Day, such as those who died out of state or were convicted in federal courts or other states.[57] Nor would implementing HAVA's statewide matching requirements identify persons who are registered to vote in more than one state. Although some states report sharing registration and eligibility information among states, the practice was generally limited to neighboring states or dependent upon a registrant indicating that he or she previously resided in another state.

[57]GAO-05-478.

HAVA includes a provision that requires certain first-time voters who register by mail to provide identification as proof of their identity and eligibility to vote in the jurisdiction. Which voters must present identification either with their mail application or when they vote for the first time depends upon how states and local jurisdictions define "mail registrations" subject to HAVA's identification requirement. In our site visits, we found that some local jurisdictions considered registration applications submitted by registration drives to be mail registrations subject to HAVA's identification requirement for first-time voters, while other jurisdictions did not consider such registrations to be mail registrations subject to the identification requirement. This distinction has importance on Election Day for first-time voters who registered through registration drives. In those jurisdictions that considered mail registrations to include registration drive applications, first-time voters who registered through registration drives would be required to show an acceptable form of identification at the polls on election day. If they did not do so, they are to be permitted to cast a provisional ballot, but the ballot would only be counted upon a state determination that the voter is eligible to vote under state law. In contrast, in those jurisdictions that did not consider mail applications to include those submitted through registration drives, first-time voters would not be treated as subject to the HAVA identification requirement and could generally cast a regular ballot that would be counted with all other regular ballots.

Election jurisdictions continue to face challenges in obtaining voter registration applications from NVRA entities, including MVAs. Some local jurisdictions have established processes to manage receipt of voter registration applications from these entities, such as training for staffs of these agencies. To the extent that NVRA entities do not track and forward to the appropriate election jurisdiction the voter applications that they have received, voters may be required to cast provisional ballots instead of regular ones because their names do not appear on the voter registration lists. In addition, the provisional ballot will not be counted if the voter's valid registration cannot be verified. Our survey of local election jurisdictions found that many local jurisdictions encountered problems counting provisional ballots in cases where voters claimed to have registered at an MVA or some other NVRA entity but there was insufficient evidence that the voter had submitted a registration application at the MVA or NVRA entity.

A surge of last-minute registrations in many jurisdictions prior to the November 2004 election illustrated the challenge of balancing ease of

registration with assurance that only eligible voters are on the registration rolls. Some election jurisdictions reported registration drive groups submitted hundreds or thousands of applications just before the registration deadline. When the registration deadline is close to Election Day, processing these applications presents a tremendous challenge in checking applications for completeness, having time to contact applicants to obtain missing information, verifying applicants' eligibility to vote, and adding the name of eligible voters to the registration list. Some jurisdictions reported hiring and training temporary employees to process the applications. The enormous workload and time constraints associated with processing large numbers of last-minute applications can increase the chances that errors will be made in determining voter eligibility, and the names of some eligible voters may not be added to the list in time for Election Day.

Absentee and Early Voting

A growing number of citizens seem to be casting their ballots before Election Day using absentee and early voting options that are offered by states and local jurisdictions.

However, circumstances under which these voters vote and the manner in which they cast their ballots before Election Day differ because there are 51 unique election codes.[1] Because of the wide diversity in absentee and early voting requirements, administration, and procedures, citizens face different opportunities for obtaining and successfully casting ballots before Election Day.

To collect information about absentee and early voting options, in our state and local surveys we asked questions about each of these voting options separately. We defined absentee voting as casting a ballot, generally by mail, in advance of Election Day (although ballots could be returned through Election Day and dropped off in person). We defined early voting as generally in-person voting in advance of Election Day at specific polling locations, separate from absentee voting. However, there is some measure of overlap between absentee voting and early voting reported by the states, especially where states have reported in-person absentee voting to be, in effect, early voting. This may be due, in part, to the fact that the relational statutory framework for early voting and absentee voting varies among the states—with some states, for example, providing early voting within the context of the state's absentee voting provisions, while others, for example, provide for absentee voting within the context of the state's early voting provisions. Similarly, local jurisdictions that completed our survey may also have had some measure of overlap in relation to their practices for absentee and early voting. During our interviews with local election officials in jurisdictions that offered early voting, we were able to obtain more detailed information about absentee and early voting procedures and practices for those jurisdictions.

On the basis of our site visits to jurisdictions that had early voting, absentee and early voting were similar in some ways and distinct in others. Election officials described to us that when voters cast absentee ballots, they typically followed a specific process including applying for and receiving the ballot and returning their marked ballots before Election Day or, in some cases, returning the ballot up until the close of polls on Election Day.[2] According to the description that election officials gave us, early voting

[1]This total includes the 50 states and the District of Columbia.

was distinct from in-person absentee voting in that in-person absentee voters usually applied for and received a ballot, and cast it at the registrar's office, while early voters reported to a voting location where early voting staff verified their eligibility to vote, usually by accessing the jurisdiction's voter registration list. Also, early voting usually did not require citizens to provide an excuse, as some states required for absentee voting, and it was usually allowed for a shorter period of time than absentee voting. For example, in the 14 jurisdictions we visited in 7 states that reported having early voting, the time frame allowed for absentee voting was almost always at least twice as long as that for early voting (e.g., Colorado allowed 30 days for absentee voting and 15 days for early voting). Early voting was similar to Election Day voting in that the voting methods were usually the same. However, according to election officials in jurisdictions we visited that had early voting, voters were not limited to voting in their precinct because all early voting locations had access to a complete list of registered voters for the jurisdiction (not just precinct specific) and had appropriate ballots that included federal, state, and precinct-specific races. Appendix VII provides a description of selected characteristics of the early voting jurisdictions we visited.

In this chapter, we will discuss changes since 2000 and challenges related to (1) absentee voting in general, (2) overseas military and civilian absentee voting, and (3) early voting.

Overview

Some states have increased the opportunities for citizens to vote absentee or early. For the November 2004 general election, 21 states reported that they no longer required voters to provide excuses such as being ill, having a disability, or being away from the precinct on Election Day to vote absentee—an increase of 3 states from the November 2000 general election. Three states reported expanding their provision for permanent absentee status (usually reserved for the elderly or those with disabilities), allowing voters to receive absentee ballots for a state-specified time period, such as 4 years. One state reported eliminating its requirement that mail-in absentee voters provide an attestation from a notary or witness for their signature along with the completed absentee ballot. Eliminating the need for a notary or witness removes a potential barrier to an absentee ballot being counted. According to election officials in 2 jurisdictions in 1 state

[2]Some states require voters to provide an excuse to cast an absentee ballot. This subject is discussed in more detail later in this chapter.

we visited that required a notary or witness signature, an absentee ballot may not be counted if voters neglect to have their ballots witnessed or notarized. Furthermore, HAVA amended the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) to, among other things, extend the period of time that can be covered by a single absentee ballot application by absent uniformed service voters and certain other civilian voters residing outside of the United States from the year during which the application was received to a time period covering up to the two next regularly scheduled general elections for federal office.

Election officials reported facing some of the same challenges in the November 2004 general election that they had identified to us for the November 2000 general election, and they also reported some new challenges. Continuing absentee voting challenges included (1) receiving late absentee voter applications and ballots; (2) managing general workload, resources, and other administrative constraints; (3) addressing voter error issues such as unsigned or otherwise incomplete absentee applications and ballot materials; and (4) preventing potential fraud.

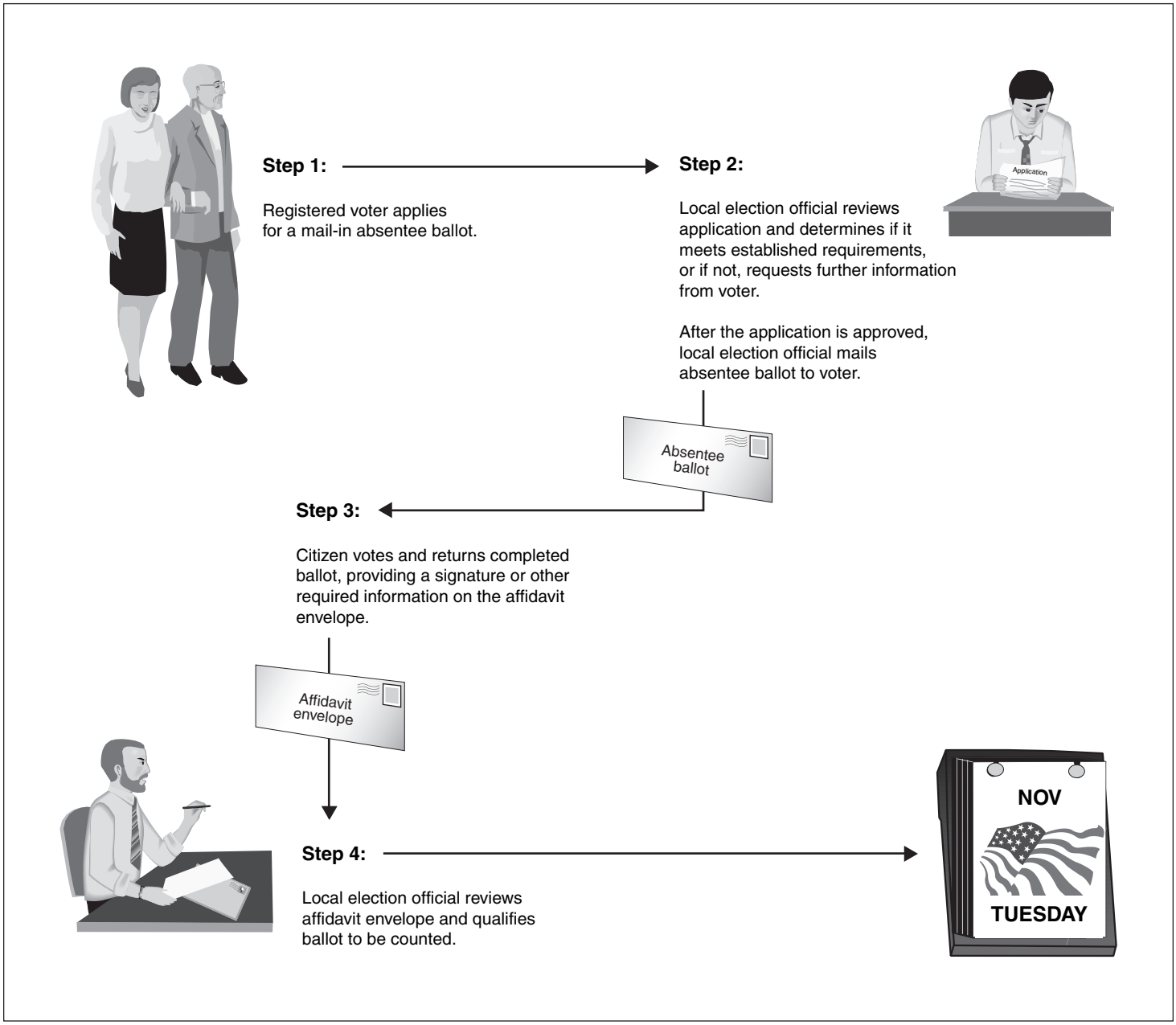
Election officials also told us that they encountered new challenges in the November 2004 general election. Some election officials said that the increased early voter turnout during this election resulted in long lines. In some local jurisdictions we visited, election officials said that factors such as inadequate planning on their part, limitations on types of facilities that could be used for early voting locations, and funding constraints on hiring more staff or acquiring more voting locations affected their management of large early voter turnout. In addition, some election officials reported that they encountered a challenge handling disruptive third parties as they attempted to approach early voters who were in line to vote. Another challenge could develop as a result of a 2002 HAVA amendment to UOCAVA. In an effort to help make registration and voting easier for absent uniformed service voters and certain other civilian voters residing outside of the United States, this 2002 amendment, as noted above, extended the period of time that can be covered by a single application from the year during which the application was received to a time period covering up to the next two subsequent general elections for federal office. Election officials in 4 jurisdictions we visited told us that a possible unintended consequence of this amendment could be that when uniformed services personnel are reassigned to other duty posts, absentee ballots may not be sent to the correct address for subsequent general elections. Even with a 2005 revision to the ballot request form whereby voters can indicate that they want ballots for one federal election only, election officials in 3 of

these jurisdictions were concerned many absentee ballots would be returned as undeliverable.

Absentee Voting

Absentee voting allows citizens the opportunity to vote when they are unable to vote at their precinct on Election Day. Although availability, eligibility requirements, administration, and procedures vary across the 50 states and the District of Columbia, absentee voting generally follows a basic process. As figure 18 shows, this process included four basic steps for the November 2004 general election.

Figure 18: Mail-in Absentee Voting Process



Source: GAO (analysis); GAO and Art Explosion (clip art).

[a]In general, for a mail-in absentee ballot application to be approved, it must meet certain state or local requirements. For example, in some states, the voter must be registered, and in some jurisdictions, the signature on the absentee application must match the one on the voter registration application, among other things.

Jurisdictions we visited typically provided absentee ballot applications that registered voters used to request absentee ballots in a standard state or jurisdiction form, as shown in figure 19.

Figure 19: Example of a Standard Absentee Ballot Application Form for the November 2004 General Election

STATE OF COLORADO
ABSENTEE BALLOT APPLICATION

FOR OFFICE USE ONLY

Under Colorado law, your absentee ballot application must contain your printed name, signature, residence address, mailing address if you wish to receive the ballot by mail, and your date of birth. If you do not provide all of this information, you may not receive an absentee ballot according to the rules established by the Colorado Secretary of State. (C.R.S. 1-8-104)

Please Print

*

Voter Information: Required fields must be completed.

Last Name (Required)	First Name (Required)	Middle Initial	Previous Name of Applicant – If Applicable

Residential Street Address (Required) Apt. No.	City/Town (Required)	State	Zip (Required)
Mailing Address or P.O. Box - Required if different from residential address	City/Town	State	Zip

Date of Birth (Required)	Social Security Number – At Least the Last 4 digits	Colorado Driver's License Number **OR** State Issued ID Number

Change of Residence: **Has your residential address changed?** ☐ **YES** ☐ **NO** If NO, skip this Change of Residence section of the form.
If your change of residence was from one county to another county, you must register to vote in your new county prior to using this Absentee Ballot Application.

OLD Residential Street Address	City/Town	State	Zip

Will you have resided at your new address at least 30 days prior to the Election?	On what date did you, or will you, begin living at your new address?
☐ YES ☐ NO	____/____/_____ mm dd yyyy

Party Affiliation: If you are currently Unaffiliated and wish to vote in a Primary Election, you must declare an affiliation with a political party. Unaffiliated voters may affiliate with a political party up to and including Primary Election Day. If you are currently affiliated with a political party and wish to change your affiliation, you must submit this change request at least 29 days prior to Election Day.

☐ I am Unaffiliated and wish to affiliate with the following political party _____

☐ I wish to change my affiliation to the following political party _____
(Change request must be submitted at least 29 days prior to Election Day)

☐ I wish to remain Unaffiliated (Not eligible to vote in a Primary Election)

Election Selection: Indicate the election(s) for which you wish to receive an Absentee Ballot by placing a "check" in the appropriate box below. Absentee Ballot applications must be re-submitted after January 1 of each election year.

Check all that apply	Election Type	Exception Mailing Instructions	*If you wish to have your Absentee Ballot mailed to a temporary address that differs from the residential/mailing address shown above, please indicate below.*
☐	Primary Election (August – even years)	Mail my Primary Election Absentee Ballot to ⇨	Street Address Apt. No. / City/Town State Zip Code
☐	November Election (General – even years Coordinated – odd years)	Mail my November Election Absentee Ballot to ⇨	Street Address Apt. No. / City/Town State Zip Code
☐	Other Election	Mail my _____ Election Absentee Ballot to ⇨	Street Address Apt. No. / City/Town State Zip Code

Please do not write outside the box

SIGNATURE or Mark (Required)

Date ____/____/____ MM DD YYYY

* **Witness Signature**

* The application for an absentee ballot shall be personally signed by the applicant; or, in case of the applicant's inability to sign, the elector's mark shall be witnessed by another person.

SOS Approved 9.28.05

Source: El Paso County, Colorado.

According to our state survey, state election officials reported that registered voters could visit or write their local election office, or in some cases visit a state or local election Web site, to obtain an application or learn what information was required to request an absentee ballot. State election officials reported registered voters could return a completed absentee ballot application via the U.S. mail or in many other different ways as allowed by state absentee ballot provisions. Also, some election officials in jurisdictions we visited told us that voters could complete any part of the absentee voting process in person at their local elections office. Table 3 shows the various options allowed by states for requesting and returning absentee ballot applications. However, it is important to note that particular local jurisdictions might not have offered all of the options described below.

Table 3: Options Allowed by States for Requesting and Returning Absentee Ballot Applications, November 2004 General Election

Options	Number of states[a]
Allowed for requesting absentee ballot applications	
In person	51
U.S. mail	51
Telephone	41
E-mail	42
Via facsimile	48
Via state Web site	30
Download from Web site	41
Allowed for returning absentee ballot applications	
In person	51
U.S. mail	51
E-mail	11
Via facsimile	34
Via state Web site	4

Source: GAO 2005 survey of state election officials.

[a]States include the 50 states and the District of Columbia.

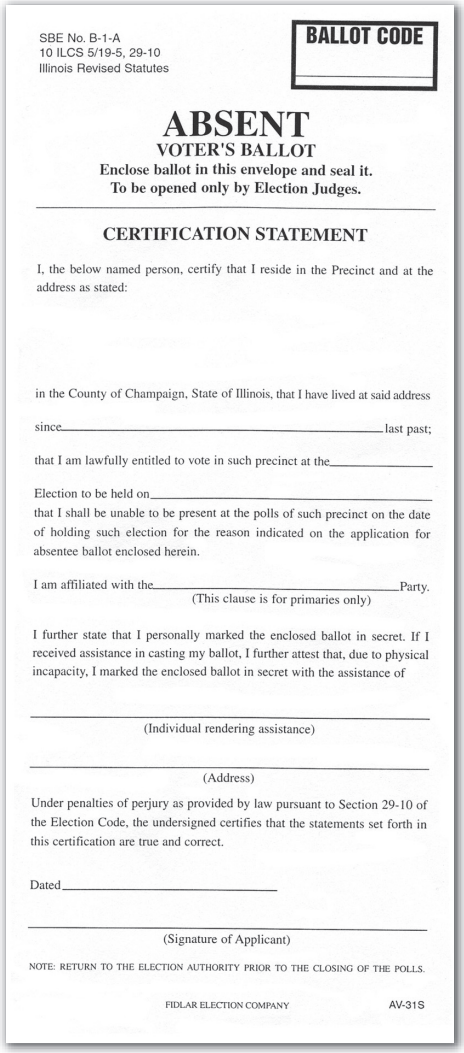
According to our state survey results, states reported that applicants could find out the status of their absentee ballot application after it was submitted and offered at least one of several ways, including telephoning a state or local jurisdiction office, telephoning a hotline or toll-free number,

or e-mailing a state or local jurisdiction office. For example, in 49 states and in the District of Columbia, applicants could telephone a state or local jurisdiction office, and in 47 states and in the District of Columbia, applicants could e-mail a state or local jurisdiction office to find out their absentee ballot applications' status. Thirty-nine states and the District of Columbia notified the applicant if the application was rejected.

While absentee ballots are generally provided to the voter through the mail, unless voting in person, on the basis of our survey of a representative sample of local jurisdictions nationwide, some jurisdictions provided absentee ballots using fax and e-mail. Specifically, for the November 2004 general election, we estimate that 17 percent of local jurisdictions provided absentee ballots by fax, and 4 percent of local jurisdictions provided absentee ballots by e-mail. On the basis of our discussions with election officials in jurisdictions we visited, absentee ballots are generally returned through the mail.

Election officials in most jurisdictions we visited said that voters used a combination of envelopes for returning completed absentee ballots so that voters' indentities would be distinct from the ballots they were casting. For example, a voter would place the completed ballot in a secrecy (inner) envelope, which would then be placed in an outer envelope. The secrecy envelope would be to ensure that the voted ballot was not linked to the voter, while the voter's affidavit information, such as a name, address, and signature, needed to certify that the voter was eligible to vote, would be marked on the outer envelope. Election officials in some jurisdictions provided examples of the envelopes used to return absentee ballots. One of these examples had a separate affidavit envelope, which was to be placed in a pre-addressed return envelope and mailed to the local elections jurisdiction. Other examples allowed the voter to include the affidavit information on the back of the pre-addressed return envelope. Once the local elections jurisdiction certified that the absentee ballots could be counted using the affidavit information, election officials in jurisdictions we visited told us that they removed the secrecy envelope (with the voted ballot sealed inside) and set it aside for counting. Figure 20 shows examples of absentee ballot return envelopes and the inclusion of affidavit information.

Figure 20: Two Examples of Absentee Ballot Envelopes with the Inclusion of Affidavit Information—One with Certification on Inner Envelope and One with Certification on Outer Envelope—for the November 2004 General Election



SBE No. B-1-A
10 ILCS 5/19-5, 29-10
Illinois Revised Statutes

BALLOT CODE

ABSENT
VOTER'S BALLOT
Enclose ballot in this envelope and seal it.
To be opened only by Election Judges.

CERTIFICATION STATEMENT

I, the below named person, certify that I reside in the Precinct and at the address as stated:

in the County of Champaign, State of Illinois, that I have lived at said address since_____ last past;

that I am lawfully entitled to vote in such precinct at the_____

Election to be held on_____
that I shall be unable to be present at the polls of such precinct on the date of holding such election for the reason indicated on the application for absentee ballot enclosed herein.

I am affiliated with the_____ Party.
(This clause is for primaries only)

I further state that I personally marked the enclosed ballot in secret. If I received assistance in casting my ballot, I further attest that, due to physical incapacity, I marked the enclosed ballot in secret with the assistance of

_____
(Individual rendering assistance)

_____
(Address)

Under penalties of perjury as provided by law pursuant to Section 29-10 of the Election Code, the undersigned certifies that the statements set forth in this certification are true and correct.

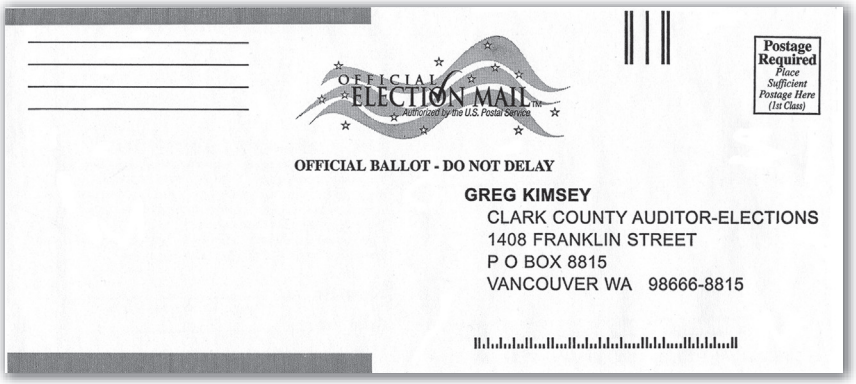
Dated_____

_____
(Signature of Applicant)

NOTE: RETURN TO THE ELECTION AUTHORITY PRIOR TO THE CLOSING OF THE POLLS.

FIDLAR ELECTION COMPANY AV-31S

Inner envelope with certification statement



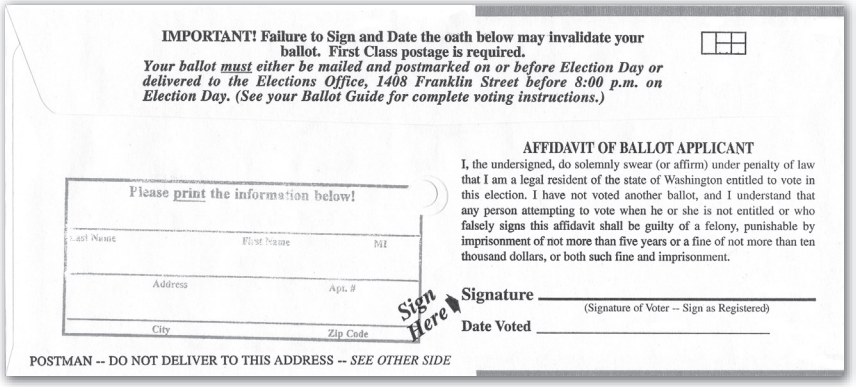
OFFICIAL ELECTION MAIL™
Authorized by the U.S. Postal Service

Postage Required
Place Sufficient Postage Here (1st Class)

OFFICIAL BALLOT - DO NOT DELAY

GREG KIMSEY
CLARK COUNTY AUDITOR-ELECTIONS
1408 FRANKLIN STREET
P O BOX 8815
VANCOUVER WA 98666-8815

Outer envelope



IMPORTANT! Failure to Sign and Date the oath below may invalidate your ballot. First Class postage is required.
Your ballot must either be mailed and postmarked on or before Election Day or delivered to the Elections Office, 1408 Franklin Street before 8:00 p.m. on Election Day. (See your Ballot Guide for complete voting instructions.)

Please print the information below!
Last Name First Name MI
Address Apt. #
City Zip Code

Sign Here

AFFIDAVIT OF BALLOT APPLICANT

I, the undersigned, do solemnly swear (or affirm) under penalty of law that I am a legal resident of the state of Washington entitled to vote in this election. I have not voted another ballot, and I understand that any person attempting to vote when he or she is not entitled or who falsely signs this affidavit shall be guilty of a felony, punishable by imprisonment of not more than five years or a fine of not more than ten thousand dollars, or both such fine and imprisonment.

Signature _____
(Signature of Voter -- Sign as Registered)

Date Voted _____

POSTMAN -- DO NOT DELIVER TO THIS ADDRESS -- *SEE OTHER SIDE*

Reverse of outer envelope with certification statement

Sources: Champaign County, Illinois; Clark County, Washington.

In our survey of state election officials, we asked whether absentee voters were able to find out the status of their submitted absentee ballots in various ways. According to our state survey, 44 states and the District of Columbia reported that absentee voters were able to telephone a state or local jurisdiction office, 32 states and the District of Columbia reported that absentee voters were able to e-mail a state or local jurisdiction office, 16 states reported that absentee voters could telephone a hotline or toll-free number, and 5 states reported that absentee voters' ballot status was available via a Web site. Furthermore, 16 states reported that either state or local jurisdictions would notify the voter if the absentee ballot was not counted. However, 6 states reported that they do not allow voters to check the status of their absentee ballots at all. For example, Vermont reported that state law does not allow voters to find out whether or not the absentee ballot was counted. Kentucky reported that it does not track whether or not an individual voter's ballot was counted because linking a voted ballot back to a specific voter violates that voter's right to a secret ballot.

A Few States Reported Changes to Absentee Voting Requirements since 2000

A few states reported changes to their requirements with respect to absentee voting by (1) no longer requiring a reason or excuse for voting absentee; (2) eliminating the need for a mail-in absentee voter to have a notary or witness for the voter's signature to accompany the ballot; and (3) not limiting permanent absentee voting status to individuals with disabilities or the elderly.

Excuse Requirement

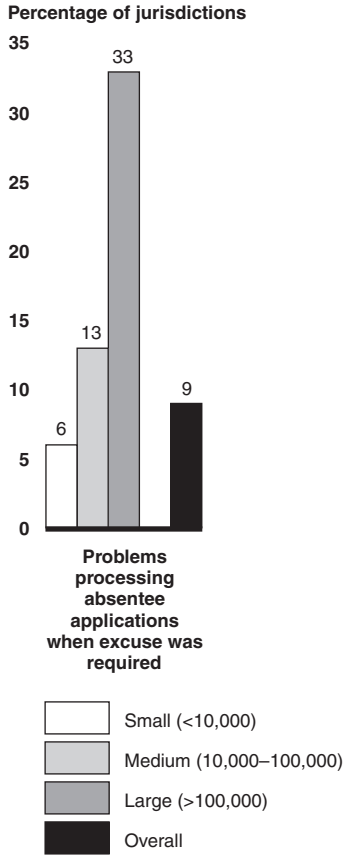
According to our state survey regarding the November 2004 general election, all 50 states and the District of Columbia had some provisions allowing registered voters to vote before Election Day, but not every registered voter was eligible to do so. Twenty-one states reported allowing voters to vote absentee for the November 2004 general election without first having to provide a reason or excuse. The other 29 states and the District of Columbia reported requiring voters to meet one of several criteria, or "excuses," to be eligible to vote before Election Day, such as having a disability, being elderly, or being absent from the jurisdiction on Election Day. The following are examples of excuses that some states required:

- absent from the state or county on Election Day;
- a member of the uniformed services or a dependent;
- a permanent or total disability;

- ill or having a temporary disability;
- over a certain age, such as 65;
- at a school, college, or university;
- employed on Election Day in a job for which the nature or hours prevent the individual from voting at his or her precinct, such as an election worker; and
- involved in emergency circumstances, such as the death of a family member.

In our survey of local jurisdictions, we asked about problems encountered when processing absentee ballot applications. As shown in figure 21, we estimate that 9 percent of local jurisdictions received absentee applications that did not meet the excuse required by law, in states where excuses were required. The issue of applicants not meeting the required excuse is more of a problem for large jurisdictions than small or medium jurisdictions.

Figure 21: Estimated Percentage of Local Jurisdictions That Encountered Problems Processing Absentee Applications because the Applicant Did Not Meet the Excuse Required by State Law, November 2004 General Election



Source: GAO 2005 survey of local election jurisdictions.

Note: The difference between large jurisdictions and small and medium jurisdictions is statistically significant.

According to our state survey, the number of states that allowed absentee voting without an excuse increased from 18 in 2000 to 21 in 2004. Since November 2004, 2 more states reported that they have eliminated their excuse requirement. Specifically, during visits to local jurisdictions in New Jersey, election officials told us that state law had changed since the November 2004 general election. According to these officials, no-excuse absentee voting was adopted by the New Jersey legislature and became

effective in July 2005. Ohio also amended its absentee voter provisions, effective January 2006, to provide for no-excuse absentee voting.

Notary or Witness Signature Requirement

Election officials in 2 jurisdictions in 1 state we visited told us that if voters returned a completed (voted) ballot without having the signature notarized or affirmed by a witness, the vote would be disqualified and not counted. For the November 2004 general election, according to our state survey, 12 states reported requiring that mail-in absentee ballots contain attestation by a notary or witness for a voter's signature to accompany the absentee ballot. From the November 2000 election to the November 2004 election, Florida was the only state that reported in our state survey that it had dropped the requirement that mail-in absentee ballots contain attestation by a notary or witness for a voter's signature.

Permanent Absentee Voting

Permanent absentee voting, which typically was available to individuals with disabilities or the elderly, was another way some states sought to help enfranchise certain categories of voters. Permanent absentee status, where offered, generally allowed the voter to apply for mail-in absentee ballots once (rather than for each separate election) over a specified time period. State requirements dictated when and how often a voter must apply for permanent absentee status. For example, for the November 2004 general election, in a New Jersey jurisdiction that we visited, election officials told us that state law required those eligible for permanent absentee status to apply at the beginning of the calendar year to receive absentee ballots for that year. According to the absentee ballot application provided by this jurisdiction, a voter's permanent absentee status remains in effect throughout that year unless the voter notifies the election office otherwise. An election official in a Pennsylvania jurisdiction we visited said that his state allowed permanent absentee voters to apply once every 4 years. In this state, permanent absentee voters were to receive absentee ballots for all elections during the 4-year period, according to the election official. In 2 Washington jurisdictions we visited, election officials told us that any voter could qualify for permanent absentee status for all future elections (e.g., no time period specified). In one of these Washington jurisdictions, election officials provided a copy of the permanent absentee application instructing voters that their permanent absentee status would be terminated upon the (1) voter's written request, (2) cancelation of the voter's registration record, (3) death or disqualification, or (4) return of an ongoing absentee ballot as undeliverable.

Our state survey results showed that since the November 2000 general election, 3 states (California, Rhode Island, and Utah) reported state

changes that expanded, in some manner, the use of permanent absentee voting. For example, California, reported changes for the November 2004 election that allowed any voter to apply for and receive permanent absentee status. For the November 2000 general election, California previously reported that only certain categories of voters with disabilities (e.g., blind voters) were eligible for permanent absentee status. Overall, the results of our state survey showed that at the time of the November 2004 general election, 17 states reported having some provision for permanent absentee status, 32 states and the District of Columbia reported that they did not provide for permanent absentee status, and Oregon reported conducting its election entirely by mail—making permanent absentee status unnecessary in this state.

Appendix VIII provides information on states' requirements for no-excuse absentee voting and witness or notary signature provisions for the November 2000 and 2004 general elections and shows where changes occurred. States did not report any changes to their permanent absentee requirements since the November 2000 general election.

Receiving Late Absentee Ballot Applications and Ballots for the November 2004 General Election Continued to Be a Challenge

The results from our state survey show that deadlines for voters to both apply for absentee ballots and return them to local jurisdictions to be counted differed among states. According to our state survey for the November 2004 general election, 47 states and the District of Columbia reported that they had absentee ballot application deadlines that ranged from Election Day (5 states: Connecticut, Maine, New Jersey, Ohio, and South Dakota) to 21 days before Election Day (Rhode Island). Three states (Florida, New Hampshire, and Oregon) reported having no absentee ballot application deadline, although ballots in these states had to be returned by the close of polls on Election Day.[3]

With respect to state deadlines for returning absentee ballots, many states reported having more than one deadline to correspond with differing methods of returning such ballots to election officials. In our state survey, 44 states reported having provisions requiring that absentee ballots be returned by or on Election Day; 7 states reported having provisions requiring that absentee ballots be returned a certain number of days before Election Day; and 8 states and the District of Columbia reported having

[3]Oregon conducts its entire election by mail.

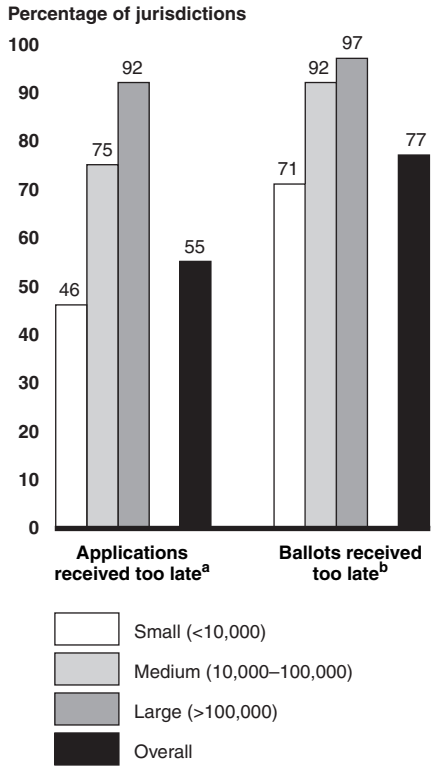
provisions allowing mailed absentee ballots to be returned a certain number of days after Election Day, if such ballots were postmarked by a specified date. For example, for the 2004 November general election, Alaska reported two deadlines: (1) mail-in absentee ballots were to be received by close of business on the 10th day after the election when postmarked on or before Election Day, and (2) in-person absentee ballots were to be delivered by 8:00 p.m. on Election Day.

Also, according to our state survey, Nebraska reported that for absentee ballots returned by mail, the deadline changed from no later than 2 days after Election Day for the November 2000 general election to the close of polls on Election Day for the November 2004 general election. According to our state survey, these deadlines may be different for absent uniformed service voters and certain other civilian voters residing outside the United States, a subject that will be discussed later in this chapter.

In our October 2001 comprehensive report on election processes, we reported that election officials for the 2000 general election identified receiving applications and ballots after state statutory deadlines as a challenge.[4] According to our nationwide survey, local jurisdictions encountered similar problems with processing absentee ballot applications and absentee ballots for the November 2004 general election. More specifically, on the basis of our survey, we estimate that 55 percent of local jurisdictions received absentee ballot applications too late to process. We also estimate 77 percent of local jurisdictions encountered problems in processing absentee ballots because ballots were received too late. Furthermore, we asked jurisdictions about which problems were encountered most frequently. An estimated 25 percent of local jurisdictions encountered the ballot lateness problem most frequently. Figure 22 shows that medium and large jurisdictions encountered lateness with absentee ballots more than small jurisdictions did.

[4]GAO-02-3.

Figure 22: Estimated Percentage of Local Jurisdictions That Encountered Lateness with Absentee Ballot Applications and Absentee Ballots, November 2004 General Election



Source: GAO 2005 survey of local election jurisdictions.

[a]All size categories are statistically different from one another.

[b]Small jurisdictions are statistically different from medium and large jurisdictions.

Appendix VIII summarizes states' deadlines for receiving domestic mail-in absentee ballot applications and absentee ballots.

Election officials in the local jurisdictions we visited told us that they tried to approve applications and mail absentee ballots to voters as quickly as possible, assuming that the ballots had been finalized and printed. In 8 jurisdictions we visited in 5 states (Colorado, Kansas, New Mexico, Pennsylvania, and Washington), election officials said that their states mandated that local election jurisdictions process absentee ballot applications within a specified time period, such as within 24, 48, or 72 hours of receipt of the application. In 2 Pennsylvania jurisdictions we

visited, election officials stated that they established a local policy encouraging election staff to process absentee ballot applications faster (such as on the day of receipt) than the time period specified in state law (which was 48 hours). In 1 Illinois and 1 Nevada jurisdiction we visited, election officials said that while a 24- or 48-hour turnaround time for absentee ballot applications was not mandated in state law, local office policy was to process them as quickly as possible—such as within 24 hours of receipt of the application.

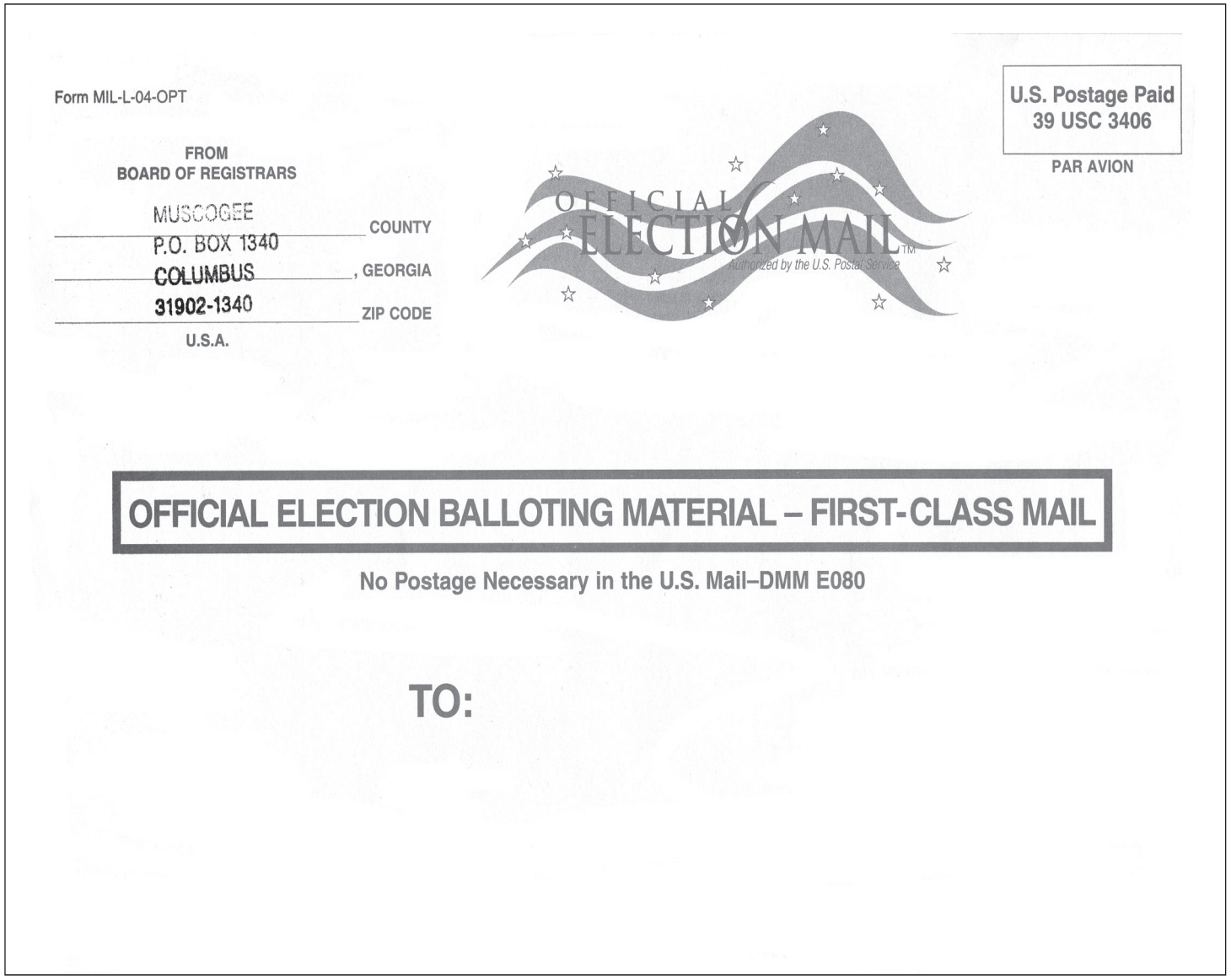
During our site visits, election officials in 9 jurisdictions stated that they received large numbers of mail-in absentee ballot applications just prior to the deadlines prescribed by state law. Most of these election officials said they were able to meet their state-mandated or office policy application-processing time, although they had to work long hours and hire additional staff to process the absentee ballot applications by the deadline. In 1 Florida jurisdiction we visited, local election officials said that even though they had no absentee ballot application deadline, they processed applications using "long hours and extra people" and tried to send out absentee ballots within 24 hours of receiving a complete application.

In jurisdictions we visited in Pennsylvania and Colorado, election officials said that sometimes the 24- or 48-hour turnaround was impossible to meet because the state did not finalize the ballots for printing until the days immediately preceding Election Day for the November 2004 election. For example, an election official in the Pennsylvania jurisdiction we visited told us that determining whether or not an independent presidential candidate's name was to be included on the November 2004 general election ballot proved to be a challenge. In this jurisdiction, the validity of petition signatures supporting the independent candidate's request to be included on the ballot was challenged in state court about 10 weeks before the election. As a result, according to the election official, election officials were required to participate in a court-mandated process of verifying the signatures. According to the election official, it took about 10 days in court to resolve the situation, which delayed the printing of the ballots.

In 6 jurisdictions we visited, election officials told us that slowness in the delivery of the mail added to the processing time crunch during the week before Election Day—a problem that is out of election officials' control and may contribute to the local election officials' receipt of absentee voting materials after state-mandated deadlines. Although envelopes can use an "official election mail" designation, election officials in these 6 jurisdictions we visited said that the U.S. Postal Service did not always process absentee

voting materials in a timely manner. For example, in one New Mexico jurisdiction we visited, election officials stated that they experienced serious problems with the U.S. Postal Service delivering absentee ballot applications. These officials felt that the post office ignored the envelopes' official election mail designation and did not process and deliver them quickly. Election officials in this jurisdiction said that their telephone system crashed numerous times leading up to Election Day in November 2004, given the heavy volume of incoming calls from voters checking on the status of their absentee ballot applications. In one Pennsylvania jurisdiction that we visited, election officials said that postal concerns were raised when some college students' absentee ballot applications were received after Election Day. These officials could not definitely say at what point these applications might have been delayed and explained that the mail delivery delay could have been attributable to either the U.S. Postal Service or the university's mailing center. Figure 23 illustrates the use of special postal markings for absentee ballot materials.

Figure 23: Example of Envelope Illustrating Official Postal Marking for Absentee Ballot Materials, November 2004 General Election



Source: Muscogee County, Georgia.

While election officials in 6 jurisdictions we visited told us about challenges with mail delivery, election officials in 7 jurisdictions we visited told us that they did not have problems with mail delivery or coordinating with the U.S.

Postal Service. In an Illinois jurisdiction we visited, election officials told us that prior to the election, staff from his office met with the postmaster to establish a good working relationship. Election officials in a New Hampshire and Ohio jurisdiction we visited stated that the post office was very helpful. In a Nevada jurisdiction we visited election officials said that they received excellent service from the postal service.

When an absentee application was received after the state-mandated deadline, election officials in 13 jurisdictions we visited told us that they often sent these applicants a letter explaining that their application was received too late. In 5 of these same jurisdictions, election officials said they also provided an alternative to absentee voting such as early voting, voting on Election Day, or in-person absentee voting, where the voter could visit the election office and complete the absentee voting process in person.

Voter Errors in the November 2004 Election Continued to Be a Challenge with Processing Absentee Ballot Applications and Ballots

In our October 2001 report on election processes, we reported that election officials for the 2000 general election identified voters' failure to provide critical information, with respect to signatures and addresses, as challenges to successfully processing mail-in absentee applications and verifying ballots for counting.[5] According to our nationwide survey for the November 2004 election, local jurisdictions encountered similar voter errors that could affect the jurisdictions' ability to establish voter eligibility or approve the ballot for counting when processing absentee ballot applications and absentee ballots.

Absentee Ballot Applications

In our nationwide survey, we asked local jurisdictions what problems they encountered in processing absentee ballot applications. We estimate that 48 percent of them identified problems receiving absentee ballot applications that contained a missing or illegible voter signature. Furthermore, we asked about which problems were encountered most frequently. An estimated 20 percent of local jurisdictions encountered the problem of receiving absentee ballot applications that contained a missing or illegible voter signature most frequently. Table 4 shows our estimates of the types of voter errors local jurisdictions encountered with absentee ballot applications submitted for the November 2004 general election.

[5]GAO-02-3.

Table 4: Estimated Percentages of All Local Jurisdictions and by Jurisdiction Size That Encountered Voter Error Problems in Processing Absentee Ballot Applications, November 2004 General Election

Problem	All jurisdictions	Small (< 10,000)	Medium (10,000 to 100,000)	Large (>100,000)
Missing or illegible signature[a]	48	44[c]	55	73
Missing or inadequate voting residence address[a]	35	30	42	70
Applied to wrong jurisdiction[a]	33	32	32	58[d]
Missing or inadequate voting mailing address[b]	32	25	43	74

Source: GAO 2005 survey of local election jurisdictions.

[a]Large jurisdictions are statistically different from small and medium jurisdictions.

[b]All size jurisdictions are statistically different from one another.

[c]The 95 percent confidence interval for this percentage is +/- 6 percentage points.

[d]The 95 percent confidence interval for this percentage is +/- 8 percentage points.

On the basis of our nationwide survey, large jurisdictions had more of a problem than small or medium jurisdictions concerning missing or illegible signatures. Specifically, we estimate that 73 percent of large jurisdictions encountered this problem, while we estimate 44 percent and 55 percent of small and medium jurisdictions respectively encountered it. Large jurisdictions are statistically different from medium and small jurisdictions.

When elections officials were unable to process absentee ballot applications, our nationwide survey showed that some local jurisdictions contacted applicants to inform them of the status of their application using the methods listed in table 5. Specifically, on the basis of our survey of local jurisdictions, we estimate that 72 percent of all jurisdictions telephoned applicants when their absentee applications could not be processed. We found no significant difference based on the size of the jurisdiction with regard to this contact method. However, we estimate that 84 percent of medium jurisdictions and 90 percent of large jurisdictions contacted absentee applicants by U.S. mail. In contrast, 63 percent of small jurisdictions contacted absentee applicants with problem applications via U.S. mail. Small jurisdictions are statistically different from medium and large jurisdictions. We also estimate that 10 percent of local jurisdictions did not inform any applicants about the status of their application.

Table 5: Estimated Percentages of All Local Jurisdictions and by Jurisdiction Size Using Various Contact Methods When Absentee Ballot Applications Could Not Be Processed, November 2004 General Election

Methods used to inform applicants of application status	All jurisdictions	Small (< 10,000)	Medium (10,000 to 100,000)	Large (>100,000)
Telephoned the applicant	72	72	73	77
Contact by mail[a]	69	63[d]	84	90
Contact by e-mail[b]	20	18	21	46
Other[c]	15	18	9	11

Source: GAO 2005 survey of local election jurisdictions.

[a]Small jurisdictions are statistically different from medium and large jurisdictions.

[b]Large jurisdictions are statistically different from small and medium jurisdictions.

[c]"Other" included contact by facsimile or contacting voters' relatives, among other things.

[d]The 95 percent confidence interval for this percentage is +/- 6 percentage points.

In an Illinois jurisdiction that we visited, elections officials told us that they would do everything possible in an attempt to obtain complete absentee applications from voters. If the absentee ballot application was incomplete, election office staff said they contacted the voter and attempted to resolve the problem in the best way practical, according to the election officials. For example, if the application was missing the voter's signature and there was enough time, the staff mailed the application back to the voter for signature. If time was limited, the staff called the voter and asked him or her to visit the election office to sign the application. An election official in a Pennsylvania jurisdiction we visited told us that if applicants forgot to include one part of an address, such as a ZIP code, but election staff could match the rest of the address and voters' identifying information with their registration information, the application was approved. Election officials in another Pennsylvania jurisdiction and a Nevada jurisdiction told us that the voter registration system automatically generated letters to voters when the application could not be processed for any reason.

Absentee Ballots

In our nationwide survey, we asked local jurisdictions what problems they encountered in processing submitted absentee ballots. We estimate that 61 percent of all jurisdictions reported that absentee ballots were received without the voter's signature on the envelope. We estimate 54 percent of small jurisdictions, 76 percent of medium jurisdictions, and 90 percent of large jurisdictions encountered this problem. Jurisdictions of all sizes are statistically different from one another. Table 6 shows our estimates of the types of problems election officials encountered on absentee ballots. We

estimate that 81 percent of local jurisdictions encountered at least one of the problems listed.

Table 6: Estimated Percentages of All Local Jurisdictions and by Jurisdiction Size That Encountered Problems in Processing Submitted Absentee Ballots, November 2004 General Election

Problems encountered	All jurisdictions	Small (< 10,000)	Medium (10,000 to 100,000)	Large (>100,000)
Envelope not signed[a]	61	54	76	90
Missing or incomplete witness signature or information	36	38	33	36
Improper or missing notary signature	18	19	16	12
Signature on the envelope did not match the application or digitized signature on file[b]	13	9	18	48[c]
Voter identification marks on envelope or ballot[b]	9	9	7	23
Voter identification number not included	3	2	5	7

Source: GAO 2005 survey of local election jurisdictions.

[a] Jurisdictions of all sizes are statistically different from one another.

[b] Large jurisdictions are statistically different from small and medium jurisdictions.

[c] The 95 percent confidence interval for this percentage is +/- 8 percentage points.

If the ballot was not able to be verified, election officials in some jurisdictions we visited told us that they attempted to contact the voter, time permitting, so that the affidavit envelope could be corrected and approved for counting. In 10 jurisdictions we visited, election officials said that they reviewed the affidavit envelope information to approve the ballots as they received them rather than waiting until Election Day. On the basis of our nationwide survey, we estimate that 40 percent of local jurisdictions contacted the voter by mail in an attempt to address a problem with the affidavit envelope, and 39 percent contacted the voter via telephone. Table 7 shows our estimates of the contact methods used by local jurisdictions when absentee ballots had problems that could prevent them from being approved for counting if not corrected.

Table 7: Estimated Percentages of All Local Jurisdictions and by Jurisdiction Size Using Various Contact Methods when Absentee Ballots Could Not Be Processed, November 2004 General Election

Methods used to inform voters of ballot status	All jurisdictions	Small (< 10,000)	Medium (10,000 to 100,000)	Large (>100,000)
Contacted the voter by mail[a]	40	31	61	66
Telephoned the voter	39	38[c]	42	41
Did not inform voters	27	29	24	25
Did not receive any ballots that could not be processed	21	25	12	3
Contacted the voter by e-mail	8	8	7	15
Other[b]	11	11	7	16

Source: GAO 2005 survey of local election jurisdictions.

[a]Small jurisdictions are statistically different than medium and large jurisdictions.

[b]"Other" included contacting the voter by facsimile, contacting a family member of the voter, or providing a hotline number for voters to check their ballot status, among other things.

[c]The 95 percent confidence interval for this percentage is +/- 6 percentage points.

Differences in whether voters were contacted by mail when there were problems with their absentee ballots were based on the size of the local elections jurisdiction. Specifically, we estimate that 31 percent of small, 61 percent of medium, and 66 percent of large jurisdictions contacted voters by mail. Small jurisdictions are statistically different from medium and large jurisdictions.

While election officials in 10 jurisdictions we visited told us that they qualified absentee ballots prior to Election Day—allowing them time to follow up with voters, in 6 local jurisdictions we visited, election officials told us that they qualified or approved absentee ballots for counting on Election Day. According to election officials in these jurisdictions, contacting the voter for corrected or complete ballot information was not a viable option because there was not enough time. These election officials stated that absentee ballots with incomplete or inaccurate information on the affidavit envelope would not be qualified or counted.

Some election officials in jurisdictions we visited told us that voters can visit local election offices and complete all or part of the absentee process in person. Some election officials told us that when voters vote in-person absentee, officials are well situated to help ensure that the application and ballot are complete and accurate before accepting them. For example, in one Connecticut jurisdiction we visited, election officials told us that they

did not have incomplete absentee ballot applications from voters who visited the office in person because they reviewed the application and required the person to correct any errors before leaving.

Some Election Jurisdictions Continued to Have Concerns about Fraud and Had Procedures to Address the Potential for Fraud

In our October 2001 report on election processes, we reported that election officials for the 2000 general election had concerns with mail-in absentee voting fraud, particularly regarding absentee voters being unduly influenced or intimidated while voting.[6] However, we also reported that election officials identified that they had established procedures to address certain potential for fraud, such as someone other than the registered voter completing the ballot or voters casting more than one ballot in the same election.

Once the voters received and voted absentee ballots in accordance with any state or local requirements (such as providing a signature or other information on the affidavit envelope), such ballots were to be returned to specified election officials. In general, local election officials or poll workers were to review the information on the affidavit envelope and subsequently verified or disqualified the ballot for counting based on compliance with these administrative requirements, according to election officials in some local jurisdictions we visited.

In our state survey, we asked states whether they specified how local jurisdictions were to determine eligibility of absentee ballots. According to our survey, 44 states and the District of Columbia reported that at the time of our survey, they specified how to determine absentee ballot eligibility, while 6 states reported that they did not. Colorado, for example, specified that the poll worker is to compare the signature of the voter on a self-affirmation envelope with a signature on file with the county clerk and recorder. Wisconsin specified, among other things, that inspectors ascertain whether a certification has been properly executed, if the applicant is a qualified elector of the ward or election district, and that the voter has not already voted in the election.

Our survey of local elections jurisdictions asked election officials if they used any of the procedures described in table 8 to ensure that the absentee voter did not vote more than once for the November 2004 general election.

[6]GAO-02-3.

These procedures could have been conducted either manually by elections officials or through system edit checks. On the basis of our survey of local jurisdictions, we estimate that 69 percent of jurisdictions checked the Election Day poll book to determine whether the voter had been sent an absentee ballot, and 68 percent of jurisdictions checked the Election Day poll book to determine whether the voter had completed an absentee ballot.

Table 8: Estimated Percentages of Local Jurisdictions That Used Specific Procedures to Help Ensure Voters Did Not Vote More than Once, November 2004 General Election

Procedure	All jurisdictions	Small (< 10,000)	Medium (10,000 to 100,000)	Large (>100,000)
Election Day poll book checked to determine whether the voter had been sent an absentee ballot	69	65	77	82
Election Day poll book checked to determine whether the voter had completed an absentee ballot	68	66	74	56
Election Day poll book checked against the absentee ballots prior to counting them[a]	64	68	54	48
Applications or voter registration system checked to determine whether the voter had already applied for an absentee ballot[b]	58	52[c]	70	85

Source: GAO 2005 survey of local election jurisdictions.

[a]Small jurisdictions are significantly different from medium and large jurisdictions.

[b]All size categories are statistically different from one another.

[c]The 95 percent confidence interval for this percentage is +/- 6 percentage points.

On our survey of local jurisdictions, we also asked if any of the procedures listed in table 9 were in place to ensure that the absentee ballots were actually completed by the person requesting the ballot. On the basis of our survey of local jurisdictions, we estimate that 70 percent of jurisdictions compared the absentee ballot signature with the absentee application signature.

Table 9: Estimated Percentages of Local Jurisdictions That Used Specific Procedures to Help Ensure Absentee Ballots Were Actually Completed by the Person Requesting the Ballot, November 2004 General Election

Procedure	All jurisdictions	Small (< 10,000)	Medium (10,000 to 100,000)	Large (>100,000)
Absentee ballot signature was compared with the absentee application signature[a]	70	72	69	40[c]
Absentee ballot signature had to be witnessed (in only those states that required it)[b]	54	64	28	25
Absentee ballot signature was compared with the voter registration signature	39	36	47	62[c]
Absentee ballot signature had to be notarized (in only those states that required it)	8	7	14	6

Source: GAO 2005 survey of local election jurisdictions.

[a] Large jurisdictions are statistically different from small and medium jurisdictions.

[b] Small jurisdictions are statistically different from medium and large jurisdictions.

[c]The 95 percent confidence interval for these percentages is +/- 8 percentage points.

With respect to comparing the absentee ballot application signature with the absentee ballot signature, there were differences based on the size of the jurisdiction. On the basis of our survey of local jurisdictions, we estimate that 72 percent of small, 69 percent of medium, and 40 percent of large jurisdictions compared these signatures. Large jurisdictions are significantly different from small and medium jurisdictions. One reason that large jurisdictions may differ is that they have a large volume of absentee ballots to process and it may be too resource intensive to compare signatures, among other things.

During our site visits, elections officials provided examples of the procedures they used to ensure against fraud. For example in 20 local jurisdictions that we visited, election officials said that when the ballot signature was compared with the absentee application signature, voter registration signature, or some other signature on file, the signatures had to match for the ballot to be approved and counted. In addition to matching signatures, election officials in 2 Illinois jurisdictions and 1 New Jersey jurisdiction we visited told us that during the Election Day absentee ballot qualification process, poll workers were instructed to check the poll book to determine if the voter had cast an Election Day ballot. In 1 of these Illinois jurisdictions, if poll workers found both an Election Day and absentee ballot were cast, they were instructed to void the absentee ballot so that it would not be counted. In addition to matching signatures, election officials in a Nevada jurisdiction we visited said that they used an

electronic poll book to manage absentee, early, and Election Day voting to ensure that voters cast only one ballot. Once a ballot was cast in this jurisdiction, the electronic poll book was annotated and the voter was not allowed to cast another ballot.

Although election officials in the 20 jurisdictions mentioned above told us that they had procedures in place designed to help prevent fraud during the absentee voting process, election officials told us that they still suspected instances of fraud. For example, in a Colorado jurisdiction we visited, election officials told us that they referred 44 individuals who allegedly voted absentee ballots with invalid signatures to the district attorney for investigation. In a New Mexico jurisdiction that we visited, election officials told us that organized third parties went door to door and encouraged voters to apply for absentee ballots. Once these voters received their ballots, according to election officials, the third parties obtained the voters' names (in New Mexico this is public information, according to such officials), and went to the voters' homes and offered to assist them in voting the ballots. These election officials said that they were concerned that the latter part of this activity might be intimidating to voters and could result in voter fraud.

Uniformed and Overseas Citizens Absentee Voting

In general, the Uniformed and Overseas Citizens Absentee Voting Act requires, among other things, that states permit absent uniformed services members and U.S. citizen voters residing outside the country to register and vote absentee in elections for federal office.[7] In addition, states also generally offer some measure of absentee voting for registered voters in their states not covered under UOCAVA. The basic process for absentee voting under UOCAVA is generally similar to that described in figure 18 for absentee voters not covered under UOCAVA in that UOCAVA voters also must establish their eligibility to vote on their absentee ballot application, and the ballot must be received by the voter's local jurisdiction to verify it for counting. Election officials in some jurisdictions we visited told us that they allow UOCAVA voters to submit a voted ballot via facsimile—a method that might not be allowed for absentee voters not covered under UOCAVA because of concerns about maintaining ballot secrecy. In 6 jurisdictions we visited, election officials told us that they require voters

[7]42 U.S.C. §§ 1973ff to 1973ff-6.

under UOCAVA to submit a form acknowledging that ballot secrecy could be compromised when ballots are faxed.

One mechanism used to simplify the process for persons covered by UOCAVA to apply for an absentee ballot is the Federal Post Card Application (FPCA), which states are to use to allow such absentee voters to simultaneously register to vote and request an absentee ballot. On our survey of local jurisdictions, we asked if any problems were encountered in processing absentee applications when the applicant used the FPCA. We estimate that 39 percent of local jurisdictions received the FPCA too late to process—a problem also encountered with other state-provided absentee ballot applications. Table 10 shows our estimates of problems local jurisdictions encountered when processing Federal Post Card Applications. In addition, we asked about which problems were encountered most frequently when the FPCA was used, and an estimated 19 percent of local jurisdictions encountered the problem of receiving the FPCA too late to process more frequently than other problems.

Table 10: Estimated Percentages of Local Jurisdictions, by Jurisdiction Size, That Encountered Specific Voter Error Problems on Absentee Applications That Used the Federal Post Card Application, November 2004 General Election

Problems	All jurisdictions	Small (< 10,000)	Medium (10,000 to 100,000)	Large (>100,000)
Application received too late[a]	39	32	53	70
Missing or inadequate voting residence address[a]	31	24	41	75
Applied to wrong jurisdiction[b]	29	25	36	60
Missing or inadequate voting mailing address[a]	24	17	36	67
Missing or illegible signature[b]	21	16	27	57
Application not witnessed, attested, or notarized	13	13	13	14
Did not meet excuse required by state law	3	2	4	13

Source: GAO analysis of local election jurisdiction survey data.

[a]All size categories are statistically different from one another.

[b]Large jurisdictions are statistically different from small and medium jurisdictions.

Also, uniformed services voters and U.S. citizen voters residing outside of the country are allowed to use the Federal Write-In Absentee Ballot to vote for federal offices in general elections. This ballot may be used when such voters submit a timely application for an absentee ballot (i.e., the application must have been received by the state before the state deadline or at least 30 days prior to the general election, whichever is later) but do

not receive a state absentee ballot. Some states' absentee ballot application forms included serving in a uniformed service or residing outside the country as excuses for voting absentee. According to our state survey, 4 states (Minnesota, Missouri, Oklahoma, and Rhode Island) reported that they require attestation by a notary or witness for a voter's signature on voted mail-in absentee ballots but do not require uniformed service voters and U.S. citizen voters outside the country to provide this on their voted ballots.

For the 2004 November general election, according to our state survey, 9 states reported having absentee ballot deadlines for voters outside the United States that were more lenient than the ballot deadlines for voters inside the United States. Table 11 lists these 9 states and the difference between the mail-in ballot deadline from inside the United States and the mail-in absentee ballot deadline from outside the United States.

Table 11: States Reporting Differing Mail-in Absentee Ballot Deadlines from Inside and Outside the United States, November 2004 General Election

State	Mail-in absentee ballot deadline from inside the United States	Mail-in absentee ballot deadline from outside the United States
Alaska	10 days after Election Day and postmarked by Election Day	15 days after Election Day and postmarked by Election Day
Arkansas	Election Day	10 days after Election Day
Florida	Election Day	No later than 10 days after Election Day if postmarked or signed and dated by Election Day (federal races only)
Louisiana	1 day before Election Day	Election Day
Maryland	1 day after Election Day if postmarked before Election Day	10 days after Election Day and postmarked before Election Day
Massachusetts	Election Day	10 days after Election Day and postmarked by Election Day
Ohio	Election Day	10 days after Election Day
Pennsylvania	4 days before Election Day	Deadline extended per court order for November 2004 general election for not only absentee ballots from outside the United States but also for those voters covered by UOCAVA, including domestic uniformed service members, who are nonetheless absent from the place of residence where they are otherwise qualified to vote
Texas	Election Day	5 days after Election Day

Source: GAO 2005 survey state election officials.

HAVA amended the UOCAVA to, among other things, extend the period of time that can be covered by a single absentee ballot application—the Federal Post Card Application—by absent uniformed service voters and

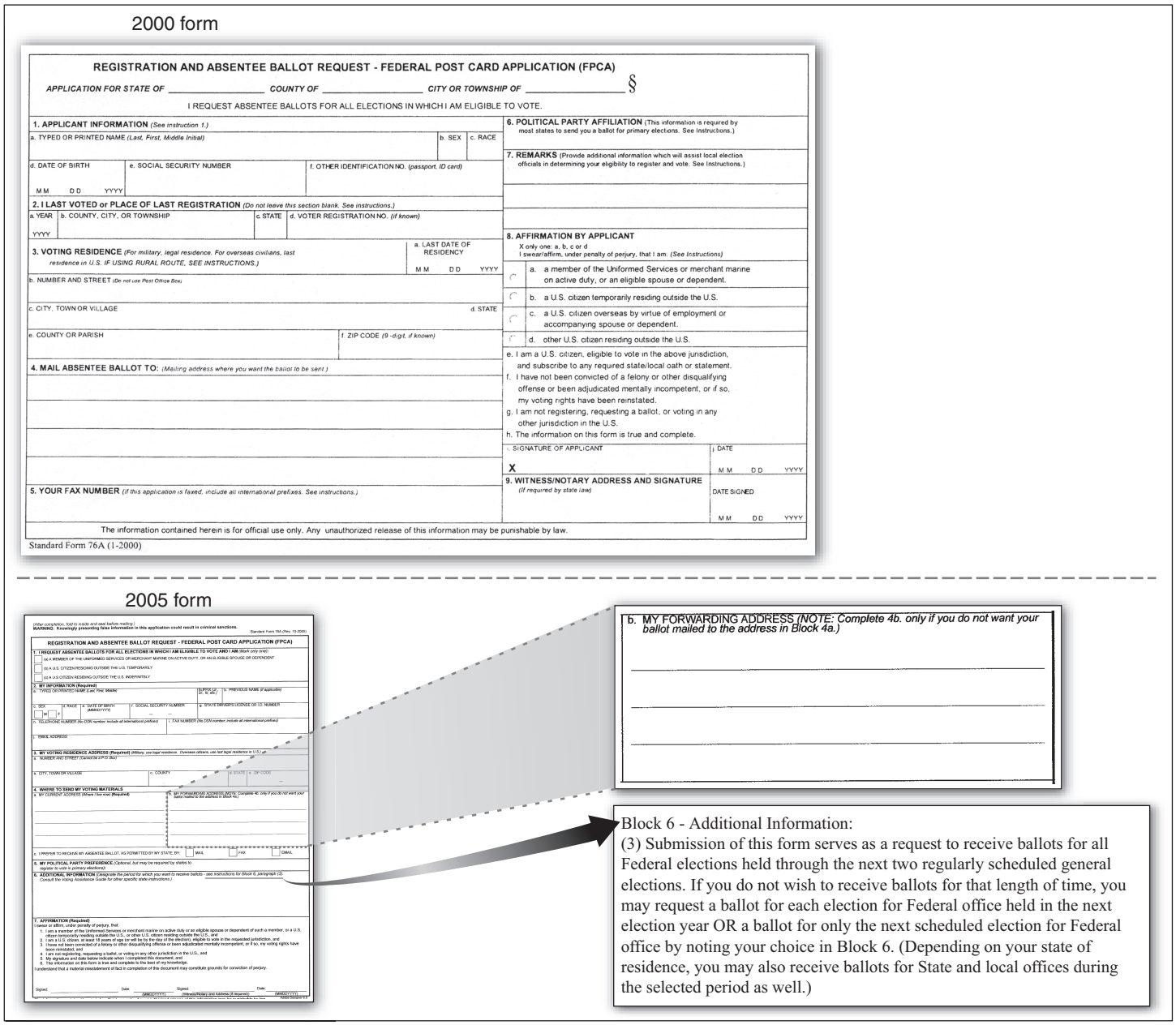
citizen voters residing outside the United States from the year during which the application was received to a time period covering up to the two next regularly scheduled general elections for federal office. To illustrate, if uniformed service voters or civilian voters residing outside the United States submitted a completed FPCA in July 2004, they would have been allowed to automatically receive ballots for the next two federal general elections, including those held in 2004 and 2006. (See fig. 24 for an example of the FPCA used in 2004.)

In 4 local jurisdictions we visited, election officials told us that the amendment described above may present a challenge for successfully delivering absentee ballots to the uniformed services members because they tend to move frequently. For example, in a North Carolina jurisdiction that we visited, election officials stated that addresses on file for such voters at the time of the November 2004 general election may be no longer correct and that mail sent to these voters could be returned as undeliverable. Also, in 1 jurisdiction in Georgia that we visited, election officials told us that they were concerned that many of the absentee ballots sent in subsequent general elections would be returned as undeliverable. In an Illinois jurisdiction we visited, elections officials expressed concerns about paying the postage for mail that may be undeliverable will be a challenge in future years. Also, we noted in our March 2006 report on election assistance provided to uniformed service personnel, that one of the top two reasons for disqualifying absentee ballots for UOCAVA voters was that the ballots were undeliverable.[8]

The Federal Post Card Application was revised in October 2005, after the November 2004 general election, and now allows overseas military and civilians to designate the time period for which they want to receive absentee ballots. (See figure 24 for the revised FPCA.) Those who do not wish to receive ballots for two regularly scheduled general elections can designate that they want an absentee ballot for the next federal election only and then complete the form and request a ballot for each subsequent federal election separately. The FPCA used at the time of the November 2004 election did not allow overseas military and civilian voters to make this designation.

[8]See GAO, *Elections: Absentee Voting Assistance to Military and Overseas Citizens Increased for the 2004 General Election, but Challenges Remain*, GAO-06-521 (Washington, D.C.: April 7, 2006), for more information.

Figure 24: The Federal Post Card Application Used before and after the November 2004 General Election



Source: U.S. Department of Defense Federal Voting Assistance Program Web site.

Even with the revised FPCA, some applications might not have this box checked, and jurisdictions could continue to have absentee ballots returned as undeliverable. In an attempt to mitigate these problems, election officials in 3 local jurisdictions we visited told us that they planned several activities in an attempt to maintain and update the addresses of uniformed services voters and civilian voters residing outside the country. In a Washington jurisdiction we visited, election officials told us that they began requesting e-mail addresses from such voters so that any problems with these applications or ballots could be corrected more efficiently. In previous elections, when e-mail addresses were not available, elections officials in this jurisdiction told us that many absentee applications and ballots sent to uniformed services members and civilian voters residing outside the United States were often returned as undeliverable. In a Georgia jurisdiction that we visited, election officials said that they planned to create a subsystem within their voter registration system. This subsystem will, according to the election officials, allow staff in the election office to produce a form letter for each uniformed services voter that will verify the voter's current address. The election officials also told us letters will be mailed in January asking the voter to contact the jurisdiction to confirm that he or she continues to reside at the address on the letter. If the jurisdiction does not receive confirmation from the uniformed services voter, the election officials told us that they will contact the Federal Voting Assistance Program (FVAP) for assistance in locating the voter.[9] In an Illinois jurisdiction we visited, election officials stated that they plan to canvass all uniformed services members and civilians residing outside the United States who are registered in the state in 2006. Election officials in this jurisdiction told us that they had approximately 7,400 such registered voters who completed the FPCA and that the jurisdiction planned to canvass these voters to confirm that they continued to reside at the address on the FPCA. This jurisdiction expects that as many as half of these canvass cards will be returned as undeliverable. Once the cards are returned, state law allows those voters whose canvass cards are returned to be deleted from the voter registration list, according to the election officials.

[9]FVAP provides overseas miliary and civilian voters a broad range of nonpartisan information and assistance to facilitate their participation in the electoral process.

Early Voting

Early voting is another way to provide registered voters with the opportunity to cast ballots prior to Election Day. However, conducting early voting is generally more complicated for election officials than conducting Election Day voting. In the jurisdictions we visited in 7 states with early voting, election officials described early voting as generally in-person voting at one or more designated polling locations usually different from polling locations used at the precinct level on Election Day. The voting may or may not be at the election registrar's office. Early voting is distinct from in-person absentee voting in that in-person absentee voters usually apply for an absentee ballot at the registrar's office and vote at the registrar's office at that time. Also, early voting usually does not require an excuse to vote, which some states require for absentee voting, and in the jurisdictions we visited in 7 states with early voting, it was usually offered for a shorter period of time than absentee voting.[10] The time frame allowed for absentee voting was almost always at least twice as long as for early voting. For example, election officials in the Colorado jurisdictions we visited said that they allow 30 days for absentee voting and 15 days for early voting. In the jurisdictions we visited in 7 states with early voting, election officials said early voting is similar to Election Day voting in that the voter generally votes using the same voting method as on Election Day. However they added that it differs from Election Day voting in that voters can vote at any early voting polling location because all early voting locations have access to a list of all registered voters for the jurisdiction (not just precinct specific) and can provide voters with appropriate ballots that include federal, state, and precinct-specific races.

[10]The seven states are Colorado, Florida, Georgia, Kansas, Nevada, New Mexico, and North Carolina.

Proponents argue that early voting is convenient for voters and saves jurisdictions money by reducing the number of polling places and poll workers needed on Election Day, and also provides the voter with more opportunity to vote. Opponents counter that those who vote early do so with less information than Election Day voters, and there is no proof that early voting increases voter turnout. Statistics on voter turnout for early voting can be difficult to come by, partly because some states and localities combine early and absentee voting numbers.[11] Nevertheless, early voting in certain jurisdictions appears to be popular with voters and on the rise. In a New Mexico jurisdiction, election officials told us that early voting accounted for about 34 percent of the ballots cast in that jurisdiction. In North Carolina and Colorado elections jurisdictions we visited, election officials said that early voters cast about 35 and 38 percent of the jurisdictions' total votes in the November 2004 election, respectively. In a Nevada jurisdiction we visited, election officials told us that the percentage of voters who voted early steadily increased over time. The officials said that in 1996, about 17 percent of voters voted early; in 2000, 43 percent voted early; and in the November 2004 general election, about 50 percent (271,500) of their voters voted early.

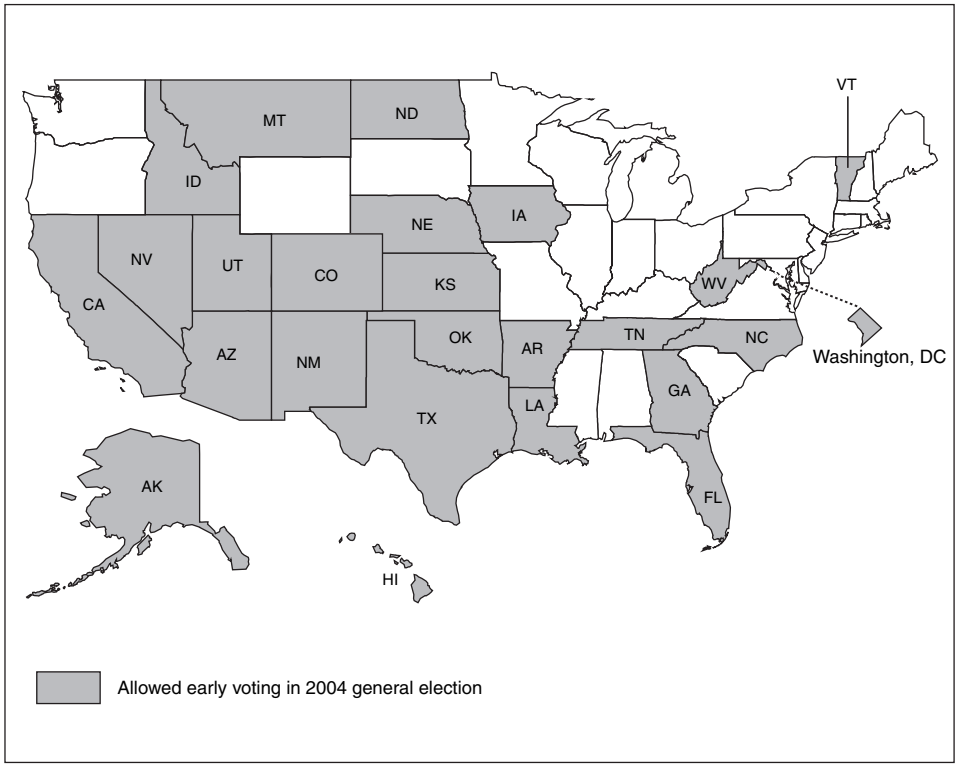
Our prior work on the 2000 general election did not identify states that offered early voting as we have defined it. Rather, we reported on absentee and early voting together. Thus, we are unable to identify the change in the number of states that offered early voting for the November 2000 general election and the November 2004 general election. We describe the availability of early voting throughout the nation and the challenges and issues that election officials encountered in the November 2004 general election as they conducted early voting in selected jurisdictions. Many early polling locations in Florida and elsewhere received media publicity about voters standing in long lines and waiting for long periods of time to vote early. In half of the local election jurisdictions we visited, election officials described encountering challenges that included long lines, and some identified challenges dealing with disruptive third-party activities at the polls.

[11]The statutory framework for early voting and absentee voting varies among the states—with some states, for example, providing early voting within the context of the state's absentee voting provisions, while others provide for absentee voting in the context of the state's early voting provisions.

Early Voting Appears to Be Gaining in Popularity

For the November 2004 general election, in our state survey, 24 states and the District of Columbia reported offering early voting. In addition, 2 states—Illinois and Maine—reported, in our state survey, that they had enacted legislation or taken executive action since November 2004 to provide for early voting in their states. Another 7 states reported that with respect to early voting, they (1) had legislation pending, (2) considered legislation in legislative session that was not enacted, or (3) had an executive action that was pending or was considered. Figure 25 shows where early voting was provided for the November 2004 general election.

Figure 25: Twenty-four States and the District of Columbia Reported Providing Early Voting as an Option in the November 2004 General Election



Sources: GAO survey of state election officials, MapArt (map).

On the basis of our survey of local jurisdictions, we estimate 23 percent of jurisdictions were in states that offered early voting. Furthermore, we estimate that 16 percent of small jurisdictions, 40 percent of medium jurisdictions, and 52 percent of large jurisdictions were in states that offered early voting. Small jurisdictions are statistically different from both medium and large jurisdictions.

The Number of Days and Hours to Conduct Early Voting

The number of days that early voting was available in these 24 states and the District of Columbia varied. In some cases, early voting was allowed no sooner than a day or a few days prior to Election Day, while in other cases voters had nearly a month or longer to cast an early ballot. Table 12 shows the range of days for early voting among the states and the District of Columbia that reported providing early voting for the November 2004 election.

Table 12: Early Voting Period in 24 Early Voting States and the District of Columbia, November 2004 General Election

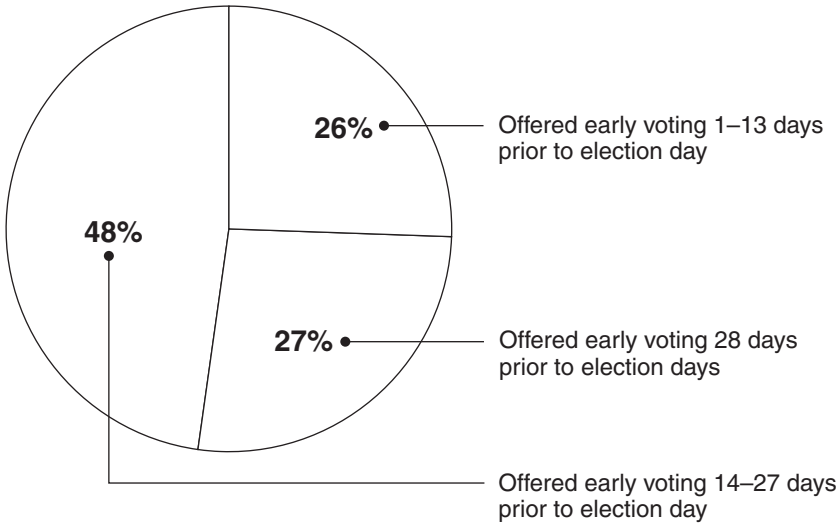
States that reported providing early voting	Statutory early voting period[a]
Alaska	16 days
Arizona	At least 30 days
Arkansas	15 days
California	30 days
Colorado	15 days
Florida	15 days
Georgia	5 days
Hawaii	10 days
Idaho	Beginning of early voting period is unspecified–early voting period ends on the day before the election
Iowa	Up to 40 days
Kansas	Up to 20 days
Louisiana	12 to 6 days
Montana	45 days
Nebraska	Beginning of early voting period is unspecified–early voting period ends by close of polls on Election Day
Nevada	14 days
New Mexico	17 days
North Carolina	Up to 19 days
North Dakota	15 days
Oklahoma	3 days
Tennessee	Up to 20 days
Texas	14 days
Utah	Beginning of early voting period is unspecified–early voting period ends on the day before the election
Vermont	Unspecified
West Virginia	18 days
District of Columbia	15 days

Source: GAO analysis.

[a]For the purposes of this table, the phrase "early voting period" refers to the period of time during which in-person early ballots may be cast in elections for federal office. Different time periods may be applicable under state laws with respect to early ballot applications and nonfederal elections.

On the basis of our survey of local jurisdictions, we estimate that 75 percent of the jurisdictions that offered early voting offered it for 2 or more weeks prior to Election Day. Figure 26 shows the estimated percentage of local jurisdictions that offered early voting for various time periods.

Figure 26: Estimated Percentage of Local Jurisdictions That Offered Early Voting for Various Time Periods, November 2004 General Election



Source: GAO 2005 survey of local election jurisdictions.

Note: The 95 percent interval for these percentages is +/- 10 percentage points or less. Figures do not total 100 because of rounding.

Among the local jurisdictions that we visited in the 7 states that provided early voting, we found that the shortest time frame allowed for early voting was in Georgia, which had 5 days, and the longest time frame allowed for early voting was in New Mexico, with 28 days. Furthermore, in the local jurisdictions we visited in the 7 states that provided early voting, election officials supplied information on early voting hours that ranged from weekday business hours to those that included weekends and evenings. For more details on the characteristics of early voting sites we visited, see appendix VII.

During the course of our work, a limited review of state statutes showed, for example, that Nevada statute requires early voting polling places be

open Monday through Friday, 8 a.m. to 6 p.m., during the first week of early voting and possibly to 8 p.m. during the second week, dependent upon the county clerk's discretion. In addition, under the Nevada provision, polling places must be open on any Saturdays within the early voting period from 10 a.m. to 6 p.m., and may be open on Sundays within the early voting period dependent upon the county clerk's discretion. Under these provisions, the early voting period is to begin the third Saturday prior to an election and end the Friday before Election Day. Similarly, Oklahoma statute provides that voters be able to cast early ballots from 8 a.m. to 6 p.m. on the Friday and Monday immediately before Election Day, and from 8 a.m. to 1 p.m. on the Saturday immediately before Election Day. Some states' statutes are less prescriptive, such as those of Florida, where the statute specifies that early voting should be provided for at least 8 hours per weekday during the early voting period, and at least 8 hours in the aggregate for each weekend during the early voting period, without specifying the specific hours such voting is to be offered. Other states, such as Kansas, however, do not specify in statute the hours for voting early.[12] Kansas statute, in general, leaves it to county election officials to establish the times for voting early. Officials at some local jurisdictions we visited said that their hours of operations were set based on the hours of the election office or by the hours of the facility that was hosting early voting such as a shopping mall or a library.

According to our survey of local jurisdictions, an estimated 34 percent[13] of local jurisdictions that provided early voting for the November 2004 general election offered early voting during regular business hours (e.g., from 8 a.m. until 4 p.m.) on weekdays, and 16 percent[14] offered early voting during regular business hours on weekdays and during other hours. Other hours included weekday evenings (after 4 p.m. or 5 p.m. until 7 p.m. or 9 p.m.) and Saturdays (all day) and Sundays (any hours) for about 2 percent of the jurisdictions, respectively.

[12]Kansas election officials reported that early voting in Kansas is called advance voting. Any registered voter may choose to vote an advance ballot by mail or in person with in-person voting in the county election office up to 20 days before any election, according to the election officials.

[13]The 95 percent confidence interval for this percentage is +/- 9 percentage points.

[14]The 95 percent confidence interval for this percentage is +7 or -5 percentage points.

Determining Number and Types of Early Voting Locations

As with early voting time frames, some states reported having requirements for local election jurisdictions regarding the number of early voting locations. In our state survey, 17 of the 25 entities (including 24 states and the District of Columbia) that reported offering early voting for the November 2004 general election also reported having requirements for local jurisdictions regarding the number or distribution of early voting locations. Kansas election standards, for example, provide for one such voting location per county unless a county's population exceeds 250,000, in which case the election officer may designate additional sites as needed to accommodate voters.

Election officials in 1 jurisdiction we visited said that state statute determined the number of locations, while election officials in 13 other jurisdictions told us they decided the number of locations. For example, New Mexico's early voting statutory provisions specifically require that certain counties with more than 200,000 registered voters establish not fewer than 12 voting locations each. During our site visits, we asked jurisdictions how they determined the number of early voting locations. In a Nevada jurisdiction that we visited, election officials said that the number of locations was determined by the availability of resources such as fiscal and manpower needs. In a Colorado jurisdiction we visited, an election official said he would like to have had more early voting locations but could not because the jurisdiction did not have the funds to pay for additional costs associated with additional sites, such as the cost for computer connections needed for electronic voter registration list capability. In a North Carolina jurisdiction we visited, election officials said that they had only one early voting location because they did not have election staff that would be needed to manage another site.

Conducting Early Voting

In many ways, early voting is conducted in a manner substantially similar to Election Day voting in that polling locations are obtained, workers are recruited to staff the sites for each day polling locations are to be open, and voting machines and supplies are delivered to the polling locations. However, as described by election officials in jurisdictions we visited that had early voting, early voting differs from Election Day voting in that staff are generally required to perform their voting day-related duties for more than 1 day, and staff generally do not use poll books to identify eligible voters and check them in. Instead, as described by some of these jurisdictions, early voting staff usually access the jurisdiction's voter registration list to identify eligible voters and to indicate the voter voted

early to preclude voting on Election Day or by absentee ballot. Also, election officials told us that, generally, staff must possess some computer skills and need to be trained in using the jurisdiction's voter registration system. Furthermore, staff must be aware that ballots are specific to the voter's precinct.

In our nationwide survey of local election jurisdictions, we asked about the type of staff who worked at early voting polling places. According to our survey for the November 2004 general election, local election jurisdictions relied on permanent election jurisdiction staff most often to work at early voting polling locations. As table 13 shows, we estimate 30 percent of local jurisdictions offered early voting using only permanent election jurisdiction staff to work at the early voting polling places; we estimate that 14 percent of local jurisdictions used poll workers exclusively; and we estimate 14 percent used other staff (e.g., county or city employees).

Table 13: Estimated Percentages of Local Jurisdictions That Used Various Staff Mixes at Early Voting Locations, November 2004 General Election

Staff	Percent
Permanent staff	30[a]
Poll workers	14[b]
Other (respondents wrote in other categories)	14[c]
Permanent and temporary part-time staff	7[d]
Permanent staff and poll workers	4
Permanent, temporary full-time, and temporary part-time staff and poll workers	4
Permanent and temporary full-time staff	4
Permanent and temporary part-time staff and poll workers	4
Temporary part-time staff and poll workers	3
Temporary full-time staff and poll workers	2
Permanent, temporary full-time, and temporary part-time staff	2
Temporary full-time and temporary part-time staff and poll workers	1

Source: GAO 2005 survey of local election jurisdictions.

[a]The 95 percent confidence interval for this percentage is +/- 9 percentage points.

[b]The 95 percent confidence interval for this percentage is +7 or -6 percentage points.

[c]The 95 percent confidence interval for this percentage is +8 or -6 percentage points.

[d]The 95 percent confidence interval for this percentage is +6 or -4 percentage points.

Election officials at 11 jurisdictions we visited emphasized the importance of staffing early voting locations with experienced staff such as election office staff or experienced and seasoned poll workers. Even with experienced staff working early voting locations, election officials at local jurisdictions we visited mentioned that staff were required to take training and were provided tools to help them perform their duties.

In our nationwide survey, we asked local jurisdictions that provided early voting about the ways that staff were trained for early voting. As shown in table 14, the majority of jurisdictions used methods, such as providing a checklist of procedures, written guidance for self-study or reference, and quick reference materials for troubleshooting, to train early voting staff.

Table 14: Estimated Percentages of Local Jurisdictions That Used Various Methods to Train Early Voting Staff, November 2004 General Election

Ways that early voting staff were trained	Percentage of local jurisdictions[a]
Provided a checklist of procedures	80
Provided written guidance for self-study or reference	78
Provided quick reference materials for troubleshooting	74
Provided classroom training	56
Viewed training video	31

Source: GAO 2005 survey of local election jurisdictions.

[a]The 95 percent confidence interval for all percentages is +/- 11 percentage points or less.

Local jurisdictions could do more than one of the above ways to train early voting staff. On the basis of our local survey, we estimate that 14 percent of local jurisdictions used classroom training, written guidance for self-study or reference, a checklist of procedures, and quick reference materials for troubleshooting to train early voting staff.[15]

When asked about what worked particularly well during early voting, election officials in 1 jurisdiction we visited in Colorado said that that they provided 8 hours of training and had on-site supervision that they thought contributed to a successful early voting experience. The election officials also said they used a feature in their electronic poll book system to track

[15] The 95 percent confidence interval for this percentage is +8 or -6 percentage points.

the number of ballots used at each site to determine whether sites had adequate inventories of ballots. The program for the poll book system had an alarm that went off if any site was running low on ballots, according to these election officials. Two other jurisdictions we visited in Kansas and Florida noted the importance of having experienced staff for early voting, with the election officials in 1 Kansas jurisdiction saying that designating a group of workers to work on early voting helped the process run effectively and the election officials in 1 Florida jurisdiction saying that having the supervisor of elections office staff on site to support early voting helped make the process work well.

Some Local Jurisdictions We Visited Encountered Long lines Resulting from Larger than Expected Early Voter Turnout

When asked about challenges with early voting faced during the November 2004 general election, in half of the local jurisdictions we visited that offered early voting election officials identified long lines as a major challenge. Election officials at 5 local jurisdictions we visited said that they had not anticipated the large number of voters who had turned out to vote early. Officials attributed challenges handling the large number of voters and resulting long lines to problems with technology, people, and processes. Election officials at local jurisdictions we visited made the following comments:

- Election officials in one Florida jurisdiction we visited said that their jurisdiction faced more early voters than anticipated and this fact, coupled with slowness in determining voter eligibility, resulted in long lines. They said that on the first day of early voting, staff was unable to access the voter registration list because laptops were not functioning properly. To address the problem, a worker at the early voting location paired with another worker, who called the supervisor of elections office to obtain voter registration information and provide information on the voter seeking to vote early.

- An election official in another Florida jurisdiction said that while state law provides for early voting in the main office of the supervisor of elections, other locations may be used only under certain conditions. For example, in order for a branch office to be used, it must be a full-service facility of the supervisor and must have been designated as such at least 1 year prior to the election. In addition, a city hall or public library may be designated as an additional early voting location, but only if the sites are located so as to provide all voters in the county an equal opportunity to cast a ballot, insofar as is practicable. The official thought more flexibility was needed to allow him to either have more early voting locations or use other types of

facilities, such as a local community center, that could accommodate more voters.

- An election official in a Nevada jurisdiction we visited said that the jurisdiction's process flow was inadequate to handle the large turnout for early voting. The election official said that the jurisdiction had not planned sufficiently to manage the large turnout for early voting and did not have enough staff to process voters. The election official said that in the future, he will hire temporary workers and will assign one person to be in charge of each process (e.g., checking in voters, activating the DRE machine, etc.) In addition, the election official said that, in hindsight, he made a questionable decision to close all but two early voting locations for the last day of early voting. The closing of all but two locations on the last day of early voting coincided with a state holiday so children were out of school. The decision to close all but two locations caused 3 to 3½ hours of wait time, with parents waiting in line with children. The election official said he has set a goal for the future that no wait time should be longer than half an hour.[16]

To address challenges related to heavy early voter turnout, election officials in 1 Nevada jurisdiction said they have gradually added new early voting locations each year to keep up with the increasing number of people who vote early. In a New Mexico jurisdiction we visited, election officials said that they used a smaller ratio of voters to machines than required by state statute. According to these election officials, the state required at least one machine for every 600 voters, and during early voting, the election officials said they used one machine for every 400 voters registered in the jurisdiction.

In 1 Colorado jurisdiction we visited, election officials said that they addressed the challenge of long lines by having greeters inform voters about the line and make sure the voters had required identification with them. They said they provided equipment demonstrations and passed out sample ballots so people in line could consider their choices, if they had

[16]The election official said that he closed all but two locations because he wanted to have enough time before Election Day to make sure that he got all of the data off the DRE machines (which were new) and have them ready to be transported to Election Day polling places.

not already done so. They also said they offered people in line the option of absentee ballot applications.

Some Jurisdictions We Visited Encountered Challenges Dealing with Disruptive Third-Party Activities

In 3 jurisdictions we visited, election officials stated that they encountered challenges dealing with disruptive third-party activities at early voting sites. In particular, concerns were raised about various groups attempting to campaign or influence voters while the early voters waited in line. State restrictions on various activities in or around polling places on Election Day include prohibitions relating to, for example, the circulation of petitions within a certain distance of a polling place, the distribution of campaign literature within a certain distance of the polls, the conduction of an exit or public opinion poll within a certain distance of the polls, and disorderly conduct or violence or threats of violence that impede or interfere with an election. Election officials in 1 jurisdiction we visited stated that campaign activities too close to people waiting in line were a concern to the extent that police were called in to monitor the situation at one early voting location. Election officials in a Florida jurisdiction we visited said that they were concerned about solicitors, both candidates and poll watchers, approaching people waiting in line to vote early and offering them water or assistance in voting.[17] While Florida's statutory provisions in place for the November 2004 general election contained restrictions of various activities in or around polling places on Election Day, such provisions did not explicitly address early voting sites. Amendments to these provisions, effective January 2006, among other things, explicitly applied certain restrictions of activities in or around polling places to early voting areas. With respect to poll watchers, these amendments also prohibit their interaction with voters to go along with the pre-existing prohibition on obstructing the orderly conduct of any election by poll watchers.

Concluding Observations

Making voting easier prior to Election Day has advantages for voters and election officials, but also presents challenges for elections officials. Many

[17]Florida statutory provisions in place for the November 2004 general election provided, in part, that each political party and each candidate may have one watcher in each polling room at any one time during an election. Such statutory provisions further provided, among other things, that no watcher shall be permitted to come closer to the official's table or the voting booths than is reasonably necessary to properly perform his or her functions, but each shall be allowed within the polling room to watch and observe the conduct of electors and officials.

states and local jurisdictions appear to be moving in the direction of enabling voters to vote before Election Day by eliminating restrictions on who can vote absentee and providing for early voting. Many states allowed voters to use e-mail and facsimiles to request an absentee ballot application and, in some cases, to return applications. To the extent that large numbers of voters do vote absentee or early, it can reduce lines at the polling place on Election Day and, where permitted by state law, ease the time pressures of vote counting by allowing election officials to count absentee and early votes prior to Election Day.

However, there are also challenges for election officials. An estimated 55 percent of jurisdictions received absentee ballot applications too late to process, and an estimated 77 percent received ballots too late. Although we do not know the extent of these problems in terms of the number of applications and ballots that could not be processed, the estimated number of jurisdictions encountering these problems may be of some concern to state and local election officials. Absentee application deadlines close to Election Day provide citizens increased time to apply to vote absentee. However, the short time period between when applications are received and Election Day may make it difficult for election officials to ensure that eligible voters receive absentee ballots in time to vote and return them before the deadline for receipt at election offices.

Voter errors on their absentee applications and ballots also create processing problems for election officials. These include missing or illegible signatures, missing or inadequate voting residence addresses, and missing or incomplete witness information for a voter's signature or other information. In addition, mail-in absentee ballots are considered by some to be particularly susceptible to fraud. This could include such activities as casting more than one ballot in the same election or someone other than the registered voter completing the ballot. Despite efforts to guard against such activities, election officials in some of the jurisdictions we visited expressed some concerns, particularly regarding absentee voters being unduly influenced or intimated by third parties who went to voters' homes and offered to assist them in voting their ballots. Some election officials expressed similar concerns about the influence of third parties on early voters waiting in line who were approached by candidates and poll watchers. After this happened in Florida in November 2004, the state amended its election provisions to prohibit such activity with respect to early voters.

Getting absentee ballots to uniformed service personnel and overseas citizens is a continuing challenge. UOCAVA permitted such voters to request an absentee ballot for the upcoming election, and HAVA extended the covered period to include up to two subsequent general elections for federal office. Because the duty station of uniformed service personnel may change during the period covered by the absentee ballot requests, election officials in jurisdictions we visited were concerned that they have some means of knowing the current mailing address. Some jurisdictions are taking action to ensure that they have the correct address for sending absentee ballots for the November 2006 election, such as requesting e-mail addresses that can be used to obtain the most current address information prior to mailing the absentee ballot. To the extent there are problems identifying the correct address, uniformed service personnel and overseas civilians may either not receive an absentee ballot or receive it too late to return it by the deadline required for it to be counted.

Conducting Elections

Whether voters are able to successfully vote on Election Day depends a great deal on the planning and preparation that occur prior to the election. Election officials carry out numerous activities—including recruiting and training poll workers; selecting and setting up polling places; designing and producing ballots; educating voters; and allocating voting equipment, ballots, and other supplies to polling places—to help ensure that all eligible voters are able to cast a ballot on Election Day with minimal problems.[1] In our October 2001 comprehensive report on election processes nationwide we described these activities as well as problems encountered in administering the November 2000 general election.[2] Since then, federal and state actions have been taken to help address many of the challenges encountered in conducting the November 2000 general election. However, reports after the November 2004 general election highlighted instances of unprepared poll workers, confusion about identification requirements, long lines at the polls, and shortages of voting equipment and ballots that voters reportedly encountered on Election Day. This chapter describes changes and challenges—both continuing and new—that election officials encountered in preparing for and conducting the November 2004 general election.

Overview

States and local jurisdictions have reported making changes since the November 2000 general election as a result of HAVA provisions and other state actions to improve the administration of elections in the United States. In addition to establishing a commission—the U.S. Election Assistance Commission—with wide-ranging duties that include providing information and assistance to states and local jurisdictions—HAVA also established requirements with respect to elections for federal office for, among other things, certain voters who register by mail to provide identification prior to voting; mandated that voting systems accessible to individuals with disabilities be located at each polling place; and required voter information to be posted at polling places on Election Day. HAVA also authorized the appropriation of federal funds for payments to states to implement these provisions and make other improvements to election administration. Since the November 2000 general election, some states

[1]Jurisdictions call their poll workers by different titles, including clerks, wardens, election judges, inspectors, captains, and precinct officers and often have a chief poll worker for each polling place.

[2]See GAO-02-3.

have also reported making changes to their identification requirements for all voters.

Election officials reported encountering many of the same challenges preparing for and conducting the November 2004 general election as they did in 2000, including recruiting and training an adequate supply of skilled poll workers, locating a sufficient number of polling places that met requirements, designing ballots that were clear to voters when there were many candidates or issues (e.g., propositions, questions, or referenda), having long lines at polling places, and handling the large volume of telephone calls received from voters and poll workers on Election Day. Election officials in some of the jurisdictions we visited also reported encountering new challenges not identified to us in the 2000 general election with third-party (e.g., poll watchers, observers, or electioneers) activities at polling places on Election Day. On the basis of our survey of a representative sample of local election jurisdictions nationwide and our visits to 28 local jurisdictions, the extent to which jurisdictions encountered many of these continuing challenges varied by the size of election jurisdiction. Large and medium jurisdictions—those jurisdictions with over 10,000 people—generally encountered more challenges than small jurisdictions. In most results from our nationwide survey where there are statistical differences between the size categories of jurisdictions, large jurisdictions are statistically different from small jurisdictions.

HAVA Made Changes Intended to Improve Election Administration

HAVA established EAC to provide voluntary guidance and assistance with election administration, for example, by providing information on election practices to states and local jurisdictions and administering programs that provide federal funds for states to make improvements to some aspects of election administration.[3] HAVA also added a new requirement for states to in turn require certain first-time voters who register by mail who have not previously voted in a federal election in the state to provide identification prior to voting,[4] and jurisdictions reported taking steps to implement this requirement and inform voters about it. In addition, HAVA includes provisions to facilitate voting for individuals with disabilities, such as requirements for accessible voting systems in elections for federal

[3]HAVA section 201 et seq. (codified at 42 U.S.C. § 15321 et seq.).

[4]HAVA section 303(b) (codified at 42 U.S.C. § 15483(b)).

office.[5] HAVA established voter information requirements at polling places on the day of election for federal office[6] and authorized the appropriation of funding for payments to states to expand voter education efforts.

HAVA Established EAC to Provide Guidance and Assistance with Election Administration

HAVA established EAC, in part, to assist in the administration of federal elections by serving as a national clearinghouse for information and providing guidance and outreach to states and local officials.[7] In our October 2001 report on election processes, we estimated that on the basis of our survey of local election jurisdictions in 2001, 40 percent of local election jurisdictions nationwide were supportive of federal development of voluntary or mandatory standards for election administration similar to the voluntary standards available for election equipment. We also reported in 2001 that some election officials believed that greater sharing of information on best practices and systematic collection of information could help improve election administration across and within states.[8] To assist election officials, since its establishment, EAC has produced two clearinghouse reports, one of which covers election administration.[9] EAC released a *Best Practices Toolkit on Election Administration* on August 9, 2004, to offer guidance to election officials before the November 2004 general election. The document is a compilation of practices used by election officials that covers topics such as voter outreach, poll workers, polling places, and election operations. Of note, this compilation provided election officials with a checklist for HAVA implementation that covers identification for new voters, provisional voting, complaint procedures, and access for individuals with disabilities. EAC has made this guidance available to states and local jurisdictions via its Web site and engaged in

[5]HAVA section 301(a)(3) (codified at 42 U.S.C. § 15481(a)(3)).

[6]HAVA section 302(b) (codified at 42 U.S.C. § 15482(b)).

[7]Prior to the establishment of EAC, the Federal Election Commission's Office of Election Administration served as a national clearinghouse for information regarding the administration of federal elections.

[8]See GAO-02-3.

[9]The second report covers voting by absent uniformed service voters and citizens residing outside of the United States. On September 21, 2004, EAC released *Best Practices for Facilitating Voting by U.S. Citizens Covered by UOCAVA*, which was compiled in consultation with the U.S. Department of Defense Federal Voting Assistance Program. This report describes methods to enhance absentee voter registration by UOCAVA voters and ensure the timely receipt of their ballots.

public hearings and outreach efforts to inform the election community about the resource tool.

EAC also administers programs that provide federal funds for states under HAVA to make improvements to aspects of election administration, such as implementing certain programs to encourage youth to become involved in elections; training election officials and poll workers; and establishing toll-free telephone hotlines that voters may use to, among other things, obtain general election information. The results of our state survey of election officials show that as of August 1, 2005, most states reported spending or obligating HAVA funding for a variety of activities related to improving election administration. For example, 45 states and the District of Columbia reported spending or obligating HAVA funding for training election officials, and 32 states and the District of Columbia reported spending or obligating funding to establish toll-free telephone hotlines.

HAVA Added a New Requirement for Certain Voters, and Jurisdictions Reported Taking Steps to Inform Voters

As discussed in chapter 2, under HAVA, states are to require certain first-time voters who registered to vote by mail to provide identification prior to voting.[10] Voters who are subject to this provision are those individuals who registered to vote in a jurisdiction by mail and have not previously voted in a federal election in the state, or those who have not voted in a federal election in a jurisdiction which is located in a state that has not yet established a computerized voter registration list, as required by HAVA. When voting in person, these individuals must (if not already provided with their mailed application) present a current and valid photo identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Under HAVA, voters at the polls who have not met this identification requirement may cast a vote under HAVA's provisional voting provisions. Additional information on provisional voting processes and challenges is presented in chapter 5.

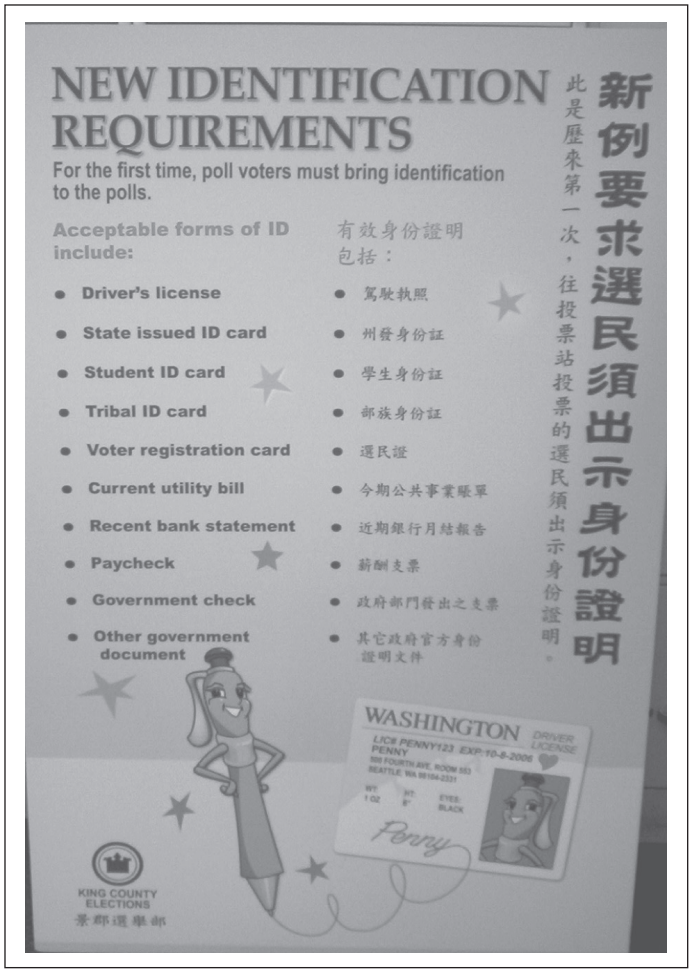
Election officials in 21 of the 28 jurisdictions we visited reported encountering no problems implementing the HAVA first-time voter ID requirement, and officials in some of these jurisdictions provided reasons

[10]HAVA requirements to present ID at the time of voting for mail registrants are, in general, not applicable to certain types of voters such as, for example, persons who have previously submitted required ID with their mail registration, and those entitled to vote by absentee ballot under UOCAVA.

why there were no problems.[11] For example, election officials in 2 jurisdictions in Colorado told us that they did not encounter implementation problems because all voters, under state requirements, were required to show identification. Election officials in some other jurisdictions we visited reported that they took steps to inform voters of the new HAVA ID requirement for such voters registering by mail. For example, election officials in a jurisdiction in Ohio reported that they contacted about 300 prospective voters twice, either by phone or by letter, prior to the election to inform them that that they needed to show identification. Figure 27 illustrates a poster used in a jurisdiction we visited to inform prospective voters about the new identification requirements.

[11]Election officials in 6 other jurisdictions we visited reported encountering some problems, such as poll worker confusion or administrative burdens associated with mailing postcards to all voters who needed to show identification at polling places. Election officials in 1 jurisdiction we visited told us that this HAVA requirement was not implemented until 2005.

Figure 27: King County, Washington, Poster Used to Inform Prospective Voters of New Identification Requirements



Source: GAO (photo).

HAVA Includes Provisions to Facilitate Voting for Individuals with Disabilities

HAVA contains provisions to help facilitate voting for individuals with disabilities,[12] including requirements for the accessibility of voting systems used in elections for federal office, effective January 1, 2006. HAVA also authorized the appropriation of funding for payments to states to improve the accessibility of polling places. In October 2001, we issued a report that examined state and local provisions and practices for voting accessibility, both at polling places and with respect to alternative voting methods and accommodations.[13] We reported in 2001 that all states and the District of Columbia had laws or other provisions concerning voting access for individuals with disabilities, but the extent and manner in which these provisions addressed accessibility varied from state to state. In addition, in our 2001 report we noted that various features of the polling places we visited had the potential to prove challenging for voters with certain types of disabilities. On the basis of our observations on Election Day 2000, we also estimated that most polling places in the contiguous United States had one or more physical features, such as a lack of accessible parking or barriers en route to the voting room, that had the potential to pose challenges for voters with disabilities.[14] Results from our 2005 surveys show that at the time of the November 2004 general election, many states and local jurisdictions had taken steps to meet HAVA's requirement for accessible voting systems, as well as making other changes to help improve the accessibility of voting for individuals with disabilities.

HAVA Requirements for Accessible Voting Systems

HAVA requires that, effective January 1, 2006, each voting system used in a federal election must meet certain accessibility requirements. These voting systems are required to provide individuals with disabilities with the same opportunity for access and participation (including independence and

[12]Other federal laws affecting voting for individuals with disabilities include the Americans with Disabilities Act of 1990 (Pub. L. No. 101-336, 104 Stat. 327 (1990)), which, in general, provides civil rights protection to individuals with disabilities similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion, and the Voting Accessibility for the Elderly and Handicapped Act (Pub. L. No. 98-435, 98 Stat. 1678 (1984)), which, in general, requires registration facilities and polling places for federal elections to be physically accessible to the elderly and those with disabilities.

[13]For more information, see GAO, *Voters with Disabilities: Access to Polling Places and Alternative Voting Methods*, GAO-02-107 (Washington, D.C.: Oct. 15, 2001).

[14]In our October 2001 report we reported that these potential impediments would primarily affect individuals with mobility impairments. We also reported that polling places generally provide accommodations, such as curbside voting, voting stations designed for people with disabilities, and voter assistance inside the voting room.

privacy) as for other voters. These HAVA requirements specify that such accessibility include nonvisual accessibility for voters who are blind or visually impaired. HAVA provides for the use of at least one DRE or other voting system equipped for voters with disabilities at each polling place. The results of our state survey show that as of August 1, 2005, 41 states and the District of Columbia reported having laws (or executive action) in place to provide each polling location with at least one DRE voting system or other voting system equipped for individuals with disabilities by January 1, 2006. Of the remaining 9 states, 5 reported having plans to promulgate laws or executive action to provide each polling location with at least one DRE voting system or other voting system equipped for individuals with disabilities, and 4 reported that they did not plan to provide such equipment or were uncertain about their plans.[15]

Some local election jurisdictions provided accessible voting machines at polling places for the November 2004 general election. On the basis of our survey of a representative sample of local election jurisdictions nationwide, we estimate that 29 percent of all jurisdictions provided accessible voting machines at each polling place in the November 2004 general election.[16] Further, more large and medium jurisdictions provided accessible voting machines than small jurisdictions. We estimate that 39 percent of large jurisdictions, 38 percent of medium jurisdictions, and 25 percent of small jurisdictions provided accessible voting machines at each polling place. The differences between both large and medium jurisdictions and small jurisdictions are statistically significant. Election officials from some small jurisdictions who provided written comments on our survey questionnaire expressed concerns about how this requirement would be implemented in their jurisdictions and whether electronic voting machines were the best alternative. For example, one respondent wrote: "We [live] in a small town … and use paper ballots and that has worked very well in the past and I believe will work very well in the future. Voting machines should be decided on for much larger areas with a lot more than our 367 population with 150 voters." Another wrote: "We are a small rural

[15]The 5 states that reported having plans were Kansas, Louisiana, Ohio, Oklahoma, and Wyoming. The 4 states that reported having no plans or were uncertain about their plans were Delaware, Massachusetts, Missouri, and Tennessee.

[16]Unless otherwise noted, the maximum sampling error for estimates of all jurisdictions is plus or minus 5 percentage points (rounded); +/- 7 percentage points (rounded) for large population size jurisdictions; +/- 7 percentage points (rounded) for medium population size jurisdictions; and +/- 5 percentage points (rounded) for small population size jurisdictions.

township with about 160 voters. Our 2004 election went well; as usual, we had no problems. We use paper ballots. We have some concerns with the implementation of HAVA. We are being forced to use expensive voting machines that will require expensive programming for every election. We are concerned about these costs.… If our limited budget can't afford those expensive machines and programming, we may need to combine our township polling place with another township—maybe several townships. The additional driving to a different polling place miles away will discourage voters from voting—particularly our elderly residents. So these efforts (HAVA) to help voters will actually hinder voters."

In an effort to address these issues, Vermont, which has about 250 small and medium election jurisdictions that use paper and optical scan ballots, took an alternative approach to meeting the HAVA requirement, according to an election official. Instead of providing one DRE machine for each of its 280 polling places, Vermont plans to implement a secure vote-by-phone system that allows voters to mark a paper ballot, in private, using a regular telephone at the polling place. According to the Vermont's Secretary of State's Office, a poll worker uses a designated phone at the polling place to call a computer system located at a secure location and access the appropriate ballot for the voter. The computer will only permit access to the system from phone numbers that have been entered into the system prior to the election, and only after the proper poll worker and ballot access numbers have been entered. The phone system reads the ballot to the voter, and after the voter makes selections using the telephone key pad, the system prints out a paper ballot that is automatically scanned by the system and played back to the voter for verification. The voter may then decide to cast the ballot or discard it and revote. The system does not use the Internet or other data network, and it produces a voter-verified paper ballot for every vote cast. In addition, according to an election official, voters are able to dial into a toll-free telephone number for at least 15 days prior to an election to listen to, preview, and practice with the actual ballot they will vote on Election Day. This is a way of providing a sample ballot to voters, as well as providing an opportunity for voters to become familiar with using the telephone system.

Provisions for Polling Place Accessibility and Other Accommodations

For our October 2001 report on voters with disabilities, our analysis included a review of state statutes, regulations, and written policies pertaining to voting accessibility for all 50 states and the District of Columbia, as well as policies and guidelines for a statistical sample of 100 counties.[17] As part of our 2005 surveys, we asked states to report on provisions concerning accessibility and local jurisdictions whether they provided accommodations or alternative voting methods for individuals with disabilities in the November 2004 general election. While the methodologies in the 2001 report and this report differ, results of our 2005 surveys show that states and local jurisdictions have taken actions to help improve voting for individuals with disabilities by, for example, using HAVA funds, taking steps to help ensure accessibility of polling places, and providing alternative voting methods or accommodations.

Most states reported that they had spent or obligated HAVA funding to improve the accessibility of polling places, including providing physical or nonvisual access. The results of our state survey of election officials show that as of August 1, 2005, 46 states and the District of Columbia reported spending or obligating HAVA funding for this purpose. For instance, election officials in a local jurisdiction we visited in Colorado told us they had used HAVA funds to improve the accessibility of polling places by obtaining input from the disability community, surveying the accessibility of their polling places, and reviewing the DRE audio ballot with representatives of the blind community.

States and local jurisdictions reported taking a variety of actions designed to help ensure that polling places are accessible for voters with disabilities, including specifying guidelines or requirements, inspecting polling places to assess accessibility, and reporting by local jurisdictions on polling place accessibility to the state. In our October 2001 report on voters with disabilities, we noted that state involvement in ensuring polling places are accessible and the amount of assistance provided to local jurisdictions could vary widely. For example, in 2001 we reported that 29 states had provisions requiring inspections of polling places, and 20 states had provisions requiring reporting by local jurisdictions.[18] According to our 2005 state survey, 43 states and the District of Columbia reported requiring or allowing inspections of polling places, and 39 states and the District of

[17]See GAO-02-107.

[18]See GAO-02-107.

Columbia reported that they required or allowed reporting by local jurisdictions. From our local jurisdiction survey, we estimate that 83 percent of jurisdictions nationwide used state provisions to determine the accessibility requirements for polling places. During our site visits to local jurisdictions, we asked election officials to describe the steps they took to ensure that polling places were accessible. Election officials in many of the jurisdictions we visited told us that either local or state officials inspected each polling location in their jurisdiction using a checklist based on state or federal guidelines. For example, election officials in the 4 jurisdictions we visited in Georgia and New Hampshire told us that state inspectors conducted a survey of all polling locations. Election officials in the 2 jurisdictions we visited in Florida told us that they inspected all polling places using a survey developed by the state. Appendix IX presents additional information about state provisions for alternative voting methods and accommodations for the November 2000 and 2004 general elections.

In addition to making efforts to ensure that polling places are accessible, some local jurisdictions provided alternative voting methods pursuant to state provisions (such as absentee voting) or accommodations at polling places (such as audio or visual aids) that could facilitate voting for individuals with disabilities. Table 15 presents results from our survey of local election jurisdictions about the estimated percentages of jurisdictions that provided alternative voting methods or accommodations to voters for the November 2004 general election.

Table 15: Estimated Percentages of All Local Jurisdictions and by Jurisdiction Size That Provided Alternative Voting Methods and Accommodations for the November 2004 General Election

Provision[a]	Percentage of all jurisdictions	Percentage of small jurisdictions (<10,000)	Percentage of medium jurisdictions (10,000 to 100,000)	Percentage of large jurisdictions (>100,000)
Early voting[b]	27	20	41	49[c]
Absentee voting (no excuse or an allowable excuse)	86	84	91	89
Permanent absentee voting (for instance, absentee voting status for a time period or number of elections)[b]	58	52[d]	74	68
Curbside voting	55	55[d]	54	60
Audio or visual aids to assist voters with disabilities (magnifying lens)[e]	42	38[d]	50	57[c]
Braille ballots or voting methods	15	15	16	10
Large-font ballots or instructions	13	11	19	21

Source: GAO 2005 survey of local election jurisdictions.

[a]Some provisions, such as early voting, might not be provided by some jurisdictions because state provisions do not authorize them. Some provisions may not be applicable for the type of voting system a jurisdiction uses.

[b]The differences between both large and medium jurisdictions and small jurisdictions are statistically significant.

[c]The 95 percent confidence interval for these percentages is +/- 8 percentage points.

[d]The 95 percent confidence interval for these percentages is +/- 6 percentage points.

[e]The difference between large and small jurisdictions is statistically significant.

HAVA Helped to Expand State and Local Jurisdictions' Voter Education Efforts

Election officials' efforts to educate citizens can help minimize problems that could affect citizens' ability to successfully vote on Election Day. Informing the public about key aspects of elections includes communicating how to register, what opportunities exist to vote prior to Election Day, where to vote on Election Day, and how to cast a ballot. This information can be distributed through a number of different media, including signs or posters, television, radio, publications, in-person demonstrations, and the Internet. In our October 2001 report on election processes, we stated that lack of funds was the primary challenge cited by election officials in expanding voter education efforts. From our 2001 survey of local election jurisdictions, we estimated that over a third of jurisdictions nationwide believed that the federal government should

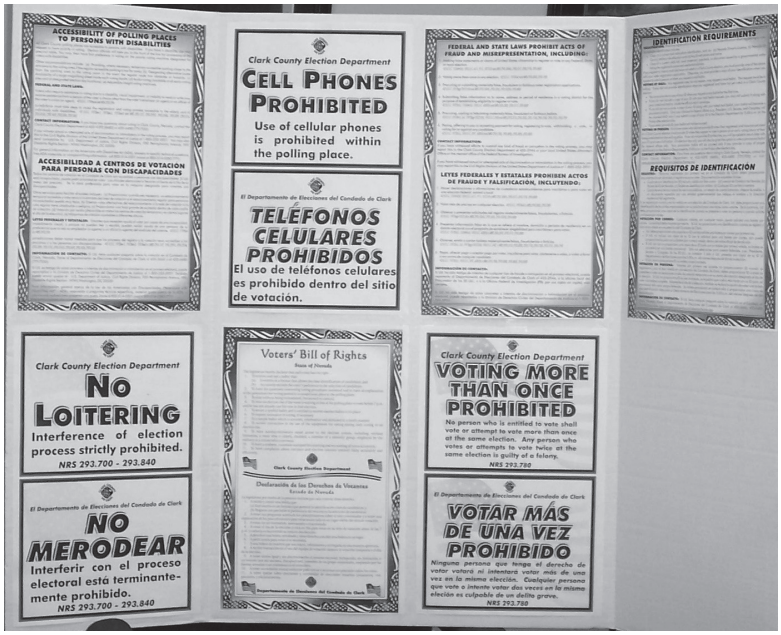
provide monetary assistance for voter education programs.[19] Since the November 2000 election, changes in voter education efforts include HAVA requiring certain information to be posted at polling places and authorizing the payment of federal funds to states to use for educating voters, and states and local jurisdictions reported expansion of voter education efforts.

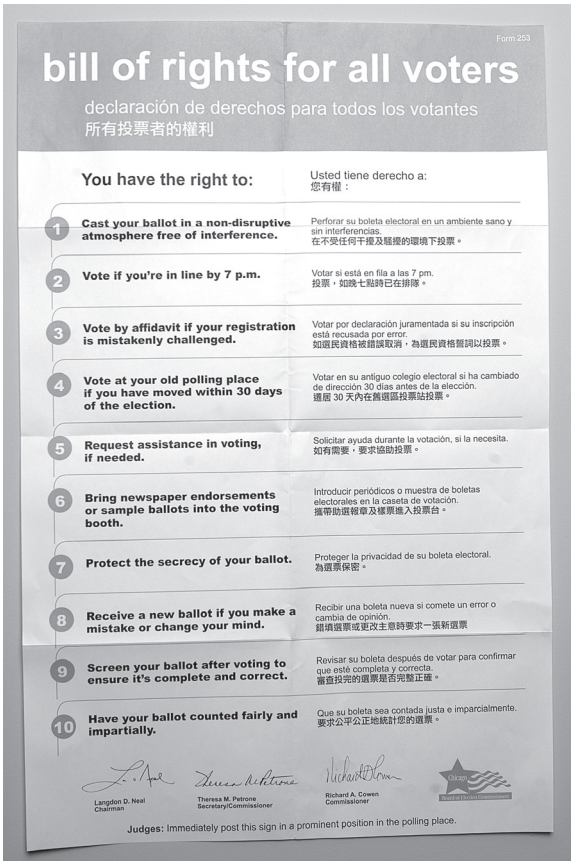
HAVA Required Voter Information at Polling Places and Provided for Funding to States

To help improve voters' knowledge about voting rights and procedures, HAVA required election officials to post voting information at each polling place on the day of each election for federal office and authorized the payment of funding to states for such purposes. This required voting information includes a sample ballot, polling place hours, instructions on how to vote, first-time mail-in instructions, and general information on federal and state voting rights laws and laws prohibiting fraud and misrepresentation. Results of our state survey of election officials show that as of August 1, 2005, 40 states and the District of Columbia reported spending or obligating HAVA funding for voting information, such as sample ballots and voter instructions, to be posted at polling places. Election officials in all 28 jurisdictions we visited told us they posted a variety of voter information signs at polling places on Election Day 2004. Figure 28 illustrates examples of some of these signs.

[19]See GAO-02-3.

Figure 28: Examples of Voter Information Signs Posted at Polling Places for the November 2004 General Election





Source: Clark County, Nevada, and Chicago, Illinois, posters (GAO photos).

HAVA also authorized the payment of funding for voter education programs in general, and according to our state survey, as of August 1, 2005, 44 states and the District of Columbia reported spending or obligating HAVA funding for these programs. For example, according to its HAVA plan, Florida required local election officials to provide descriptions of proposed voter education efforts, such as using print, radio, or television to advertise to voters, in order to receive state HAVA funds in fiscal years 2003 and 2004. Election officials in 2 jurisdictions we visited in Florida provided us information about voter education campaigns that they implemented. Election officials in 1 of these jurisdictions reported designing election

advertisements to be shown on movie theater screens in the beginning of the summer season; election officials in the other jurisdiction told us they implemented a "Get Out the Vote" television advertising campaign with a cable company intended to reach hundreds of thousands of households during the weeks prior to the November 2004 general election.

Variety of Local Election Jurisdictions' Actions to Educate Prospective Voters

More local election jurisdictions appear to have taken steps to educate prospective voters prior to Election Day in 2004 than in 2000, and on the basis of our 2005 survey of local jurisdictions, more large and medium jurisdictions took these steps than small jurisdictions. In our October 2001 report on election processes, we noted that local election jurisdictions provided a range of information to prospective voters through multiple media. For example, on the basis of our 2001 survey of local jurisdictions, we reported that between 18 and 20 percent of local jurisdictions nationwide indicated they placed public service ads on local media, performed community outreach programs, or put some voter information on the Internet. On the basis of our 2005 survey, we estimate that more jurisdictions provided these measures. For instance, we estimate that 49 percent of all jurisdictions placed public service ads on local media, and 43 percent of all jurisdictions listed polling places on the Internet. However, increases in the overall estimates from the 2001 and 2005 surveys are, in part, likely due to differences in the sample designs of the two surveys and how local election jurisdictions that were minor civil divisions (i.e., subcounty units of government) were selected. Because of these sample design differences, comparing only election jurisdictions that are counties provides a stronger basis for making direct comparisons between the two surveys' results.[20] These county comparisons show increases as well. For instance, for the November 2000 election, we estimate that 21 percent of county election jurisdictions placed public service ads on local media, while for the November 2004 election, we estimate that 61 percent of county election jurisdictions placed such ads.[21]

[20]For this reason, some estimates from the 2001 survey are slightly different than the overall sample estimates provided in our prior report. For these comparisons, the 95 percent confidence interval is +/- 5 percent or less for the 2001 survey estimates and +/- 8 percent or less for the 2005 survey estimates. See appendix V for further details about the sampling differences between the 2001 and 2005 local election jurisdiction surveys.

[21]In addition, some of the increase may be because of changes in how the question was worded. However, as noted above, HAVA authorized the payment of funding to states for voter education programs, and according to our survey of state election officials, most states reported obligating or spending HAVA funds for voter education.

In our 2005 survey, we also looked at whether there were differences between the size categories of jurisdictions, and generally, more large jurisdictions provided voter education prior to Election Day than medium and small jurisdictions. For instance, we estimate that 88 percent of large jurisdictions, 46 percent of medium jurisdictions, and 38 percent of small jurisdictions listed polling place locations on Internet Web sites. Table 16 presents estimated percentages of jurisdictions that provided various voter education steps prior to the November 2004 general election.

Table 16: Estimated Percentages of All Local Jurisdictions and by Jurisdiction Size That Took Steps to Provide Voter Education Prior to the November 2004 General Election

Step	Percentage of all jurisdictions	Percentage of small jurisdictions (<10,000)	Percentage of medium jurisdictions (10,000 to 100,000)	Percentage of large jurisdictions (>100,000)
Provided sample ballots, either by mail or by printing in newspaper	87	86	91	86
Placed polling place locations on Internet Web site[a]	43	38[b]	46	88
Placed public service ads on local media, such as TV, radio, or newspapers[c]	49	43[b]	62	63
Conducted outreach with local organizations, such as political parties or charitable or social groups[d]	26	16	43	76
Mailed vote-casting instructions on using the jurisdiction's voting system to registered voters[a]	12	11	9	28
Demonstrations of voting equipment (at county fairs, registrar's office, public events)[d]	28	21	41	61
Provided information to voters about their specific polling place location[e]	83	82	83	92

Source: GAO 2005 survey of local election jurisdictions.

[a]The differences between large jurisdictions and both medium and small jurisdictions are statistically significant

[b]The 95 percent confidence interval for these percentages is +/- 6 percentage points.

[c]The differences between both large and medium jurisdictions and small jurisdictions are statistically significant.

[d]All size categories are statistically different from one another.

[e]The difference between large and small jurisdictions is statistically significant.

Large jurisdictions may have provided voter education through multiple media in order to reach a broader audience of prospective voters. For instance, Web sites were used to provide information to voters by nearly all large jurisdictions. On the basis of our 2005 survey of local jurisdictions, we estimate that 93 percent of large jurisdictions, 60 percent of medium jurisdictions, and 39 percent of small jurisdictions had a Web site. The differences between all size categories are statistically significant. During our site visits, election officials in large jurisdictions described a variety of voter education mechanisms used to reach a number of prospective voters. For example, election officials in a large Nevada jurisdiction we visited told us that their office partnered with power, water, and cable companies to provide voter registration information in subscribers' billing statements. Election officials in other jurisdictions we visited reported using a variety of other media to encourage participation or provide information to a broad audience of prospective voters. For example, figure 29 illustrates a billboard, cab-top sign, and milk carton used in local jurisdictions we visited.

Figure 29: Efforts to Inform Voters Prior to the November 2004 General Election



Source (top): Broward County, Florida, (bottom left to right): Leon County, Florida; Clark County, Nevada, milk carton (GAO photo).

Some States Reported Changing Identification Requirements for All Prospective Voters

Whether or not all voters should be required to show identification prior to voting is an issue that has received attention in the media and reports since the November 2000 general election. Recent state initiatives, such as those in Georgia, that in general require voters to provide photo identification, exemplify the challenge that exists throughout the election process in maintaining balance between ensuring access to all prospective voters and ensuring that only eligible citizens are permitted to cast a ballot on Election Day. Results of our state and local jurisdiction surveys show that while providing identification could be one of several methods used to verify identity, it was not required by the majority of states, nor was it the only way used to verify voters' identities in the majority of local jurisdictions for the November 2004 election. Voter identification requirements vary in flexibility, in the number and type of acceptable identification allowed, and in the alternatives available for verifying identity if a voter does not have an acceptable form of identification.

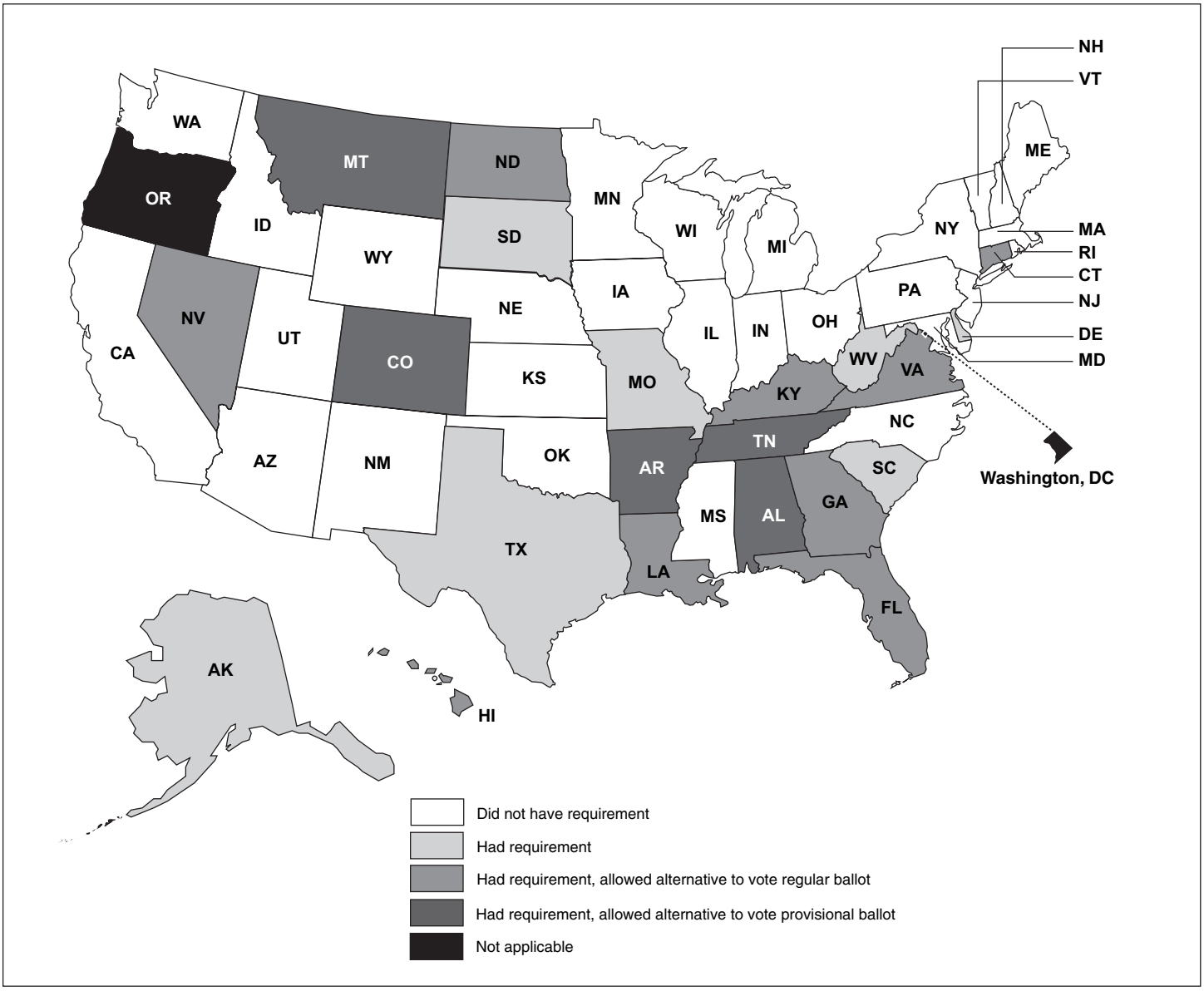
Results of our state survey of election officials show that for the November 2004 general election 28 states reported that they did not require all prospective voters to provide identification prior to voting in person.[22] Twenty-one states reported that they required all voters to provide identification prior to voting on Election Day 2004. However, 14 of these states reported allowing prospective voters without the required identification an alternative. In 9 of these 14 states the alternative involved voting a regular ballot in conjunction with, for example, the voter providing some type of affirmation as to his or her identity. For example, Connecticut, in general, allowed voters who were unable to provide required identification to swear on a form provided by the Secretary of State's Office that they are the elector whose name appears on the official registration list. Kentucky allowed an election officer to confirm the identity of a prospective voter by personal acquaintance or by certain types of documents if the prospective voter did not have the required identification. The other 5 states reporting that they offered an alternative did so through the use of a provisional ballot if a prospective voter did not have the required identification. For the November 2004 election, 5 of the 21 states that reported having identification requirements also had statutory provisions requiring, in general, that such identification include a

[22]Oregon conducts all-mail voting on Election Day; identification requirements for in-person voting are not applicable. The District of Columbia also reported on our survey that this requirement was not applicable.

photograph of the prospective voter.[23] For the other 16 states that reported requiring identification, there was a range of acceptable forms of identification, including photo identification, such as a driver's license, and other documentation, such as a copy of a government check or current utility bill with a voter's name and address. Figure 30 presents information on the identification requirements for prospective voters for the November 2004 general election for all 50 states and the District of Columbia.

[23]These states were Florida, Louisiana, Montana, South Carolina, and South Dakota.

Figure 30: States' Reported Identification Requirements for Prospective Voters for the November 2004 General Election



Source: GAO survey of state election officials.

In our nationwide survey, we asked local jurisdictions about how they checked voters' identities, such as by asking voters to state their name and address, verifying voters' signatures, or asking voters to provide a form of identification or documentation. On the basis of this survey, we estimate that 65 percent of all local jurisdictions checked voters' identification as one way to verify their identities on Election Day. However, in an estimated 9 percent of all jurisdictions, providing identification was the only way voters could verify their identities.

Since the November 2004 general election, several states have reported that they have considered establishing identification requirements for all prospective voters, and some reported that they have implemented requirements. Results of our state survey show that at the time of our survey, 9 states reported having either considered legislation (or executive action) or legislation (or executive action) was pending to require voters to show identification prior to voting on Election Day.[24] Four states, at the time of our survey, reported having taken action since November 2004 to require that voters show identification for in-person Election Day voting. For example, changes in Arizona law and procedure emanating from a November 2004 ballot initiative were finalized in 2005 after receiving approval from the Department of Justice. These Arizona changes require voters to present, prior to voting, one form of identification with the voter's name, address, and photo, or two different forms of identification that have the name and address of the voter. Indiana enacted legislation in 2005 requiring, in general, that voters provide a federal- or state-of-Indiana-issued identification document with the voter's name and photo prior to voting, whereas 2005 legislation in New Mexico and Washington imposed identification requirements but allowed prospective voters to provide one of several forms of photo or nonphoto forms of identification. In all four states, if voters are not able to provide a required form of identification, they are allowed to cast a provisional, rather than a regular, ballot. Finally, a state that had identification requirements in place for the November 2004 general election may have taken additional actions to amend such requirements. Georgia, for instance, required voters in the November 2004 general election to provide 1 of 17 types of photo or nonphoto identification. In 2005 Georgia enacted legislation that, in general, amended

[24]These 9 states are Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, Ohio, Oklahoma, Pennsylvania, and Wisconsin. Since our survey, more recent actions by states include, for example, Ohio's enactment of legislation, effective in May 2006, requiring voters to provide identification prior to voting.

and reduced the various forms of acceptable identification and made the presentation of a form of photo identification, such as a driver's license, a requirement to vote.[25]

Recruiting a Sufficient Number of Skilled, Reliable Poll Workers Continued to Be a Challenge for Large and Medium Jurisdictions

Having enough qualified poll workers to set up, open, and work at the polls on Election Day is a crucial step in ensuring that voters are able to successfully vote on Election Day. The number of poll workers needed varies across jurisdictions, and election officials recruit poll workers in a variety of ways using different sources and strategies. Some poll workers are elected, some are appointed by political parties, and some are volunteers. Election officials in jurisdictions we visited reported considering several different factors—such as state requirements, registered voters per precinct, historical turnout, or poll worker functions at polling places—to determine the total number of poll workers needed. On the basis of our survey of local jurisdictions, we estimate that recruiting enough poll workers for the November 2004 general election was not difficult for the majority of jurisdictions. However, large and medium jurisdictions encountered difficulties to a greater extent than small jurisdictions. To meet their need, election officials recruited poll workers from numerous sources, including in some cases, high schools and local government agencies, to help ensure that they were able to obtain enough poll workers for Election Day. Poll workers with specialized characteristics or skills were also difficult for some large and medium jurisdictions to find. Election officials in some jurisdictions we visited reported that finding qualified poll workers could be complicated by having a limited pool of volunteers willing to work long hours for low pay. Poll worker reliability continued to be a challenge for some jurisdictions—especially large jurisdictions—that depend on poll workers to arrive at polling places on time on Election Day.

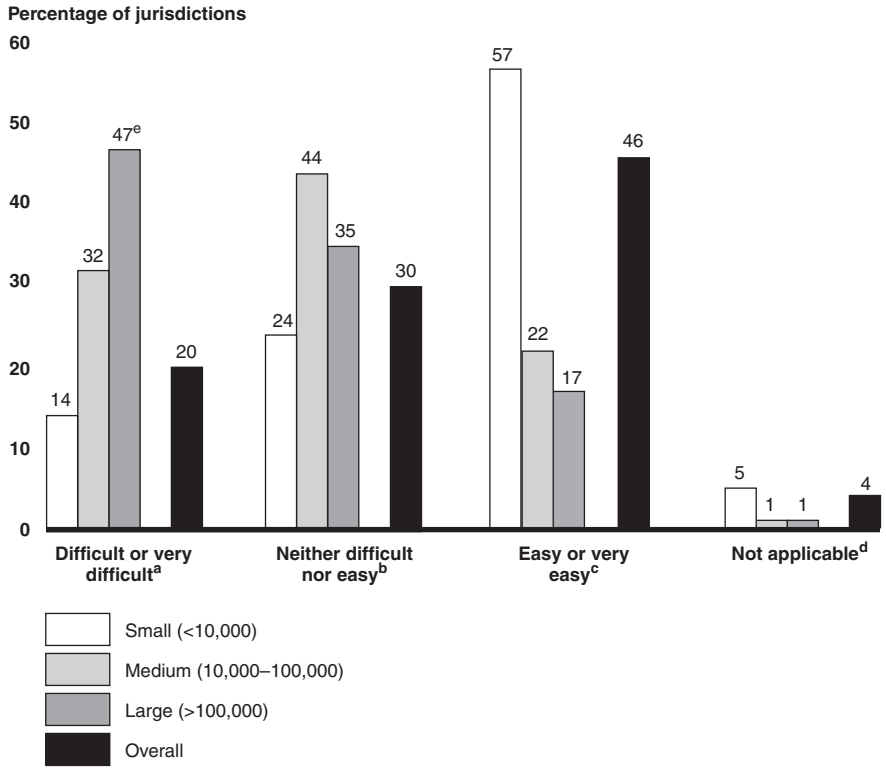
[25]In October 2005 a federal district court order (*Common Cause/GA v. Billups*, 406 F. Supp. 2d 1326 (N.D. Ga. 2005)) granted a preliminary injunction enjoining and restricting the state from enforcing or applying certain provisions of the 2005 Georgia amendments. Plaintiffs in the case allege, in general, that such amendments unduly burden the right to vote. On appeal, the U.S. Court of Appeals for the Eleventh Circuit remanded the case to the district court on February 10, 2006, for further proceeding in light of subsequent Georgia amendments to its voter identification laws enacted in January 2006.

Recruiting Enough Poll Workers Was Not Difficult for the Majority of Jurisdictions, but Many Large and Medium Jurisdictions Encountered Difficulties

We estimate that recruiting enough poll workers for the November 2004 general election was not difficult for the majority of jurisdictions, and may have been less of a challenge for the November 2004 election than it was for the November 2000 election. For example, on the basis of our 2001 survey of local jurisdictions, we estimate 51 percent of county election jurisdictions found it somewhat or very difficult to find a sufficient number of poll workers for the November 2000 election.[26] In contrast, from our 2005 survey, we estimate that 36 percent of county election jurisdictions had difficulties obtaining enough poll workers for the November 2004 election. In our 2005 survey, there are differences between size categories of election jurisdictions in the difficulties encountered obtaining a sufficient number of poll workers, with more large and medium jurisdictions encountering difficulties than small jurisdictions. As shown in figure 31, we estimate that 47 percent of large jurisdictions, 32 percent of medium jurisdictions, and 14 percent of small jurisdictions found it difficult or very difficult to obtain a sufficient number of poll workers.

[26]These estimates include only county election jurisdiction subgroup comparisons between the 2001 and 2005 surveys. See appendix V for further details about the sampling differences between these surveys.

Figure 31: Estimated Percentages of All Local Jurisdictions and by Jurisdiction Size That Encountered Difficulties Obtaining a Sufficient Number of Poll Workers for the November 2004 General Election



Source: GAO 2005 survey of local election jurisdictions.

[a]All size categories are statistically different from one another.

[b]The difference between small and medium jurisdictions is statistically significant.

[c]The differences between both large and medium jurisdictions and small jurisdictions are statistically significant.

[d]Jurisdictions could indicate not applicable for a variety of reasons, including that poll workers are not recruited, but elected or appointed; that elections are conducted by mail ballot, and as a result there is not a need for poll workers to staff polling places on Election Day; or that the election officials themselves serve as poll workers.

[e]The 95 percent confidence interval for this percentage is +/- 8 percentage points.

Election officials in large and medium jurisdictions, with typically more polling places to staff, are generally responsible for obtaining more poll workers than officials in small jurisdictions. For example, election officials in a large jurisdiction we visited in Illinois told us that recruiting enough poll workers for Election Day was always a challenge and November 2004

was no different. They said that state law specifies a minimum of 5 poll workers per precinct, and there were 2,709 precincts in their jurisdiction for the November 2004 general election, requiring at least 13,545 poll workers. In contrast, election officials in a small jurisdiction we visited in New Hampshire told us that they never had difficulties finding poll workers because they were able to use a pool of volunteers to staff the 9 poll worker positions at their one polling place.

While election officials in 10 of the 27 large and medium jurisdictions we visited told us they had difficulties recruiting the needed number of poll workers, election officials in the other 17 jurisdictions did not report difficulties. These officials provided a variety of reasons why they did not encounter difficulties, including having a set number of appointed or elected poll workers for each precinct, having a general public interest in being involved in a presidential election, and using a variety of strategies and sources to recruit poll workers. For example, election officials in a large jurisdiction in New Mexico told us that their lack of problems with recruitment was due to the fact that they had a full-time poll worker coordinator who began the search for poll workers very early and, as a result, was able to fill all of the positions needed (about 2,400) for the November 2004 election. Election officials in other large jurisdictions reported that they were able to obtain enough poll workers by relying on multiple sources. For example, election officials in a large jurisdiction in Kansas told us that they made an exhaustive effort to recruit about 1,800 poll workers for the November 2004 general election that included soliciting from an existing list of poll workers, working with organizations, using a high school student program to obtain about 300 student poll workers, recruiting from a community college, using county employees, and coordinating with the political parties. On our nationwide survey we asked local jurisdictions about the sources they used to recruit poll workers for the November 2004 general election, and table 17 presents estimates from this survey on a variety of sources that jurisdictions used.

Table 17: Estimated Percentages of All Local Jurisdictions and by Jurisdiction Size That Used Sources to Recruit Poll Workers for the November 2004 General Election

Source	Percentage of all jurisdictions	Percentage of small jurisdictions (<10,000)	Percentage of medium jurisdictions (10,000 to 100,000)	Percentage of large jurisdictions (>100,000)
Lists or rosters of poll workers from past elections[a]	89	86	96	98
Referrals from poll workers[a]	62	48[b]	92	97
Political parties[a]	48	36[b]	72	82
High schools[c]	21	13	36	59[d]
Colleges[c]	11	4	18	64[d]
Public announcements or information posted on jurisdiction's Web site[c]	18	9	31	77
City/county government offices[c]	18	12	25	65[d]
Local school districts[c]	10	5	17	43[d]
Civic, cultural, or religious organizations[c]	10	3	21	63[d]
Private firms[e]	2	0	2	24[f]

Source: GAO 2005 survey of local election jurisdictions.

[a]The differences between both large and medium jurisdictions and small jurisdictions are statistically significant.

[b]The 95 percent confidence interval for these percentages is +/- 6 percentage points.

[c]All size categories are statistically different from one another.

[d]The 95 percent confidence interval for these percentages is +/- 8 percentage points.

[e]The differences between large jurisdictions and both medium and small jurisdictions are statistically significant.

[f]The 95 percent confidence interval for this percentage is +8 and -7 percentage points.

In our October 2001 report on election processes, we identified several recruiting strategies that election officials reported helped in their efforts to obtain enough poll workers.[27] On the basis of our local jurisdictions survey, student poll workers and county or city employees were used as sources for poll workers by many medium and large jurisdictions in the November 2004 general election, as shown in table 17. These two sources were also cited as having worked well by election officials in several of the jurisdictions we visited. For example, election officials in a jurisdiction in

[27]See GAO-02-3.

Colorado told us that their high school student poll worker programs helped them to obtain a sufficient number of skilled poll workers and reported that 200 of their about 600 poll workers were high school students. Election officials in other jurisdictions we visited reported that high school students often helped them in obtaining enough poll workers with specialized skills or characteristics, such as needed language skills. According to our state survey, 38 states and the District of Columbia reported allowing poll workers to be under the age of 18.

Local government offices were another source of poll workers for the November 2004 general election. As shown in table 17, we estimate that 65 percent of large jurisdictions, 25 percent of medium jurisdictions, and 12 percent of small jurisdictions recruited poll workers from city or county government offices. For example, election officials in a large jurisdiction in Nevada told us that the chief poll worker at most of the jurisdiction's 329 polling places is a county employee, and described benefits of recruiting local government employees as poll workers, including their experience in dealing with the public.

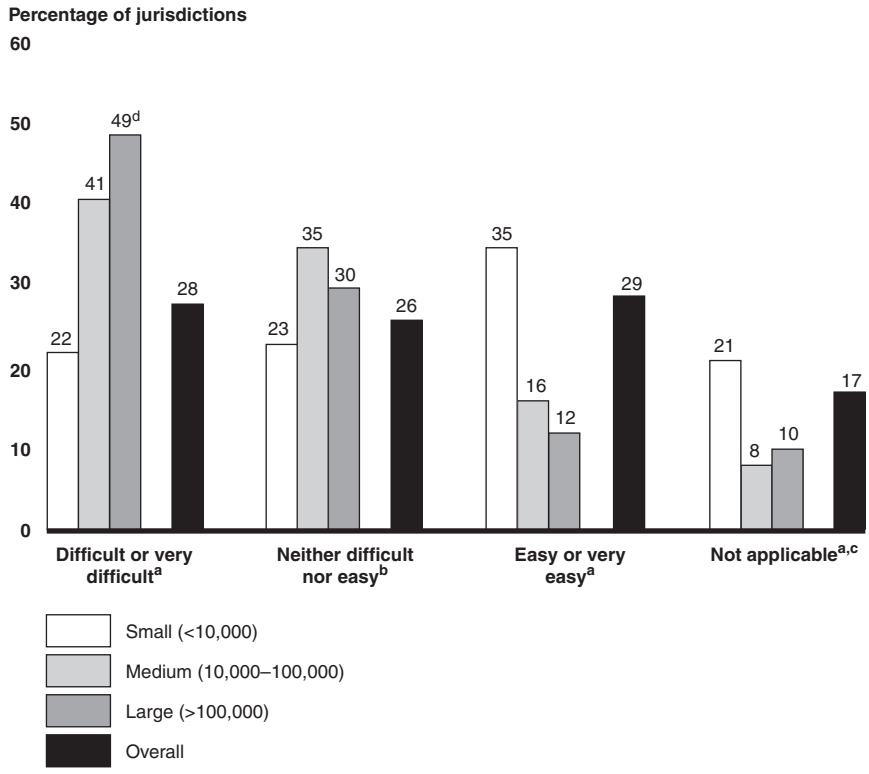
According to Our Nationwide Survey, Poll Workers with Specialized Skills Were Difficult to Find for Some Jurisdictions

The specific skills and requirements needed for poll workers varies by jurisdiction, and in some cases by precinct, but can include political party affiliation, specific technical or computer skills, or proficiency in languages other than English. On the basis of our survey of local jurisdictions, we estimate that most jurisdictions nationwide did not encounter difficulties recruiting poll workers with these specific skills and requirements. However, the results show that the ease of obtaining poll workers with these skills varied by the size of the election jurisdiction, with large and medium jurisdictions generally experiencing more difficulties than small jurisdictions.

Some states require political balance between poll workers at polling places. For example, New York election law, which requires that each election district must be staffed with four election inspectors (i.e., chief poll workers) and a variable number of poll workers (depending upon specified conditions), requires that appointments to such positions for each election district be equally divided between the major political parties. Election officials in some jurisdictions we visited told us that even though not required, they tried to maintain a balance in poll workers' political party affiliation. Recruiting enough poll workers with specific political party affiliations continued to be a challenge for some, in particular large and medium jurisdictions. From our local jurisdiction

survey, we estimate that 49 percent of large jurisdictions, 41 percent of medium jurisdictions, and 22 percent of small jurisdictions had difficulties recruiting enough Democratic or Republican poll workers, as shown in figure 32.

Figure 32: Estimated Percentages of All Local Jurisdictions and by Jurisdiction Size That Encountered Difficulties Recruiting Enough Poll Workers with Specific Political Party Affiliation for the November 2004 General Election



Source: GAO 2005 survey of local election jurisdictions.

[a]The differences between both large and medium jurisdictions and small jurisdictions are statistically significant.

[b]The difference between small jurisdictions and medium jurisdictions is statistically significant.

[c]Not all local jurisdictions are required to obtain poll workers with specific party affiliations.

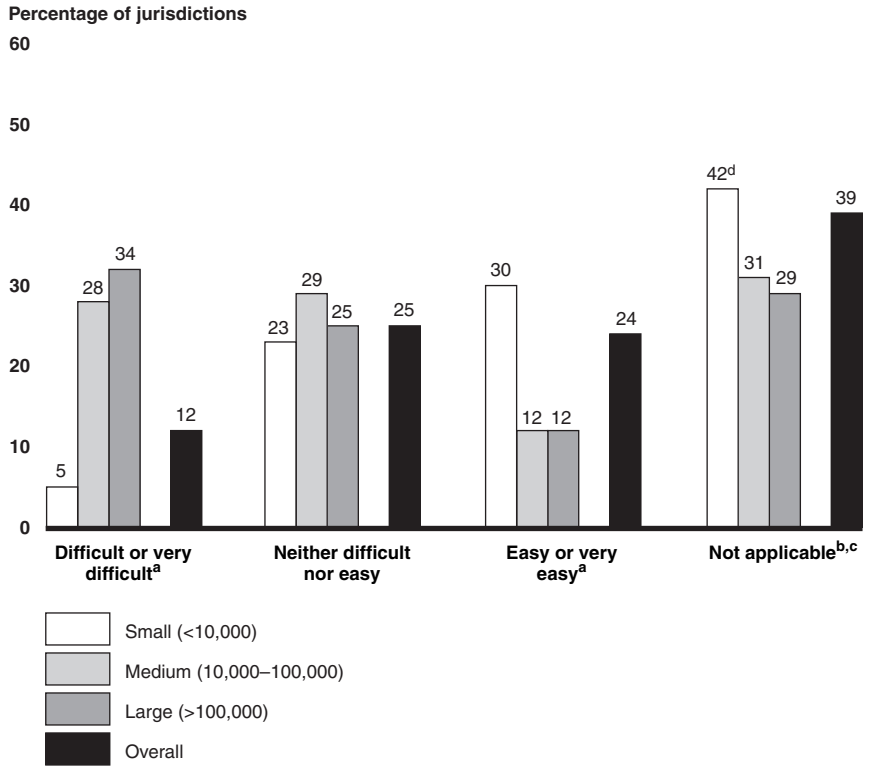
[d]The 95 percent confidence interval for this percentage is +/- 8 percentage points.

Election officials in 11 of the 28 jurisdictions we visited reported experiencing some difficulties finding enough poll workers with needed party affiliations. For example, election officials in a jurisdiction in

Connecticut told us that because their jurisdiction was predominantly one political party it was difficult to find minority party poll workers. Election officials in these 11 jurisdictions told us that they recruited independents, unaffiliated persons, or student poll workers to fill minority party poll worker positions.

Recruiting poll workers with necessary information technology skills or computer literacy was also a challenge for some large and medium jurisdictions, according to our survey of local jurisdictions. We estimate that 34 percent of large jurisdictions and 28 percent of medium jurisdictions found it difficult or very difficult to obtain poll workers with these skills, whereas, we estimate that 5 percent of small jurisdictions had difficulties, as shown in figure 33.

Figure 33: Estimated Percentages of All Local Jurisdictions and by Jurisdiction Size That Encountered Difficulties Recruiting Poll Workers with Information Technology Skills or Computer Literacy for the November 2004 General Election



Source: GAO 2005 survey of local election jurisdictions.

[a]The differences between both large and medium jurisdictions and small jurisdictions are statistically significant.

[b]The difference between small and large jurisdictions is statistically significant.

[c]Jurisidictions may not need to recruit poll workers with technical or computer skills because they, among other reasons, use paper or mechanical voting systems, use paper poll books, or specifically train poll workers for any skills needed in these areas.

[d]The 95 percent confidence interval for this percentage is +/- 6 percentage points.

Election officials in 23 of the 28 jurisdictions we visited told us that computer or technically skilled poll workers were not needed in their jurisdictions for the November 2004 general election. However, election officials in some of these jurisdictions reported that they foresaw a need for poll workers with these skills with the implementation of electronic poll books or new voting technology. Among the reasons cited for not needing technically skilled poll workers were the use of paper ballots or lever

machines, the ease of use of DRE voting equipment, and that any needed skills were taught. In addition, election officials in many jurisdictions we visited told us that they recruited and trained technicians or troubleshooters to maintain, repair, and in some cases set up voting equipment prior to Election Day.

Some jurisdictions may be required under the language minority provisions of the Voting Rights Act to, in general, provide voting assistance and materials in specified minority languages in addition to English. We asked on our survey of local jurisdictions whether jurisdictions encountered difficulties recruiting poll workers who were fluent in the languages covered under the Voting Rights Act for their jurisdiction and estimate that for the majority (61 percent) of all jurisdictions, this requirement was not applicable. We estimate that 15 percent of all jurisdictions indicated that recruiting poll workers fluent in languages other than English was difficult or very difficult.[28] Jurisdictions of all size categories may encounter difficulties recruiting poll workers with needed language skills for different reasons. For instance, small jurisdictions may find it difficult to recruit enough poll workers fluent in other languages because of a limited pool of potential recruits, whereas large jurisdictions may be required to provide voters with assistance in multiple languages other than English. Los Angeles County, for example, was required to provide voters assistance in six languages other than English for the November 2004 election. Election officials in some of the large jurisdictions we visited reported encountering difficulties obtaining poll workers with needed language skills, but these officials also told us about their efforts to recruit poll workers with language skills. For example, election officials in a large jurisdiction in Illinois reported that they recently established an outreach department to assist in the recruitment of poll workers with specialized language skills. The jurisdiction has hired outreach coordinators for the Hispanic, Polish, and Chinese communities to assist with recruiting. Figure 34 illustrates materials used by election officials in some jurisdictions we visited to recruit poll workers with a variety of skills for the November 2004 general election.

[28]The differences between size categories were not statistically significant. We estimate that 23 percent of large jurisdictions, 20 percent of medium jurisdictions, and 13 percent of small jurisdictions had difficulties recruiting poll workers with needed language skills.

Figure 34: Materials Used to Recruit Poll Workers in Jurisdictions We Visited



Source (left to right): Cuyahoga County, Ohio; King County, Washington (GAO photo); Guilford County, North Carolina.

Election Officials in Some Jurisdictions We Visited Described Factors That Affected Recruiting Poll Workers

In our October 2001 report on election processes, we identified long hours, low pay, and an aging volunteer workforce as factors that complicated election officials' efforts to recruit enough poll workers.[29] Election officials in some, but not all, of the jurisdictions we visited in 2005 told us that one or more of these factors complicated their efforts to find enough quality poll workers for the November 2004 general election. For example, election officials in a large jurisdiction in Nevada told us that it was difficult to find people who wanted to work, considering that most families are two-income

[29]See GAO-02-3.

households and Election Day is a long—14 hours—grueling day. Election officials in a large jurisdiction in Washington told us that they never have enough poll workers, noting that the pay is minimal, the hours are long, and the majority of the poll worker population is elderly. Election officials in several of these jurisdictions we visited reported concerns about finding poll workers in light of a limited pool of volunteers. For example, election officials in a large jurisdiction in Colorado told us the average age of poll workers was over 70 years old and expressed concerns about obtaining poll workers who could physically work a 12-hour day. Alternatively, election officials in a large jurisdiction in Florida told us that the younger generation does not have the same commitment to civic duty that the older poll worker generation had and recruiting enough qualified poll workers may be a challenge in the future. These officials noted that about three-quarters of their poll workers are return participants. An election official in a large jurisdiction in Pennsylvania, where the median age of poll workers is about 75 years old, suggested that serving as a poll worker should be treated similarly as serving on jury duty—it should be everyone's civic duty to serve as a poll worker.

Poll Worker Reliability Continued to Be a Challenge, Especially in Large Jurisdictions

In our October 2001 report on election processes, we noted that poll worker reliability was a challenge for election officials, who depended on poll workers to arrive on time, open, and set up polling places.[30] Poll worker absenteeism was a challenge for large and, to some extent, medium jurisdictions in the November 2004 general election. On the basis of our nationwide survey of local jurisdictions, we estimate that 61 percent of large jurisdictions, 20 percent of medium jurisdictions, and 2 percent of small jurisdictions encountered problems with poll workers failing to show up on Election Day. The differences between all size categories are statistically significant. One way that election officials in several large jurisdictions we visited minimized the impact of poll worker absenteeism was to recruit backup poll workers to ensure that polling places were set up and adequately staffed, even if some poll workers failed to show up. For example, election officials in a large jurisdiction we visited in Illinois reported that approximately 1 to 2 percent of about 13,000 poll workers did not show up on Election Day. However, these officials reported that they had recruited stand-by judges who were to report to the elections office on Election Day in case an already scheduled judge did not show up. Election

[30]See GAO-02-3.

officials in a few other jurisdictions we visited told us that they called poll workers before Election Day to help ensure they showed up. For instance, election officials in a large jurisdiction in Pennsylvania told us that they called all of the chief poll workers—about 1,300 people—during the week prior to the election. Election officials in a large jurisdiction we visited in Connecticut went a step further, reporting that in addition to placing wake-up calls to all of the chief poll workers, they offered rides to poll workers to help ensure they showed up on time.

Election Officials in Some Jurisdictions We Visited Reported on Challenges Training Poll Workers

Voters' experiences on Election Day are largely informed by their interactions with poll workers, who are responsible for conducting many Election Day activities, such as setting up polling places, checking in voters and verifying their eligibility to vote, providing assistance to voters, and closing the polling places. Although these workers are usually employed only for 1 day, the success of election administration partly depends on their ability to perform their jobs well. Depending on the applicable state requirements and the size of the jurisdiction, the steps that election officials take to adequately prepare all of their poll workers can vary, but may include training, testing, or certification. Ensuring that poll workers were adequately trained for Election Day was a challenge reported by some election officials in large and medium jurisdictions we visited, but these officials also reported a variety of steps they took to help prepare poll workers for Election Day.

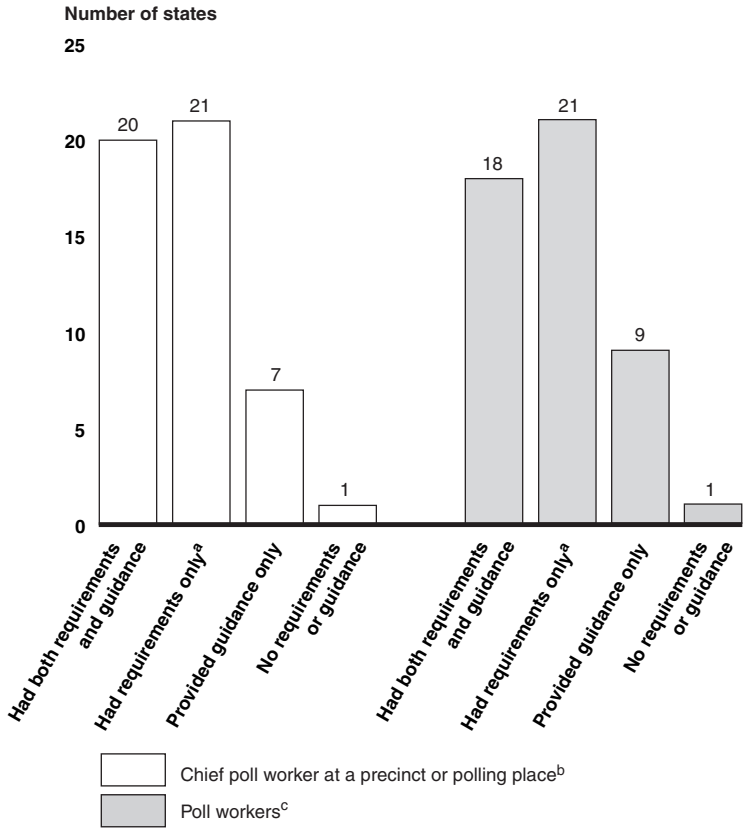
State Requirements for Training Poll Workers Varied

Most states and the District of Columbia reported having training requirements for poll workers for the November 2004 general election, but the frequency and content of training varied. Some states also reported providing guidance related to the training of poll workers. According to our state survey, for the November 2004 general election, 18 states reported having had poll worker training requirements and providing guidance; 20 states and the District of Columbia reported having had training requirements; 9 states reported providing guidance; 1 state reported that it did not require training nor provide guidance; and Oregon, which conducted all-mail voting on Election Day 2004, indicated this requirement was not applicable.[31] Figure 35 shows reported state requirements for

[31]The total does not add to 50 because 1 state did not respond to this question on our survey.

training for the chief poll worker at a precinct or polling place and for poll workers.

Figure 35: Reported State Requirements for Poll Worker Training for the November 2004 General Election



Source: GAO 2005 survey of state election officials.

[a]Includes the District of Columbia.

[b]The total does not add to 50 because 2 states indicated that this requirement was not applicable—1 of which was Oregon, which conducted all-mail voting on Election Day 2004.

[c]The total does not add to 50 because 1 state did not respond to this question on our survey and Oregon indicated this requirement was not applicable.

About half of the states with training requirements reported requiring that poll workers be trained prior to every election or every general election. According to our survey, of the 38 states and the District of Columbia that reported having training requirements for poll workers, 22 states and the

District of Columbia reported requiring poll workers to be trained prior to every election or every general election. For example, Florida provisions in place for the November 2004 general election required that poll workers have a minimum of 3 hours of training prior to each election and demonstrate a working knowledge of the laws and procedures relating to voter registration, voting system operation, balloting, and polling place procedures, and problem-solving and conflict resolution skills. These Florida provisions also require, among other things, that local election officials are to contract with a "recognized disability-related organization" to develop and assist with training for disability sensitivity programs, which must include actual demonstrations of obstacles confronted by persons with disabilities during the voting process, including obtaining access to the polling place and using the voting system. Ten states reported requiring that poll workers be trained on a scheduled basis (e.g., yearly or every 2 years). For example, under provisions in place for the November 2004 general election, New Jersey required that all district board members attend training sessions for each election at least once every 2 years. The other 6 states reported that training was required at least once, but not prior to every general election; that the frequency of training was not specified; or that they did not know.

For the November 2004 general election, fewer states reported requiring testing or certification than training for poll workers. According to our state survey, 12 states reported having requirements for testing or certification for poll workers, and 16 states reported having these requirements for the chief poll worker at a precinct or polling place. Election officials in 6 of the 28 jurisdictions we visited reported that poll workers were certified or tested after training. Election officials in 6 other jurisdictions told us that they used informal tests or quizzes or informally monitored poll workers performance in training. For instance, election officials in a jurisdiction in Kansas told us that they gave poll workers a nongraded quiz at the end of training. In Nevada, where state election officials indicated in our state survey that there are no requirements for poll worker training or testing, election officials in the 2 jurisdictions we visited told us that they required poll workers to attend training. Election officials in 1 of these jurisdictions required all poll workers to attend a training class each year and to pass a hands-on performance test in which they demonstrate their ability to perform their assigned function, such as checking in voters or programming the DRE voting equipment.

Election Officials Reported on Training Conducted and Challenges Encountered

Training provided to poll workers varies greatly among local election jurisdictions. Therefore, we asked questions about training challenges as part of our site visits only where we were able to gain an understanding of the types of training and specific conditions faced by local jurisdictions. Election officials in a small jurisdiction we visited in New Hampshire reported that they did not conduct training for the November 2004 general election because poll workers only receive training if they have not previously worked in the polling place, and all nine poll workers had worked in the polling place before. Election officials in the 27 other jurisdictions we visited described the training that they provided poll workers for the November 2004 general election. According to these officials, poll worker training generally occurred in the weeks or month before the election and ranged from 1 hour to 2 days, depending on the type of poll worker being trained. Election officials in most of these jurisdictions reported that training was mandatory. However, the frequency varied, with election officials in the majority of jurisdictions reporting that they required training prior to every election. Election officials in a few jurisdictions reported that poll workers received training at least once or on a scheduled basis, such as once every 2 years. Election officials in many jurisdictions told us that poll workers were paid to attend training, and payments could range from $5 to $50.

While election officials in nearly all of these jurisdictions reported that training was conducted by these officials and their staffs, the manner in which the training was conducted varied. For example, election officials in a large jurisdiction in Nevada told us that poll workers were trained in a workshop fashion in which 15 to 20 poll workers were provided hands-on training for their specific function, such as operating voting machines or processing voters. In a large jurisdiction in Kansas, election officials told us that they conduct the training for between 70 and 100 poll workers using a formal presentation as well as the documents poll workers use on Election Day and the voting equipment. Election officials in a large jurisdiction in Washington told us that poll worker training consisted of a PowerPoint presentation conducted in a train-the-trainer style where election officials trained the chief poll workers, who then trained the poll workers.

Election officials in 9 of the 27 large and medium jurisdictions we visited reported encountering some challenges with training poll workers, but generally reported that they overcame them. Some of the challenges reported by these officials included keeping poll workers informed about new or changing requirements, conveying a vast amount of information about election processes to a large number of people in a limited time, and

ensuring that poll workers understand their tasks and responsibilities. For instance, election officials in a large jurisdiction in Ohio told us that it was challenging keeping up with state changes and incorporating such changes into poll worker training. Election officials in a large jurisdiction in Connecticut told us that effectively training poll workers on a variety of new changes (such as those required by HAVA) could be challenging because the procedures can be difficult to understand, especially for tenured poll workers who have been working at the polls for many years. Election officials in a large jurisdiction in Kansas noted that addressing the need to have a systematic way to evaluate poll worker performance at polling places was a challenge. These officials said that they currently rely on the fact that the poll worker showed up, general observations of the poll workers' performance, and feedback cards completed by voters exiting the polls. Election officials in the jurisdictions we visited reported taking steps to address these challenges, such as providing poll workers training manuals or booklets for reference on Election Day, training poll workers to perform one function, and conducting training in a workshop fashion with smaller class sizes.

Poll Worker Performance Problems in Some Large and Medium Jurisdictions

Election officials and poll workers perform many tasks throughout the day to ensure that elections run smoothly and that voters move efficiently through the polling place. These activities can include checking in voters, providing instructions for voting machine operation, or assisting voters at the polls. We asked on our survey of local jurisdictions whether for the November 2004 general election jurisdictions encountered poll workers failing to follow procedures for a variety of activities, including, among others, procedures for voter identification requirements, providing correct instructions to voters, and voting machine operation. Overall, according to this survey, most local election jurisdictions nationwide did not encounter problems with poll worker performance. For example, we estimate that

- 90 percent of all jurisdictions did not encounter poll workers failing to follow procedures related to voter identification requirements,
- 92 percent of all jurisdictions did not encounter poll workers failing to provide correct instructions to voters, and
- 94 percent of all jurisdictions did not encounter poll workers failing to follow procedures for voting machine operation.

However, we estimate that poll worker performance problems encountered varied by size category of jurisdiction, with more large jurisdictions encountering problems than medium and small jurisdictions. For example, we estimate that 37 percent of large jurisdictions, 19 percent of medium jurisdictions, and 3 percent of small jurisdictions encountered problems with poll workers failing to follow procedures related to voter identification requirements. In terms of providing correct instructions to voters, we estimate that 31 percent of large jurisdictions, 12 percent of medium jurisdictions, and 1 percent of small jurisdictions encountered problems with poll worker performance in this area. For both results, the differences between all size categories are statistically significant.

Large jurisdictions could have encountered problems for a variety of reasons, including having more poll workers to train and oversee or having fewer options for recruiting skilled poll workers. While jurisdictions may have reported on our survey that they encountered problems with a particular aspect of poll workers' performance, written comments provided on the questionnaire indicated that these problems may not have been widespread or may have been easily remedied after they occurred. For example, one survey respondent wrote: "Errors were few and far between, but with 4,500 poll workers, it is very difficult to answer that [our jurisdiction did not encounter any problems with poll workers' performance.]" Election officials in 12 of the 28 jurisdictions we visited reported that they encountered some problems with poll workers' performance, but that generally the majority of poll workers performed well. For example, an election official in a large jurisdiction in Pennsylvania we visited told us that while the jurisdiction did not encounter serious problems with performance, in the official's opinion, it would be disingenuous to report that there were no problems with the 6,500 poll workers working the polls on Election Day.

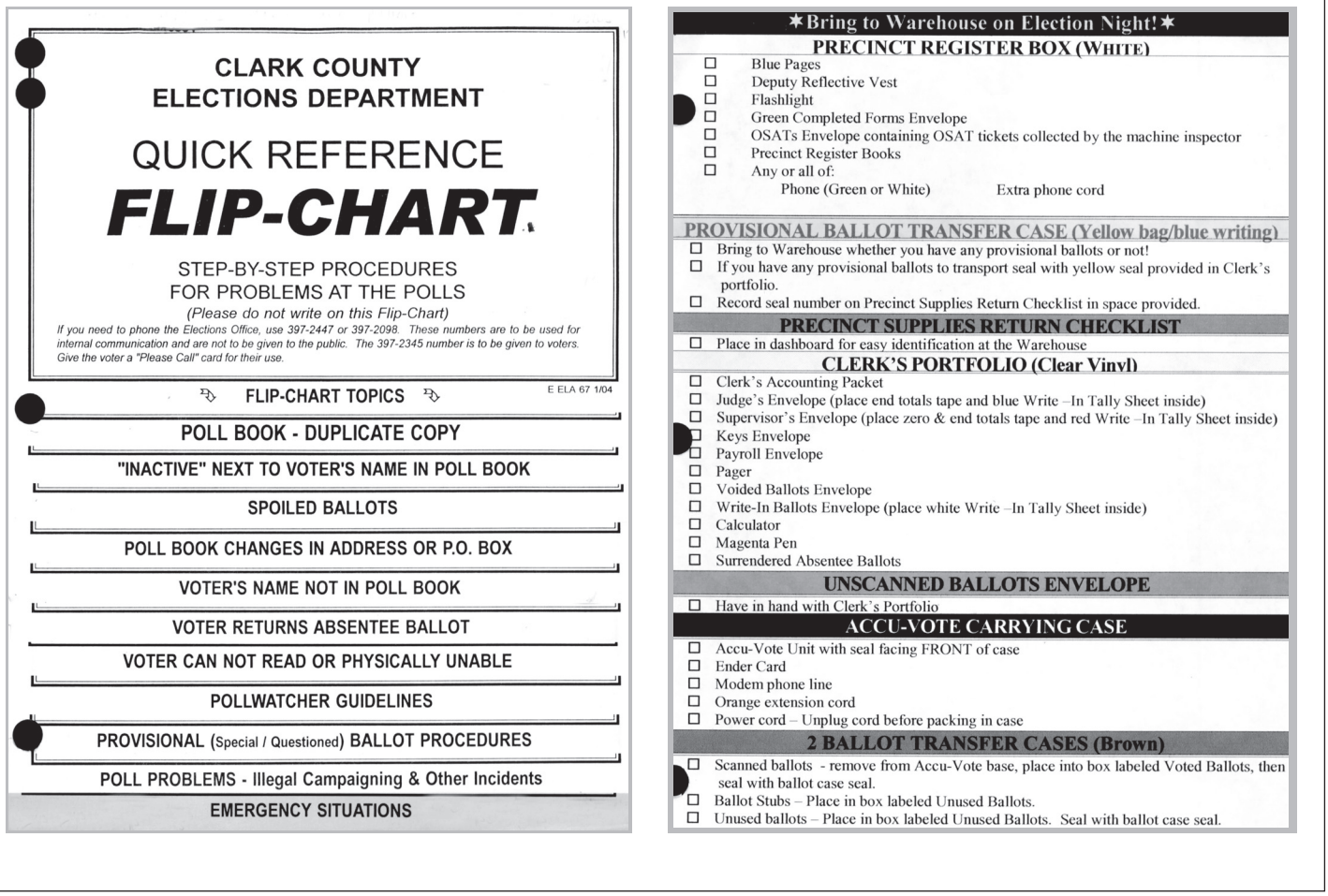
Most Jurisdictions Provided Guidance at Polling Places to Help Poll Workers

In an effort to minimize poll worker confusion or performance problems, many jurisdictions provided written guidelines or instructions for poll workers to use at the polling place. On our nationwide survey we asked local jurisdictions whether or not for the November 2004 general election they had written guidelines or instructions at the polling place for poll workers covering a variety of topics, such as voting equipment operation; procedures related to verifying voters' eligibility to vote; and assisting voters with special needs, such as voters with disabilities or who spoke a language other than English. We estimate that 94 percent of all jurisdictions had at least one set of written guidelines at polling places for poll workers.

Further, more large and medium jurisdictions provided instructions to poll workers than small jurisdictions. For example, we estimate that 99 percent of large jurisdictions, 96 percent of medium jurisdictions, and 80 percent of small jurisdictions provided written instructions for poll workers to use at polling places if a voter's name was not on the poll list. In addition, we estimate that 96 percent of large jurisdictions, 92 percent of medium jurisdictions, and 71 percent of small jurisdictions provided written guidelines to use at the polls for identification requirements for first-time voters who registered by mail and did not provide identification with their registration. For both of these results, small jurisdictions are statistically different from both medium and large jurisdictions.

During our site visits, election officials in 26 of the 28 jurisdictions we visited reported that they provided written instructions or checklists for poll workers to have at polling places. Election officials in the 2 smallest population size jurisdictions we visited reported that they did not provide written instructions for poll workers. As the officials in a small jurisdiction in New Hampshire said, they are at the polling place to resolve issues personally as they arise. Figure 36 illustrates examples of some checklists that election officials in jurisdictions we visited provided to us.

Figure 36: Examples of Instructions and Checklists Provided to Poll Workers for the November 2004 General Election



CLARK COUNTY
ELECTIONS DEPARTMENT

QUICK REFERENCE
FLIP-CHART

STEP-BY-STEP PROCEDURES
FOR PROBLEMS AT THE POLLS
(Please do not write on this Flip-Chart)

If you need to phone the Elections Office, use 397-2447 or 397-2098. These numbers are to be used for internal communication and are not to be given to the public. The 397-2345 number is to be given to voters. Give the voter a "Please Call" card for their use.

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FLIP-CHART TOPICS

- POLL BOOK - DUPLICATE COPY
- "INACTIVE" NEXT TO VOTER'S NAME IN POLL BOOK
- SPOILED BALLOTS
- POLL BOOK CHANGES IN ADDRESS OR P.O. BOX
- VOTER'S NAME NOT IN POLL BOOK
- VOTER RETURNS ABSENTEE BALLOT
- VOTER CAN NOT READ OR PHYSICALLY UNABLE
- POLLWATCHER GUIDELINES
- PROVISIONAL (Special / Questioned) BALLOT PROCEDURES
- POLL PROBLEMS - Illegal Campaigning & Other Incidents
- EMERGENCY SITUATIONS

✶Bring to Warehouse on Election Night!✶

PRECINCT REGISTER BOX (WHITE)

- ☐ Blue Pages
- ☐ Deputy Reflective Vest
- ☐ Flashlight
- ☐ Green Completed Forms Envelope
- ☐ OSATs Envelope containing OSAT tickets collected by the machine inspector
- ☐ Precinct Register Books
- ☐ Any or all of:
  Phone (Green or White) Extra phone cord

PROVISIONAL BALLOT TRANSFER CASE (Yellow bag/blue writing)

- ☐ Bring to Warehouse whether you have any provisional ballots or not!
- ☐ If you have any provisional ballots to transport seal with yellow seal provided in Clerk's portfolio.
- ☐ Record seal number on Precinct Supplies Return Checklist in space provided.

PRECINCT SUPPLIES RETURN CHECKLIST

- ☐ Place in dashboard for easy identification at the Warehouse

CLERK'S PORTFOLIO (Clear Vinyl)

- ☐ Clerk's Accounting Packet
- ☐ Judge's Envelope (place end totals tape and blue Write –In Tally Sheet inside)
- ☐ Supervisor's Envelope (place zero & end totals tape and red Write –In Tally Sheet inside)
- ☐ Keys Envelope
- ☐ Payroll Envelope
- ☐ Pager
- ☐ Voided Ballots Envelope
- ☐ Write-In Ballots Envelope (place white Write –In Tally Sheet inside)
- ☐ Calculator
- ☐ Magenta Pen
- ☐ Surrendered Absentee Ballots

UNSCANNED BALLOTS ENVELOPE

- ☐ Have in hand with Clerk's Portfolio

ACCU-VOTE CARRYING CASE

- ☐ Accu-Vote Unit with seal facing FRONT of case
- ☐ Ender Card
- ☐ Modem phone line
- ☐ Orange extension cord
- ☐ Power cord – Unplug cord before packing in case

2 BALLOT TRANSFER CASES (Brown)

- ☐ Scanned ballots - remove from Accu-Vote base, place into box labeled Voted Ballots, then seal with ballot case seal.
- ☐ Ballot Stubs – Place in box labeled Unused Ballots.
- ☐ Unused ballots – Place in box labeled Unused Ballots. Seal with ballot case seal.

Source (left to right): Clark County, Washington; Leon County, Florida.

Written instructions and checklists may help poll workers, but problems on Election Day can still be encountered with some issues, in particular issues related to voter registration. We asked on our survey of local jurisdictions whether for the November 2004 general election jurisdictions maintained a written record to keep track of issues or problems that occurred on Election Day. We estimate that 55 percent of all jurisdictions nationwide maintained a written record to keep track of issues. Of those that did

maintain a record and provided written comments on our survey, the issues most frequently cited by election officials were problems with voter registration (e.g., not being registered, being registered at another polling location, or being in the wrong polling location).

Obtaining Enough Polling Places That Met Standards Continued to Be a Challenge for Some Jurisdictions

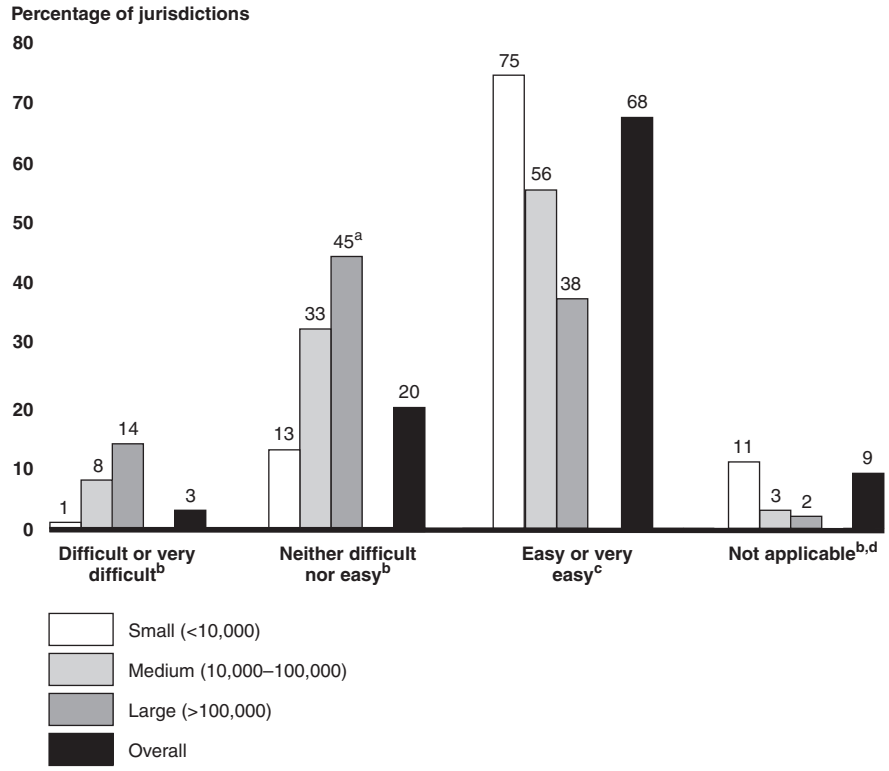
Election officials are responsible for selecting and securing a sufficient number of polling places that meet basic requirements and standards. Polling place locations vary across jurisdictions but can include public and private facilities, such as schools, government buildings, fire departments, community centers, libraries, churches, and residential facilities. To meet the needs of the voting population, polling places should be easily accessible to all voters, including voters with disabilities. Polling places also need to have a basic infrastructure, including electricity, heating and cooling units, and communication lines, to support some voting machines and be comfortable for voters and poll workers. In our October 2001 report on election processes, we stated that obtaining polling places for the November 2000 election was not a major challenge for most jurisdictions.[32] On the basis of our 2005 survey of local jurisdictions, obtaining a sufficient number of polling places was not difficult for the majority of jurisdictions. However, finding polling places that met these standards was generally more difficult for large and medium jurisdictions than for small jurisdictions. Election officials in many jurisdictions reported combining precincts in one polling place, with minimal challenges, for the November 2004 general election.

Finding a Sufficient Number of Polling Places Was Difficult for Some, but Not Most, Jurisdictions

For the November 2004 election, obtaining a sufficient number of polling places was not difficult for the majority of jurisdictions. On the basis of our survey of local jurisdictions, we estimate that 3 percent of all jurisdictions found it difficult or very difficult to obtain a sufficient number of polling places for the November 2004 general election. However, the difficulty encountered in finding enough polling places varied by the size category of jurisdiction. We estimate that 14 percent of large jurisdictions, 8 percent of medium jurisdictions, and 1 percent of small jurisdictions had difficulties obtaining enough polling places, as presented in figure 37.

[32]See GAO-02-3.

Figure 37: Estimated Percentages of All Local Jurisdictions and by Jurisdiction Size That Encountered Difficulties Obtaining a Sufficient Number of Polling Places for the November 2004 General Election



Source: GAO 2005 survey of local election jurisdictions.

[a]The 95 percent confidence interval for this percentage is +/- 8 percentage points.

[b]The differences between both large and medium jurisdictions and small jurisdictions are statistically significant.

[c]All size categories are statistically different from each other.

[d]Jurisdictions may indicate not applicable if they do not use polling places on Election Day because of all mail balloting, or because only one polling location is used on Election Day.

Small jurisdictions may not experience difficulties obtaining polling places for a variety of reasons, among them because they do not have to find as many locations to support an election as large jurisdictions do. For example, election officials in a small jurisdiction we visited in New Hampshire told us that because of the small voting population (about 1,200), they only needed to use one polling place—the town hall—for the November 2004 general election, as shown in figure 38.

Figure 38: Town Hall in Madbury, New Hampshire



Source: GAO.

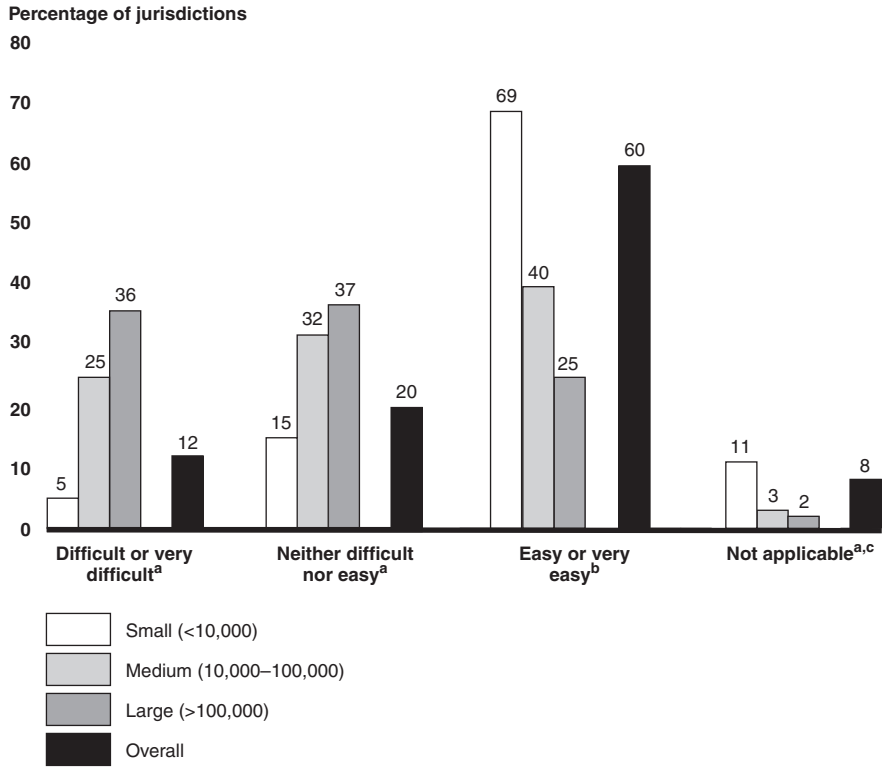
In contrast, large jurisdictions could be responsible for selecting hundreds of polling places for Election Day. Election officials from a large jurisdiction we visited in Illinois reported that they used over 1,800 polling places for the November 2004 election and hired staff to find polling places that met standards for their jurisdiction. Although election officials in some large and medium jurisdictions told us that they needed to find numerous polling places, officials in only 1 large jurisdiction we visited in Kansas told us that they encountered difficulties finding suitable polling places, in part because of low payments provided to use polling place facilities. Election officials in this jurisdiction reported that in 2003 they implemented a campaign to "recruit" polling places and sent letters to schools and other possible locations in addition to conducting site visits and inspections. These election officials reported that after their efforts, they added about 70 polling places for use on Election Day 2004.

Finding Accessible Polling Places and Polling Places with Parking and Phone Lines Was Difficult for Some Jurisdictions

Selecting accessible polling places includes assessing parking areas, routes of travel, exterior walkways, and entrances, as well as interior voting areas. In our October 2001 report on voters with disabilities, we identified a variety of challenges faced by election officials in improving the accessibility of voting—including the limited availability of accessible buildings and the lack of authority to modify buildings to make them more accessible.[33] Finding accessible polling places continued to be a challenge for some jurisdictions for the November 2004 general election. On the basis of our local jurisdiction survey, we estimate that 36 percent of large jurisdictions, 25 percent of medium jurisdictions, and 5 percent of small jurisdictions found it difficult or very difficult to find enough accessible polling places, as shown in figure 39.

[33]See GAO-02-107.

Figure 39: Estimated Percentages of All Local Jurisdictions and by Jurisdiction Size That Encountered Difficulties Obtaining Enough Polling Places That Were Accessible to Voters with Disabilities for November 2004 General Election



Source: GAO 2005 survey of local election jurisdictions.

[a]The differences between both large and medium jurisdictions and small jurisdictions are statistically significant.

[b]All size categories are statistically different from one another.

[c]Jurisdictions may indicate not applicable if they do not use polling places on Election Day because of all mail balloting, or because only one polling location is used on Election Day.

Election officials in some jurisdictions we visited told us that they encountered challenges finding accessible polling places. For example, election officials in 2 large jurisdictions we visited reported that it was challenging to find polling places that were accessible because many of the public buildings in their jurisdiction were older facilities and were not compliant with the Americans with Disabilities Act (ADA). However, election officials reported taking steps to help ensure that polling places were accessible. For example, election officials in a large jurisdiction in Georgia reported that they hired a private company to conduct surveys of

the polling locations and determine whether they were accessible and what, if any, changes needed to be made to make the facilities compliant. Some election officials described making minor or temporary modifications to polling places to ensure that they were accessible, for example, by adding ramps, using doorstops for heavier doors, or clearly identifying accessible entrances.

In addition to being accessible for all voters, polling places should have sufficient parking for voters and phone lines to provide for communication on Election Day. From our local jurisdiction survey, more large and medium jurisdictions encountered difficulties in finding polling places with these characteristics than small jurisdictions. On the basis of this survey, we estimate that 38 percent of large jurisdictions, 18 percent of medium jurisdictions, and 4 percent of small jurisdictions had difficulties obtaining polling places with adequate parking. The differences between all size categories are statistically significant. In terms of finding polling places with adequate phone lines, we estimate that 35 percent of large jurisdictions, 33 percent of medium jurisdictions, and 9 percent of small jurisdictions had difficulties obtaining polling places with adequate phone lines. Providing cell phones to poll workers was one way for some jurisdictions to help ensure communication between polling places and the election office on Election Day. Also on the basis of our survey, we estimate that cell phones provided by the jurisdiction were the primary means of communication for 29 percent (plus or minus 9 percent) of large jurisdictions, 15 percent (+9 percent, -6 percent) of medium jurisdictions, and 3 percent of small jurisdictions.[34] For both of these results, the differences between both large and medium jurisdictions and small jurisdictions are statistically significant. Election officials in some large jurisdictions we visited included cell phones as part of the supplies provided to each polling place. For example, officials in a large jurisdiction we visited in Nevada told us they paid poll workers $5 to use their own cell phones.

[34]The 95 percent confidence interval for both the large and medium percentages is greater than the +/-7 percent sampling error for their respective samples.

Combining Precincts at a Polling Location Continues to Be a Strategy to Address Challenges with Obtaining Polling Places

We identified several strategies in our October 2001 report on election processes that election officials said helped in their efforts to obtain enough polling places, including locating more than one precinct at a single polling place.[35] Results of our 2005 state and local surveys and site visits show that combining precincts at a polling location continued to be a strategy used by local jurisdictions, predominantly large and medium jurisdictions, to find adequate polling locations for voters in all precincts. According to our state survey, nearly all states (47) reported that they allowed precincts to be colocated in a polling place for the November 2004 general election. Ten states reported allowing colocation only under specified conditions, for instance, if no suitable polling place existed for a precinct, and 37 states reported allowing colocation but did not specify conditions.[36] On the basis of our survey of local jurisdictions, we estimate 33 percent of all jurisdictions had multiple precincts located in the same polling place. However, more large and medium jurisdictions combined precincts than small jurisdictions. We estimate that 78 percent of large jurisdictions, 63 percent of medium jurisdictions, and 19 percent of small jurisdictions had multiple precincts located in the same polling location. The differences between all size categories are statistically significant. During our site visits, election officials in 22 of the 28 jurisdictions we visited told us that they combined precincts in the same polling location for the November 2004 general election. Included in the 6 jurisdictions that did not report combining precincts in a single polling place were the 1 small and 2 medium jurisdictions we visited. Further, in many of the large jurisdictions we visited, election officials told us that most of their polling places had more than one precinct. For example, election officials in a large jurisdiction in Ohio told us that there was an average of three precincts per polling location, but that there could be up to nine precincts in one polling place.

Although combining precincts may help solve the issue of obtaining a sufficient number of voting places that meet requirements, other challenges may surface, including voter confusion in not finding the correct precinct at a location, poll worker confusion about eligibility if a voter is not in the correct precinct poll book at a polling place, and the possibility

[35]See GAO-02-3.

[36]North Carolina and the District of Columbia reported that they did not allow precincts to be colocated in a polling place. Oregon, which uses all-mail voting on Election Day, and Kentucky reported on our survey that this was not applicable.

of voters voting on the wrong voting machine for their precinct. However, on the basis of our local survey, few challenges were encountered in polling places where precincts were combined for the November 2004 general election. We estimate that of the 33 percent of jurisdictions with multiple precincts at a polling location, 85 percent (+6 percent, -5 percent) did not experience challenges in terms of voters locating their correct precinct.[37] Election officials in jurisdictions we visited described steps they took to help ensure that voters were able to easily find their correct precinct, including posting signage to direct voters to the correct precinct, using specially designated poll workers as greeters to direct voters as they entered the polling location, setting up separate tables or voting areas for each precinct, and locating the precincts in distinct areas of the building, for example, in the gym and cafeteria of a school building.

Election officials in a few jurisdictions we visited told us that they consolidated functions, such as the check-in table or voting equipment, for precincts located in the same polling location in order to avoid voter confusion or problems with voting. For example, election officials in a jurisdiction in Kansas reported that they used one registration table with a consolidated poll book for all precincts at a polling location. As a result, voters only needed to locate one table. Election officials in a jurisdiction in Nevada reported that once voters checked in, they were able to vote on any voting machine in the polling location because the machines were programmed with ballots from each of the precincts located at the polling place, and poll workers activated the particular ballot style for a particular voter.

Beyond consolidating some functions at a polling place, in 2004 Colorado authorized the use of "vote centers," which are polling places at which any registered voter in the local election jurisdiction may vote, regardless of the precinct in which the voter resides. Each vote center is to use a secure electronic connection to a computerized registration list maintained by the local election office to allow all voting information processed at any vote center to be immediately accessible to computers at all other vote centers in the jurisdiction. Larimer County, with 143 precincts and about 200,000 registered voters, reported using 31 vote centers for the November 2004 general election. Election officials in Larimer County described several benefits of vote centers, including voter convenience; cost-

[37]The 95 percent confidence interval for this percentage is greater that the +/-5 percent sampling error for the complete sample.

effectiveness; minimal voter wait time on Election Day; and overall easier management, including requiring fewer poll workers. Election officials told us that voters liked the convenience of being able to vote anywhere in the jurisdiction, regardless of the precinct they live in. Vote centers can also be cost-effective, according to election officials, for jurisdictions faced with replacing voting equipment to comply with HAVA accessibility requirements for voting systems used in federal elections. Using vote centers also reduces the number of polling places a jurisdiction needs, which can be cost-effective with respect to finding enough accessible polling places. Election officials also told us that on Election Day they were able to avoid having long lines at most vote centers by issuing media announcements to voters throughout the day specifying which vote centers were busy and which were not, and by using their electronic poll book technology to process voters quickly and to monitor ballots and supplies. Officials told us that on average there was a 15-minute wait time for voters. Finally, officials told us that from the perspective of election officials, vote centers facilitated aspects of election administration because there were fewer locations (about 30 instead of about 140) and fewer poll workers overall to recruit and train.

While other jurisdictions in Colorado have used vote centers since the November 2004 election or are planning to pilot vote centers in elections in 2006, election officials in a second jurisdiction we visited in Colorado explained why their jurisdiction opted to not use vote centers.[38] Officials told us that their jurisdiction assessed the feasibility of implementing vote centers and concluded that despite several advantages offered by vote centers, the cost of implementation was prohibitive. For example, election officials identified costs including the connectivity for the electronic poll books, so that voters can be credited with voting in real time; potential rental costs for facilities, such as hotels, to house vote centers; and the expense of purchasing additional voting equipment. Because a voter in a jurisdiction using vote centers can vote at any vote center, each vote center needs to be stocked with all applicable ballot styles for an election or have DRE voting machines capable of being programmed with all applicable ballot styles, according to election officials. For the November 2004 general election, these officials told us that they used optical scan for absentee and Election Day voting and DREs for early voting. To avoid the cost and

[38]Other jurisdictions outside of Colorado are considering vote centers. For example, the Indiana Secretary of State formed a bipartisan delegation of legislators and local election officials to conduct a study of vote centers and their applicability to Indiana.

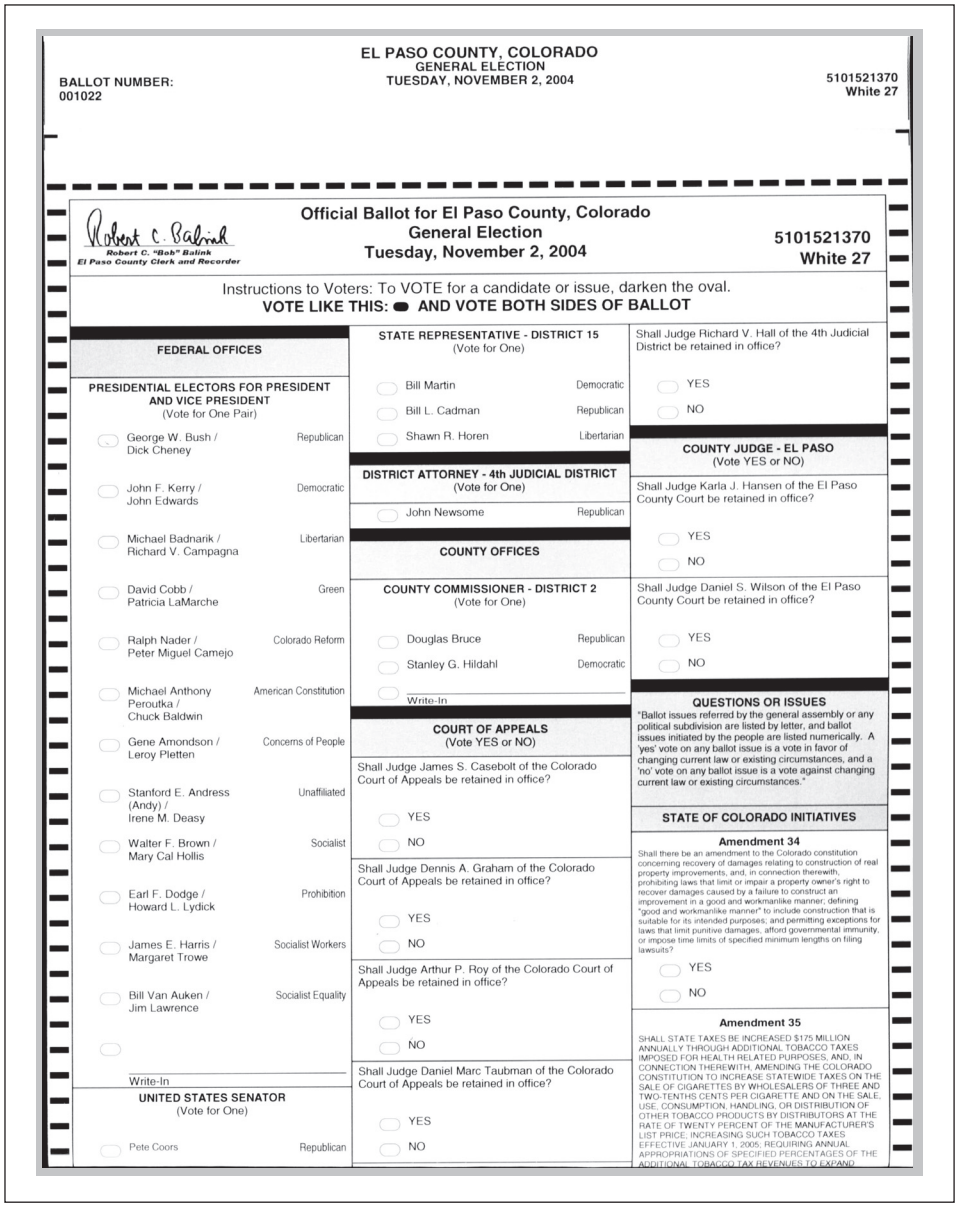
confusion of having to print and keep track of ballot styles for their 378 precincts—compared to Larimer County's 143 precincts—election officials said that they would need to purchase additional DRE voting machines if they were to implement vote centers.

Election Officials in Some Jurisdictions We Visited Reported That Designing Clear Ballots Continued to Be a Challenge

Election officials are responsible for designing ballots that meet various state requirements, possibly federal requirements under the minority language provisions of the Voting Rights Act relating to offering voting materials in specified minority languages in addition to English, and the requirements of the particular voting equipment, and these ballots must be easy for voters to understand. Ballot design generally involves both state and local participation. Most states (46 states and the District of Columbia) were involved in ballot design for the November 2004 general election. For instance, according to our state survey, 17 states and the District of Columbia reported designing ballots for local jurisdictions, 3 states reported requiring approval of the ballot design, and 26 states reported having requirements for local jurisdictions regarding ballot design (e.g., layout, candidate order, or paper stock).[39] Specifically, election officials must determine all races, candidates, and issues that voters in each precinct in a jurisdiction will vote on and construct layouts for these races and issues for the particular types of ballots used with their election equipment. Figure 40 illustrates an optical scan ballot used in El Paso County, Colorado, for the November 2004 general election.

[39]Three states (Kentucky, Nevada, and Washington) reported that they were not involved in ballot design; local jurisdictions designed ballots. One state did not respond to this question on our survey.

Figure 40: El Paso County, Colorado, Optical Scan Ballot



EL PASO COUNTY, COLORADO
GENERAL ELECTION
TUESDAY, NOVEMBER 2, 2004

BALLOT NUMBER: 001022

5101521370
White 27

Robert C. "Bob" Balink
El Paso County Clerk and Recorder

Official Ballot for El Paso County, Colorado
General Election
Tuesday, November 2, 2004

5101521370
White 27

Instructions to Voters: To VOTE for a candidate or issue, darken the oval.
VOTE LIKE THIS: ● AND VOTE BOTH SIDES OF BALLOT

FEDERAL OFFICES

PRESIDENTIAL ELECTORS FOR PRESIDENT AND VICE PRESIDENT
(Vote for One Pair)

- George W. Bush / Dick Cheney — Republican
- John F. Kerry / John Edwards — Democratic
- Michael Badnarik / Richard V. Campagna — Libertarian
- David Cobb / Patricia LaMarche — Green
- Ralph Nader / Peter Miguel Camejo — Colorado Reform
- Michael Anthony Peroutka / Chuck Baldwin — American Constitution
- Gene Amondson / Leroy Pletten — Concerns of People
- Stanford E. Andress (Andy) / Irene M. Deasy — Unaffiliated
- Walter F. Brown / Mary Cal Hollis — Socialist
- Earl F. Dodge / Howard L. Lydick — Prohibition
- James E. Harris / Margaret Trowe — Socialist Workers
- Bill Van Auken / Jim Lawrence — Socialist Equality
- Write-In

UNITED STATES SENATOR
(Vote for One)

- Pete Coors — Republican

STATE REPRESENTATIVE - DISTRICT 15
(Vote for One)

- Bill Martin — Democratic
- Bill L. Cadman — Republican
- Shawn R. Horen — Libertarian

DISTRICT ATTORNEY - 4th JUDICIAL DISTRICT
(Vote for One)

- John Newsome — Republican

COUNTY OFFICES

COUNTY COMMISSIONER - DISTRICT 2
(Vote for One)

- Douglas Bruce — Republican
- Stanley G. Hildahl — Democratic
- Write-In

COURT OF APPEALS
(Vote YES or NO)

Shall Judge James S. Casebolt of the Colorado Court of Appeals be retained in office?
YES / NO

Shall Judge Dennis A. Graham of the Colorado Court of Appeals be retained in office?
YES / NO

Shall Judge Arthur P. Roy of the Colorado Court of Appeals be retained in office?
YES / NO

Shall Judge Daniel Marc Taubman of the Colorado Court of Appeals be retained in office?
YES / NO

Shall Judge Richard V. Hall of the 4th Judicial District be retained in office?
YES / NO

COUNTY JUDGE - EL PASO
(Vote YES or NO)

Shall Judge Karla J. Hansen of the El Paso County Court be retained in office?
YES / NO

Shall Judge Daniel S. Wilson of the El Paso County Court be retained in office?
YES / NO

QUESTIONS OR ISSUES

"Ballot issues referred by the general assembly or any political subdivision are listed by letter, and ballot issues initiated by the people are listed numerically. A 'yes' vote on any ballot issue is a vote in favor of changing current law or existing circumstances, and a 'no' vote on any ballot issue is a vote against changing current law or existing circumstances."

STATE OF COLORADO INITIATIVES

Amendment 34

Shall there be an amendment to the Colorado constitution concerning recovery of damages relating to construction of real property improvements, and, in connection therewith, prohibiting laws that limit or impair a property owner's right to recover damages caused by a failure to construct an improvement in a good and workmanlike manner; defining "good and workmanlike manner" to include construction that is suitable for its intended purposes; and permitting exceptions for laws that limit punitive damages, afford governmental immunity, or impose time limits of specified minimum lengths on filing lawsuits?
YES / NO

Amendment 35

SHALL STATE TAXES BE INCREASED $175 MILLION ANNUALLY THROUGH ADDITIONAL TOBACCO TAXES IMPOSED FOR HEALTH RELATED PURPOSES; AND, IN CONNECTION THEREWITH, AMENDING THE COLORADO CONSTITUTION TO INCREASE STATEWIDE TAXES ON THE SALE OF CIGARETTES BY WHOLESALERS OF THREE AND TWO-TENTHS CENTS PER CIGARETTE AND ON THE SALE, USE, CONSUMPTION, HANDLING, OR DISTRIBUTION OF OTHER TOBACCO PRODUCTS BY DISTRIBUTORS AT THE RATE OF TWENTY PERCENT OF THE MANUFACTURER'S LIST PRICE; INCREASING SUCH TOBACCO TAXES EFFECTIVE JANUARY 1, 2005; REQUIRING ANNUAL APPROPRIATIONS OF SPECIFIED PERCENTAGES OF THE ADDITIONAL TOBACCO TAX REVENUES TO EXPAND

Source: El Paso County, Colorado.

In our October 2001 report on election processes, we noted that despite the controversy over the "butterfly ballot" and other ballot problems in the aftermath of Florida's 2000 general election, very few jurisdictions nationwide thought that confusing ballot design was a major problem.[40] Ballot design problems were not highlighted by voters as a problem in the November 2004 election; therefore, we did not inquire about the extent of ballot design problems in our local survey of jurisdictions. However, we asked about ballot design processes and problems during our visits to local election jurisdictions. Election officials in all of the jurisdictions we visited reported that they did not encounter voter problems with confusing ballot designs for the November 2004 general election. However, election officials in 7 jurisdictions we visited told us that designing easily understood ballots that meet the particular constraints of the voting equipment can be challenging when there are a large number of races or issues to include on the ballot. For example, election officials in a jurisdiction we visited in Colorado that used optical scan ballots told us that fitting all of the races and questions on the ballot is always challenging, but they managed to do so by limiting the number of words on ballot questions and using small fonts. These officials noted that they provided magnifying glasses at polling places to assist voters. Election officials in a jurisdiction we visited in Florida reported that they had to use oversized optical scan ballots to accommodate the number of constitutional amendments that had to be included on the ballot.

Some ballot design options taken to help ensure clarity for voters could lead to problems later. For example, election officials in a jurisdiction in Kansas reported that they used a two-sided ballot design requiring that the optical scan counting equipment read the ballot front and back, which presented a problem. Chapter 6 discusses challenges with counting ballots. The requirements of the voting equipment may also limit options election officials can take related to ballot design. For example, election officials in a jurisdiction in Illinois that used punch cards reported that lengthy ballots could have been a problem in the November 2004 election, but they decided to change the type of punch card ballot used. These officials told us that increasing the number of punch positions allowed for more space on the ballot and prevented challenges related to length of ballot. However, with punch card ballots, the greater the number of choices on a punch card, the greater the potential for voter error in punching the preferred choice, as voters must align the ballot carefully.

[40]See GAO-02-3.

Election officials in jurisdictions we visited that designed their ballots described steps they took to ensure that ballots were clear to voters, including using templates from the state or election management systems, proofreading both before and after printing, and public viewing or testing of ballots. For example, election officials in a jurisdiction in Colorado told us that prior to printing they send proofs of the ballot designs to candidates for their review. After printing, election officials said that staff members and representatives of the political parties test the ballot designs to ensure that there are no problems with how the ballots are processed through the counting equipment. Election officials in another jurisdiction in Colorado reported conducting a mock election with county employees to review the ballot and test a ballot from each package of printed ballots. Election officials in a jurisdiction in Ohio told us that they displayed the ballots for the general public to view and test.

Preparing Ballots or Voting Equipment Not a Problem Reported by Most Jurisdictions, but These Activities Can Be a Challenge for Some Jurisdictions

The activities and plans that election officials undertake related to preparing ballots or voting equipment can have a direct impact on a voter's Election Day experience. For example, reports about the November 2004 election highlighted shortages of ballots and voting machines at some polling places. While election officials may not be able to prepare for every contingency that could affect a voter's wait time or experience at the polls, ensuring that there is a sufficient number of ballots or voting machines can minimize potential problems. On the basis of our survey of local jurisdictions, we estimate that few jurisdictions had problems with ballot or voting equipment shortages for the November 2004 general election. We estimate that 4 percent of all jurisdictions experienced problems with Election Day ballot shortages, and an estimated 4 percent of all jurisdictions did not have enough voting equipment on Election Day. However, there were statistical differences between large and small jurisdictions in having enough voting equipment. We estimate that 12 percent of large jurisdictions, 4 percent of medium jurisdictions, and 3 percent of small jurisdictions did not have enough voting equipment. Election officials in 23 of the 28 jurisdictions we visited reported that they encountered no challenges with preparing and delivering ballots, voting equipment, and supplies for the November 2004 general election. However, these activities could present logistical challenges for jurisdictions if there are unexpected delays, or for jurisdictions that are required to prepare ballots in multiple languages or prepare and deliver numerous voting machines to a large number of polling places.

To ensure that there is an adequate supply of machine-readable paper ballots on Election Day, election officials may conduct numerous activities, such as designing, reviewing, proofreading, printing, and testing ballots. Uncertainties about ballot content, such as whether or not certain candidates or issues will be included on the ballot, could affect these activities by delaying printing or leading to a last-minute rush to ensure that ballots are printed in time for the election. While election officials in most of the jurisdictions we visited did not report encountering these uncertainties, election officials did in 4 jurisdictions. For example, election officials in a jurisdiction in Colorado reported that ballot printing was delayed by three statewide lawsuits regarding the content of the ballot. These officials reported that they prepared two ballot designs—one with a particular candidate's name and one without—so that they would be prepared to send the ballots to an external printer regardless of the lawsuits' outcome.

Some jurisdictions are required to provide ballots in languages other than English. Producing ballots in multiple languages can add to the complexity of preparing ballots because election officials must take steps to ensure proper translation and printing for each required language. On the basis of our local jurisdictions survey, we estimate that 6 percent of jurisdictions nationwide provided ballots in other languages. We estimate that significantly more large jurisdictions provided ballots in languages other than English than medium and small jurisdictions. We estimate that 26 percent of large jurisdictions (compared to 10 percent of medium jurisdictions and 3 percent of small jurisdictions) provided ballots in languages other than English.[41]

Once voting equipment, ballots, and supplies have been prepared, ensuring that they are transported to polling places can be a logistical challenge for jurisdictions with thousands of voting machines and hundreds of polling places. Election officials in 18 of the 28 jurisdictions we visited told us that they contracted with moving companies to deliver voting equipment to polling places prior to Election Day. For example, election officials in a jurisdiction in Pennsylvania told us that they contract with a moving company that transports about 1,000 DREs to about 400 polling places in

[41]On the basis of our nationwide survey, we estimate that all of the jurisdictions that provided ballots in a language other than English provided ballots in Spanish. Our survey results also showed that some large jurisdictions provided ballots in other languages, such as Chinese, Vietnamese, Korean, and Tagalog, for the November 2004 general election.

the week prior to Election Day. Election officials in a jurisdiction in Nevada told us that to ensure that voting machines were delivered to the correct polling places, they bar-coded each DRE and also assigned a bar code to each polling place. Upon delivery, contract movers used scanners to read the bar codes on each DRE and the bar code for the specific polling place. Prior to Election Day, these officials said that teams of election staff technicians then went to each polling place to set up the DREs and verify the scanned bar codes. After setting up the DREs, the rooms in which they were located were secured until Election Day. In contrast, in a jurisdiction we visited in New Hampshire, two election workers delivered 12 optical scan counters to the 12 polling places at 4:00 a.m. on Election Day. Figure 41 shows stored voting equipment—with accompanying delivery instructions for each DRE for 1 location—in 3 large jurisdictions we visited that needed to be prepared and delivered to polling places prior to Election Day.

Figure 41: DRE and Optical Scan Voting Equipment That Large Jurisdictions Had to Prepare and Deliver Prior to Election Day



Source: GAO.

Election Officials in Some Jurisdictions We Visited Reported Experiencing Long Lines on Election Day, while Officials in Other Jurisdictions Did Not

Long voter wait times are a problem that election officials try to avoid. However, voters waiting in line at the polls was an issue identified in reports reviewing the November 2004 general election. These reports identified a variety of factors, including confusion about a voter's registration status, ballot or voting equipment shortages, or malfunctioning voting equipment that led to long voter wait times. We asked election officials during our site visits whether or not any polling places in their jurisdictions had long lines during the November 2004 general election and to describe factors they thought contributed to or helped to reduce long lines.

Election officials in 17 of the 28 jurisdictions we visited reported having long lines at one or more polling places in their jurisdiction at some point on Election Day. However, there was variation in the reported voter wait times, times of day, and numbers of polling places with lines. For instance, election officials described voter wait times that ranged from 15 minutes to 1 ½ hours. Some election officials reported that the longer lines occurred in the morning; others told us that they kept polling places open past the official closing time to accommodate voters who were in line when the polls closed. Election officials in over half these 17 jurisdictions attributed long lines to higher than expected voter turnout, both in general and at peak voting times. Some of these jurisdictions were located in states where the presidential race was considered close (often referred to as "battleground states").[42] For example, the election official in a jurisdiction in Nevada attributed long lines to using a new voting system in addition to being a battleground state and encountering high voter turnout. This official estimated that there were between 30,000 and 35,000 more voters for the November 2004 general election than in previous elections. Election officials in 2 jurisdictions we visited in Ohio told us that higher than expected voter turnout in some precincts led to long lines. For example, election officials in 1 of these jurisdictions reported that at a polling place where two precincts were located there was higher than expected turnout because of a school board race. According to these officials, at this polling place there was a single line for voters from both precincts to check in at

[42]EAC, using various news media sources, identified 17 states deemed to be most competitive in the 2004 presidential contest. These "battleground or highly contested" states included Arkansas, Arizona, Colorado, Florida, Iowa, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Mexico, Ohio, Oregon, Pennsylvania, Washington, West Virginia, and Wisconsin. We visited 8 of these 17 states during our site visits; alternatively, 16 of the 28 jurisdictions we visited were located in these battleground states.

the registration table, and this line backed up. Election officials in another jurisdiction in Ohio told us that some precincts had long lines, and one precinct in particular had a waiting time of up to 1 hour. These officials said that one precinct closed 30 to 45 minutes after closing time for the voters that were in line at 7:30 p.m.

Election officials in 11 of 28 jurisdictions we visited told us that none of the polling places in their jurisdictions had long lines, and some described factors that helped to reduce or prevent lines. High voter turnout prior to Election Day—either during early voting or through absentee voting—was one factor they identified. For example, election officials in 2 jurisdictions we visited—a second jurisdiction in Nevada and 1 in New Mexico—told us that about 60 percent of those who cast ballots voted early or absentee. Election officials in a jurisdiction we visited in Washington (which reported that it did not require or allow early voting) told us that they attributed their lack of long lines on Election Day to the fact that two-thirds of voters in their jurisdiction vote by absentee ballot. Election officials in a jurisdiction in Florida reported that in planning for the November 2004 general election, they decided to encourage early and absentee voting as alternatives to Election Day voting in anticipation that there would be heavy turnout for the general election. Their voter education campaign, which included buying airtime on radios and in movie theaters, stressed early voting options. In the end, about 40 percent of voters cast early ballots, which, according to election officials, made crowds easier to manage on Election Day.

Overloaded Phones on Election Day Posed Problems for Some Large and Medium Jurisdictions

On Election Day, poll workers may need to communicate with election officials at the central office for a variety of reasons—to inquire about a person's eligibility to vote if his or her name does not appear in the poll book, to report voting equipment problems, or to report other issues that could occur at a polling place on Election Day. On the basis of our nationwide survey of local jurisdictions, for the November 2004 general election, we estimate that for 48 percent of all jurisdictions, the primary means of communication between polling places and the central office was telephones installed at polling places. Cell phones were also used as a primary means of communication in some jurisdictions. For example, on the basis of our local survey results, we estimate that for 25 percent of all jurisdictions, personal cell phones were the primary means of communication.

Having inadequate communication lines on Election Day was a problem for election officials in the November 2000 election, as we noted in our October 2001 report on election processes.[43] On the basis of our 2005 survey of local jurisdictions, communication problems between polling places and the election office on Election Day were a challenge for some jurisdictions in the November 2004 election, and these problems varied by the size category of jurisdiction, with more large jurisdictions encountering major problems than medium and small jurisdictions. We estimate that 36 percent of large jurisdictions, 63 percent of medium jurisdictions, and 89 percent of small jurisdictions encountered no major problems with the communication system used at polling places. Small jurisdictions may not have experienced communication problems on Election Day for a variety of reasons, among them because a single polling place is located in the same building as the central election office, allowing the election officials to be physically present to resolve any questions or issues. Election officials in small jurisdictions provided comments on our nationwide survey of local jurisdictions about the primary communication system used in their jurisdictions on Election Day, including "personal contact—the clerk's office is across the hall from the polling place," "[we] yelled across the room," or "we are the central office and the polling place." In addition, the election official in the small jurisdiction we visited in New Hampshire told us that the town clerk was on site at the one polling place.

Election Day communication problems encountered by some large and medium jurisdictions included overloaded phones because of the volume of calls. On the basis of our local jurisdictions survey, we estimate that 49 percent (plus or minus 8 percent) of large jurisdictions, 14 percent of medium jurisdictions, and 1 percent of small jurisdictions experienced overloaded phone systems.[44] The differences between all size categories are statistically significant. Election officials in many large jurisdictions we visited reported receiving numerous phone calls on Election Day, both from polling places and from the public. In addition to poll workers calling from polling places, election officials at the central office may receive phone calls from citizens asking about the location of their polling place or whether or not they are registered to vote. For example, a large jurisdiction we visited in Nevada reported receiving over 35,000 calls on Election Day

[43]See GAO-02-3.

[44]The 95 percent confidence interval for the large percentage is greater than the +/- 7 percent sampling error for the sample.

2004, about three times the number reportedly received in 2000. Election officials reported that most calls received were from people wanting to know whether or not they were registered or where their polling place was, despite providing polling place locations on their Web site, printing the locations in the newspaper, and mailing a sample ballot listing polling place locations to every registered voter in the jurisdiction. Election officials in 2 other large jurisdictions in Florida and Kansas reported that the volume of calls received was extremely high and that most inquiries concerned voter eligibility. In 1 of these 2 jurisdictions, election officials told us that many poll workers could not get through to the elections office to verify voter registration information, which may have increased the number of provisional ballots issued during the election.

Election officials in many of the large jurisdictions we visited reported taking steps to manage, or even reduce, the volume of calls from both polling places and the public. These actions included setting up call centers or phone banks, installing additional phone lines in their offices, or hiring temporary workers. For example, election officials in a large jurisdiction in Pennsylvania reported that after experiencing problems being able to handle the volume of calls on Election Day 2000, they implemented a call center at their office with 30 phone lines for the November 2004 election. While these election officials reported receiving "a lot" of calls for the 2004 general election, they said they were able to successfully handle the volume because of the new phone lines. Election officials in a large jurisdiction in Illinois reported that a feature, new for the November 2004 election, on the jurisdiction's Web site that allowed voters to determine their polling place online helped to reduce the number of phone calls received from people asking about polling location.

Election Officials in Some Jurisdictions We Visited Reported That Third-Party Observers Were a Challenge on Election Day 2004

After the November 2004 general election, some reports highlighted allegations of voter intimidation by third parties (e.g., poll watchers, observers, or electioneers) at polling places. To gain a better understanding of the extent to which this alleged behavior occurred and because the range of behaviors and circumstances in which they could have occurred was difficult to capture on a structured survey, we asked election officials during our site visits about challenges they faced conducting voting on Election Day—specifically, we asked them about any problems they encountered with voter intimidation. Election officials in 19 of the 28 jurisdictions we visited did not report experiencing problems with third parties on Election Day. However, election officials in 9 jurisdictions we visited in battleground states reported challenges with disruptive third-

party activities.[45] In some instances these third parties simply increased the number of people that poll workers were to manage at a polling location; in others, election officials told us third-party observers provided misinformation to voters or even used intimidation tactics.

Election officials in a jurisdiction in Nevada told us that poll watchers were the biggest challenge on Election Day. Poll watchers, according to election officials, had been bused in from another state to observe the election because Nevada was a battleground state, which led to having 14 poll watchers at some locations. These officials noted that while most poll watchers simply observed, the poll watchers did increase the number of people at polling places, creating more for poll workers to manage. Election officials in other jurisdictions reported that third-party behavior negatively affected poll workers and voters. For example, election officials in a jurisdiction in Pennsylvania reported that one of the biggest challenges on Election Day was managing poll workers' stress levels in an especially contentious election where poll watchers and observers yelled at them throughout the day. Election officials in another jurisdiction in Nevada told us that outside observers' behavior was disruptive and noted that the observers were contentious, violated electioneering limits at the polling place, and questioned every action that poll workers made. Election officials in a jurisdiction in Colorado reported that at one polling location on a college campus, poll watchers and representatives of a national organization were encouraging students to go to the polling place at one time to create a disruption. Students were also being encouraged to get back in line after they had voted, which caused long lines for other voters. Election officials said that they ended up calling security officers to help manage the situation.

In other instances, election officials reported that observers provided misinformation to voters or even used intimidation tactics. Election officials in a jurisdiction in Florida reported that third-party organizations caused confusion at polling places by misinforming voters and staging demonstrations. In a jurisdiction we visited in Colorado, election officials told us that poll watchers caused problems at some polling places by providing misinformation to voters, such as informing them that their provisional ballots would not be counted. In a jurisdiction in New Mexico, election officials said that one polling place had to remain open until

[45]As previously noted, during our site visits we visited 8 of the 17 states defined by EAC as battleground states.

10:30 p.m. because voters were encouraged by local political advocates to go to that polling place to vote even though the polling location for their precinct had been changed. As a result, according to these officials, hundreds of provisional ballots were cast at the polling place, which made for long waiting times. Election officials in another jurisdiction in New Mexico reported that outside candidate advocates and observers from political parties tried intimidation tactics and treated people at the polls "terribly." For example, these election officials told us that some advocates were observed taking photographs of the license plates of Hispanic voters as they arrived at polling places.

We did not ask a specific question about third-party activities at polling places on our survey of local jurisdictions because of the complexities in capturing the range of alleged behaviors on a structured survey. However, we asked whether local election jurisdictions maintained a written record of issues that occurred on Election Day and, if so, what issue or problem occurred most frequently on Election Day. Several election officials from jurisdictions in battleground states that provided comments on our nationwide survey wrote that electioneering or poll watchers did. For example, election officials from Florida, Colorado, and Iowa wrote "voters complained about being harassed by demonstrators while waiting in line to vote," "poll watchers acting aggressively," and "poll watchers (who were attorneys, mostly) were interfering with the process, intimidating precinct officials, and giving erroneous advice to voters who showed up at the wrong polling place."

Concluding Observations

Administering an election in any jurisdiction is a complicated endeavor that involves effectively coordinating the people, processes, and technologies associated with numerous activities. Many of the challenges that election officials reported encountering in preparing for and conducting the November 2004 election were not new. Recruiting and training an adequate supply of poll workers, finding accessible polling places, and managing communications on Election Day were challenges we identified in our October 2001 report on the November 2000 election.

Data from our local elections jurisdiction survey and site visits to 28 locations, indicate that more large, and to some extent medium, jurisdictions encountered challenges in preparing for and conducting the November 2004 general election than did small jurisdictions. This is not surprising. Larger, diverse jurisdictions may face challenges smaller jurisdictions do not, such as recruiting poll workers with non-English

language skills. Larger jurisdictions are also likely to need to rely to a greater degree on technology to manage their elections administration process, and this brings its own set of challenges. The complexity of administering an election and the potential for challenges increase with the number of people and places involved, the ethnic diversity and language skills of the voting population, and the scope of activities and processes that must be conducted. Many of the election officials in large jurisdictions we visited told us that being well prepared, having established policies and procedures in place, and having qualified election staff were factors that contributed to a smooth Election Day. One problem that occurred on Election Day in some jurisdictions that election officials reported encountering was the actions of poll watchers and other third parties that election officials considered disruptive. This presents another issue that election officials may need to include in their Election Day preparations and training.

Provisional Voting

A goal of the election process is to ensure that every eligible voter is able to cast a vote and have that vote counted. In the November 2000 general election, reports of some voters showing up at the polls and not being able to vote raised concerns about eligible voters' names not appearing on the voter registration list at the polling place or poll workers not otherwise being able to determine voters' eligibility. While many jurisdictions reported in 2001 having at least one procedure in place to help resolve eligibility questions for voters whose names did not appear on a polling place registration list, only 20 states plus the District of Columbia reported using some form of provisional ballot for the 2000 general election.[1]

One of the major changes since the 2000 general election has been the implementation of a HAVA provision requiring, in general, that states permit individuals, under certain circumstances, to cast provisional ballots in elections for federal office. In general, under HAVA, voters who claim to be eligible to vote and registered in the jurisdiction they desire to vote in but whose names do not appear on the polling place registration list are to be allowed to cast provisional ballots in a federal election. These ballots are called provisional because they are counted only if an election official determines that the voter is eligible under state law to vote. In terms of ballot access, provisional ballots benefit voters by allowing an individual to cast a vote, in general, when there is some question as to the individual's eligibility such as when the individual's name is not on the registration list or the individual's eligibility has been questioned by an election official. In terms of ballot integrity, provisional ballots benefit election officials by allowing them to determine voter eligibility prior to counting such ballots (i.e., verifying provisional ballots).

In this chapter, we describe (1) events that preceded HAVA's provisional voting requirements, (2) how states and local jurisdictions implemented the requirement to provide provisional ballots, (3) how states and local election jurisdictions qualified provisional ballots for counting, and (4) the difficulties of estimating and comparing the number of provisional ballots that were cast and counted.

[1]GAO-02-3.

Overview

Concerns were raised with respect to the November 2000 election that some eligible voters were not allowed to vote because of questions regarding the voters' eligibility. HAVA required that by January 1, 2004, most states permit the casting of provisional ballots in elections for federal office by voters who affirm in writing that they believe they are eligible to vote and registered in that jurisdiction, but are not found on the voter registration list.[2] Such states are also required under HAVA to provide provisional ballots in federal elections under other circumstances such as for certain voters who registered by mail and do not have required identification, and where an election official asserts that an individual is ineligible to vote. Provisional votes cast under HAVA's provisional voting requirements are to be counted in accordance with state law if election officials determine that the voter is eligible to vote under state law. Under HAVA, 6 states are exempt from the act's provisional voting requirements because they either permitted the voter to register on Election Day or did not require voter registration.[3]

On the basis of reports from state election officials and in local election jurisdictions we surveyed and visited, states and local jurisdictions varied in a number of ways regarding how they implemented HAVA's provisional voting requirements in the November 2004 election. Among other things, we found variation in the

- additional circumstances, apart from those circumstances specified in HAVA, where a provisional ballot would be offered, such as when voters claimed they did not receive an absentee ballot;
- design of ballots themselves and how they were tracked; and
- voting method used for casting provisional ballots, such as optical scan ballots or DRE.

[2]HAVA section 302 (codified at 42 U.S.C. § 15482).

[3]Under HAVA, states that had either (1) no voter registration requirements for voters with respect to federal elections (North Dakota) or (2) polling place registration on Election Day with respect to federal elections (Idaho, Minnesota, New Hampshire, Wisconsin, and Wyoming) in effect on and after August 1, 1994, are not subject to HAVA's provisional voting requirements.

With respect to the counting of provisional votes, states reported various differences in their counting processes such as the prescribed location from which a voter must cast a provisional ballot in order for it to be counted. Also, with respect to the counting of provisional ballots, according to our estimates from our survey of local election jurisdictions nationwide, a voter not meeting residency requirements was the most frequently cited problem, followed by insufficient evidence that the voter was registered. In jurisdictions we visited, election officials also varied in how they handled a lack of information from the voter that was needed to verify a provisional ballot.

National figures on provisional ballots for the November 2004 election are difficult to estimate because of a lack of data on provisional ballots cast and counted, and variation in how states implemented provisional voting. Nevertheless, we estimate that between 1.1 million and 1.7 million provisional ballots were cast in the November 2004 election. The variation in how provisional voting was implemented makes it difficult to compare the use and counting of provisional ballots among jurisdictions. A number of factors can affect the number of provisional ballots cast and counted. For example, one such factor could be an instance in which the polling location hours were extended and votes cast during the extended hours were cast provisionally.

Events in the November 2000 Election Preceded the HAVA Requirement for Provisional Ballots

Following the November 2000 election, in our October 2001 comprehensive report on election processes nationwide, we noted that the biggest problems on Election Day involved resolving questions about voter eligibility.[4] Typically, a voter's eligibility is established before a voter receives a ballot, most often by a poll worker examining a poll book or registration list for the person's name. If the name appears on the list and other identification requirements are met, the voter is given a regular ballot and is allowed to vote. We also noted in our report that in the November 2000 election, a large number of voters with eligibility issues created frustration for voters, long lines, and problems communicating between the polls and election headquarters as workers tried to resolve eligibility issues.

[4]GAO-02-3.

For the 2000 general election, when the voter's name did not appear on the registration list, we reported in October 2001 that jurisdictions had different procedures for dealing with the question of the voter's eligibility. More specifically, we reported that 20 states plus the District of Columbia used some form of provisional ballot when a voter's name was not on the voter list, with verification of registration conducted after the election.[5] As we reported, provisional balloting measures went by different names among the states, including provisional ballot, challenged ballot, special ballot, emergency paper ballot, and escrow ballot. Further, in 5 states in the 2000 general election, we reported that voters could complete an affidavit when voting with no further verification of their registration information being required by state law prior to the ballot being counted.

The U.S. Census Bureau estimated that of the 19 million registered voters who did not vote in 2000, 6.9 percent did not vote because of uncertainty regarding their registration.[6] In our October 2001 report, we noted that headlines and reports questioned the effectiveness of voter registration by highlighting accounts of individuals who thought they were registered being turned away from polling places on Election Day and jurisdictions incorrectly removing the names of eligible voters from voter registration lists. Our report also found that almost half of the jurisdictions nationwide in 2000 reported having problems with registration applications submitted at motor vehicle agency offices that election officials believed could result in individuals showing up at the polls to vote and discovering that they were not registered.

Numerous recommendations were made for federal regulations to require that all states provide provisional voting. For example, the Federal Election Commission in June 2001 recommended that all states devise procedures for voters to cast provisional ballots at the polls under certain conditions, as did the National Commission of Federal Election Reform in August 2001 and the National Task Force on Election Reform in July 2001, among others.

[5]See GAO-02-3, table 22, for a list and description of measures, including provisional voting requirements, in the 50 states and the District of Columbia to address instances of voter names not appearing on registration lists for the 2000 general election.

[6]U.S. Census Bureau, *Voting and Registration in the Election of November 2000*, U.S. Department of Commerce, February 2002.

Under HAVA, in an election for federal office, most states are to permit individuals to cast a provisional ballot under certain circumstances.[7] The statutory deadline for implementing HAVA's provisional voting requirement was January 1, 2004. For federal elections, states are, in general, required to allow the casting of a provisional ballot by an individual

- asserting to be registered in the jurisdiction in which the individual desires to vote and eligible to vote but whose name does not appear on the official list of eligible voters for the polling place, or
- whom an election official asserts to be ineligible to vote, or
- who registered to vote by mail but does not have (and has not previously provided) the required registration identification when trying to vote in person or by mail, or
- casting a vote pursuant to a court order or other type of order extending poll closing times.

HAVA requires that an individual be permitted to cast a provisional ballot upon the execution of a written affirmation before an election official at the polling place. The written affirmation must state that the individual is registered to vote in that jurisdiction and eligible to vote in that election. HAVA specifies that either the provisional ballot or the written affirmation information be transmitted to an appropriate election official for a determination as to whether the individual is eligible to vote under state law. Under HAVA, if an individual is determined to be eligible, the provisional ballot is to be counted as a vote in accordance with state law. Election officials, under HAVA, are to give the individual written information on how to ascertain whether the vote was counted and, if the vote was not counted, the reason the vote was not counted. HAVA directs that state or local election officials establish a free access system, such as a toll-free number, for provisional voters to ascertain such information.

[7]Although many states had some form of provisional balloting prior to the passage of HAVA, 44 of the 50 states and the District of Columbia were required to permit certain individuals to cast provisional ballots for the 2004 general election. Under HAVA, 6 states were exempt from HAVA's provisional voting requirements. States that had either no voter registration requirements for voters with respect to federal elections (North Dakota) or polling place registration on Election Day with respect to federal elections (Idaho, Minnesota, New Hampshire, Wisconsin, and Wyoming) in effect on and after August 1, 1994, are not subject to HAVA's provisional voting requirements.

While HAVA established conditions under which an individual must be allowed to cast a provisional ballot, states are not prohibited from offering provisional ballots for other reasons, or from using ballots with other names (e.g., a challenged ballot) to serve provisional vote purposes. HAVA explicitly provides that the specific choices on the methods of complying with certain act requirements, including the provisional voting requirements, are left to the discretion of the state.[8] In addition, HAVA provides that a state may establish election technology and administration requirements that are stricter than HAVA requirements, so long as they are not inconsistent with other specified federal requirements.[9]

State and Local Jurisdictions Varied in Their Implementation for Providing Provisional Ballots for the November 2004 Election

On the basis of reports from state election officials and in local election jurisdictions we surveyed and visited, states and local jurisdictions provided for provisional voting in a variety of ways for the November 2004 election. These differences contributed to the variation in the number of provisional votes cast among jurisdictions.

The results of our state survey of election officials show that states reported using new or existing legislative or executive actions (which included executive orders, directives, regulations, or policies) to implement HAVA's provisional voting requirements. Specifically, our state survey showed

- 27 states reported enacting new legislation or taking executive action to meet HAVA's provisional voting requirements;

[8]HAVA section 305 (codified at 42 U.S.C. § 15485).

[9]HAVA section 304 (codified at 42 U.S.C. § 15484). For example, Arizona submitted an inquiry to Department of Justice's Civil Rights Division asking whether it was permissible under HAVA for a state to mandate that a potential voter show identification at the polls prior to receiving a provisional ballot. The Civil Rights Division responded, in part, on September 1, 2005, that while HAVA requires states to allow voters who meet certain specified conditions the opportunity to cast a provisional ballot, states are free to prescribe their own rules for deciding whether to count those ballots. (September 1, 2005, letter to the state of Arizona from the Department of Justice's Civil Rights Division).

- 11 states and the District of Columbia reported using the state's existing legislative or executive action to meet the requirements;[10]

- 7 states said HAVA provisional requirements were met by a combination of new legislation or executive action and existing actions;[11]

- 5 states (Idaho, Minnesota, New Hampshire, North Dakota, and Wisconsin), in response to the question of how their state established the provisional voting requirements set forth in HAVA, answered that they were exempt from such requirements; these 5 states are exempt from HAVA provisional requirements, in general, because they have same-day voter registration or no voter registration.[12]

Connecticut officials responded, for example, that the state enacted legislation after HAVA to establish HAVA provisional voting requirements. Connecticut state laws were enacted in June 2003 related to the application for a provisional ballot, casting of the ballot, and determination of eligibility for counting of provisional ballots, among other things. In contrast, Alaska election officials reported that existing legislation met HAVA's provisional voting requirements. According to Alaska's 2005 updated HAVA plan, the state had an existing provisional voting process known as Questioned Voting. This process, established in the early 1980s, required only minimal changes to meet HAVA provisional voting requirements. Alaska requires use of a questioned ballot for any voter who votes at a polling location where his or her name does not appear on the precinct register, or if the voter does not have identification and is not personally known by the election official. In our state survey, New Jersey reported meeting HAVA provisional voting requirements with a combination of existing and new legislation. In one New Jersey jurisdiction we visited, election officials stated that state provisional voting procedures were first established in

[10]Alaska, Colorado, Florida, Georgia, Kansas, Maine, Missouri, New York, North Carolina, South Carolina, and West Virginia reported using existing legislative or executive action to meet HAVA requirements.

[11]Arizona, California, Iowa, Michigan, New Jersey, Ohio, and Washington reported meeting HAVA requirements with a combination of new and existing state actions.

[12]Wyoming is also exempt from HAVA's provisional voting requirements. States are exempt because they had either (1) no voter registration requirements for voters with respect to federal elections (North Dakota) or (2) polling place registration on Election Day with respect to federal elections (Idaho, Minnesota, New Hampshire, Wisconsin, and Wyoming), in effect on and after August 1, 1994. Despite the exemption, Wyoming reported enacting legislation to authorize some measure of provisional voting to be consistent with HAVA.

1999. According to these officials, the state amended its provisional ballot election law after HAVA to allow use for voting by court (or other) order after the polls have closed, and by first-time mail registrants who do not provide identification.

Paper Ballots and DRE Were Voting Methods Used to Cast Provisional Ballots

Election officials in 25 of the 26 jurisdictions we visited that provide for provisional voting told us that they used some form of paper ballot for Election Day provisional voting for the November 2004 election.[13] For example, election officials in the Illinois jurisdictions we visited said that the regular punch card ballot was used by provisional voters, and then placed in provisional ballot envelopes. In the New Jersey jurisdictions we visited officials said that provisional votes were cast on paper ballots that could be counted with optical scan machines (if voters were determined to be eligible). Election officials in Connecticut jurisdictions said that they used hand-counted paper ballots for provisional voters.

According to election officials in 1 Ohio jurisdiction and 1 Nevada jurisdiction, DRE was used for Election Day provisional voters.[14] According to election officials or documents they provided in the 2 jurisdictions we visited that used DRE for provisional voting on Election Day, the processes used for casting provisional votes were as follows:

- In the Ohio jurisdiction, election officials said voters first completed an affidavit statement with a preprinted code number, and signed a special section of the poll book. The poll worker then inserted a unit into the DRE that contained the ballot for the precinct. The poll worker then pressed the provisional ballot selection on the DRE and entered the code number for the individual voter associated with the voter's affidavit statement. The individual then voted.

[13]Two additional jurisdictions we visited were in New Hampshire, which is not subject to HAVA provisional voting requirements.

[14]In each of these jurisdictions paper ballots were used for some provisional voting—for those casting a provisional vote Election Day in the election office in Ohio and those casting a provisional ballot during early voting in the Nevada jurisdiction. Voters in Nevada, including early voters, who were first-time voters who registered by mail and did not provide identification when they registered and could not provide required identification when at the polls, were allowed to cast a provisional ballot. Election officials in the other Nevada jurisdiction also told us they used DRE for provisional voting but not on Election Day. This jurisdiction used DREs for provisional early voting and optical scan paper ballots on Election Day.

- In one Nevada jurisdiction, DREs were used for Election Day provisional voting, but optical scan ballots were used for provisional voters participating in early voting. According to the poll worker's manual provided by election officials, Election Day provisional voters completed an affirmation with identifying information and the reason they were casting a provisional ballot. As described to us by election officials at this jurisdiction, the poll worker then added precinct information, and both signed the affirmation. The poll worker then activated the DRE with a card. To indicate that the ballot was provisional, the poll worker pressed "0" and the machine provided a provisional voter identification number that the poll worker copied onto the voter affirmation and provisional voter receipt. The voter then voted.

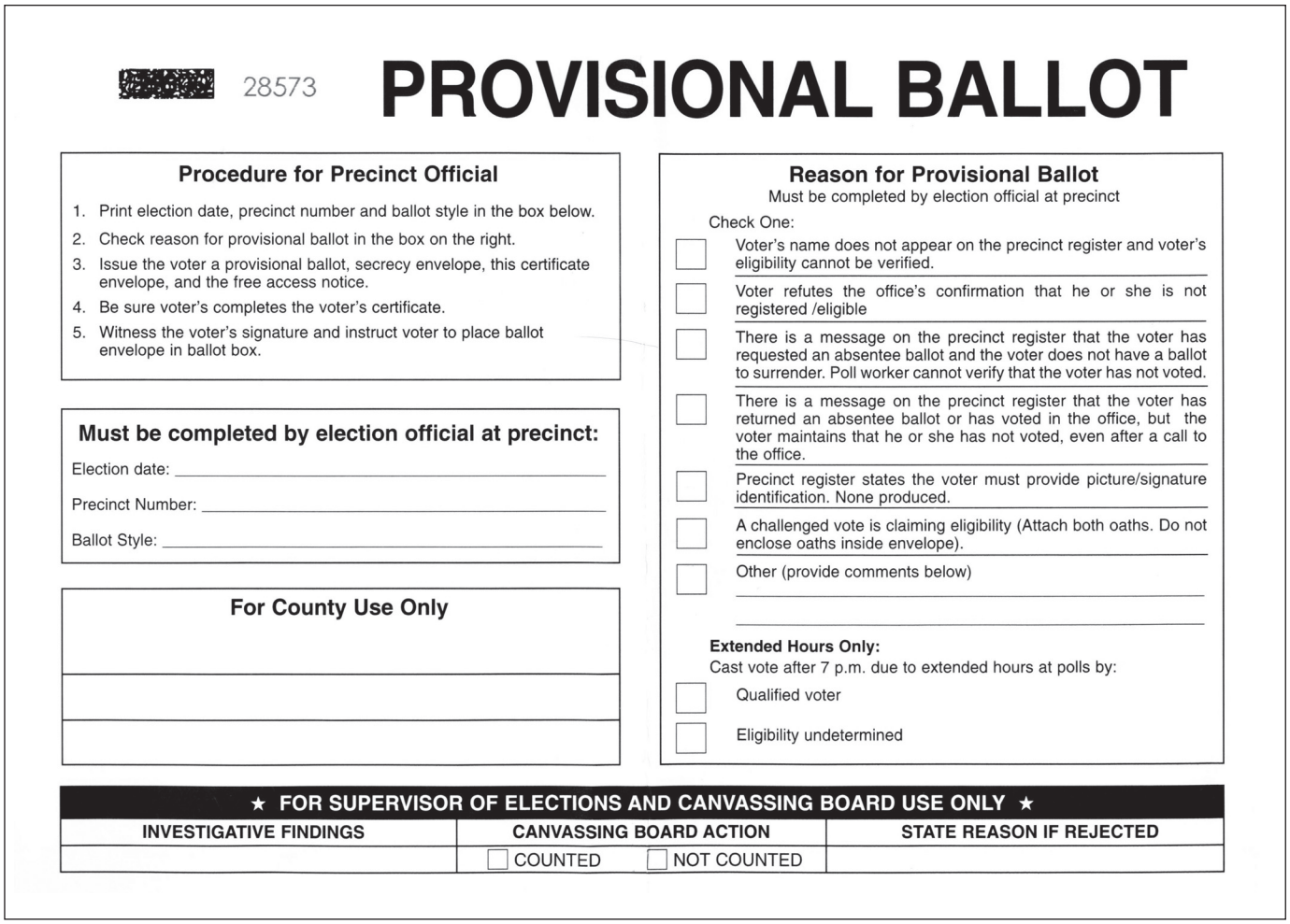
The Provisional Ballot Design and Tracking Procedures Varied among States

According to election officials in the jurisdictions we visited, the design of provisional ballots varied for the November 2004 election. The provisional ballot differences included variation in terms of the races included, ballot and envelope color, the envelopes they were placed in, and the information included on the provisional ballot envelopes. For example, in the Nevada jurisdictions, the provisional ballot only included races for federal offices, while in the Kansas jurisdictions, officials said that the provisional ballot was the same as a regular ballot. In 1 Georgia jurisdiction, election officials stated that they were using an absentee ballot for provisional voters but were inserting it into a salmon-colored envelope, whereas in an Illinois jurisdiction we visited, "Provisional" was printed in pink letters across the punch card ballot used in that jurisdiction so that these ballots were distinguishable from other ballots.

The provisional ballot envelopes also varied in terms of what information was provided in the jurisdictions we visited, according to example envelopes provided to us (or described) by election officials. The outside of the provisional ballot envelopes in most of the jurisdictions we visited served as the voter's written affirmation that is required by HAVA. For example, in a jurisdiction in Illinois, the ballot envelope included instruction to voters on how to cast a provisional ballot; in a Florida jurisdiction (as well as in Illinois) the provisional envelope includes information on the reason why the provisional ballot was cast. In New Mexico and Colorado jurisdictions we visited, the envelope included a tear-off tab with information on how voters could find out whether their vote counted, and if not, why it was not counted. In addition, election officials in some jurisdictions we visited described provisional ballots being placed in

envelopes, sometimes with a second security envelope covering the ballot inside. Figure 42 shows an example of a provisional ballot envelope.

Figure 42: Provisional Ballot Envelope



Source: Broward County, Florida.

Officials in jurisdictions we visited described a variety of methods used for tracking provisional ballots in the November 2004 election. Methods included having individual ballots numbered, maintaining an inventory or log, accounting for provisional ballots at the beginning and end of Election

Day, and using specially colored ballots or envelopes for holding provisional ballots. The following are examples of how election officials in four jurisdictions we visited said they tracked provisional ballots for the November 2004 election:

- In a Pennsylvania jurisdiction, election officials tracked provisional ballots cast at the polling place on a form provided by the election officials. Provisional ballots were marked with a sticker indicating that they were provisional. The sticker also had an identification number for tracking the ballot, and the voter was provided a receipt with the identification number to use when calling for information on the status of their ballot. All provisional ballots were placed inside of green envelopes.

- In a New Mexico jurisdiction, an election official said that ballots were numbered sequentially, so that the poll workers could track the numbers. The precinct judges certified the numbers of the ballots they received, used, delivered, and destroyed.

- In a New Jersey jurisdiction, the municipal clerk issued a specific number of provisional ballots (25) to each precinct, with a "Custody Receipt" form that identified who was in possession of the orange bag with the provisional ballots and an accounting of all ballots originally issued. A ballot that had been voted was enclosed in a gray envelope and then put back in the orange bag.

- In a Kansas jurisdiction, separate poll books, separate envelopes for provisional ballots, and separate pouches for envelopes containing provisional ballots (all blue in color) facilitated tracking the ballots as separate items from regular Election Day ballots. No tracking of the actual ballot occurred (before it was voted) because the same optical scan paper ballot was used for regular Election Day voters.

Additional Circumstances for Using Provisional Ballots Varied for the November 2004 Election

Apart from permitting voters to cast provisional ballots under the circumstances specified in HAVA, some jurisdictions we surveyed or spoke with had additional reasons for providing provisional ballots to voters in the November 2004 election and other types of ballots that could be used for different circumstances. In addition, election officials in jurisdictions we visited told us about different approaches for offering provisional ballots.

Provisional Ballots Were Provided for a Variety of Reasons in Jurisdictions We Visited

In the local election jurisdictions we visited, election officials described various circumstances, in addition to those required by HAVA, in which a provisional ballot was provided to a prospective voter in the November 2004 election. The additional circumstances under which provisional ballots were provided are established by state officials. For example,

- In one Colorado jurisdiction we visited, election officials stated that provisional ballots were available to voters who did not have the identification required of all voters in the state and also available if a person was listed as a felon in the poll book. Further, election officials told us that the Colorado Secretary of State issued guidance just prior to the 2004 general election that allowed individuals—claiming to have registered at a voter registration drive but for whom the jurisdiction had no record—to vote provisionally.

- Election officials in jurisdictions we visited in Colorado, Florida, Kansas, Ohio, and Washington said that voters claiming they had not received their absentee ballots were provided with provisional ballots. In other jurisdictions, such as the 2 we visited in Connecticut, voters were allowed to vote regularly if their absentee ballot did not arrive.

- Kansas election officials reported that they allowed voters to cast provisional ballots if the voter did not trust the voting machines and wanted a paper ballot, or if the voter had a different last name than the listed one because of marriage or divorce.

The extent to which voters are provided with provisional ballots varied depending on whether states required identification of all voters or only certain voters, according to our state survey. Some states reported that they require all voters to provide identification; some reported that they require only provisional voters to produce identification, while others reported that they do not require identification from voters other than first-time voters who registered by mail, as required by HAVA.[15] Chapter 4 on conducting elections discusses state requirements for voter identification for all voters. According to our state survey, 6 states—Arizona, Massachusetts, Michigan, New Mexico, Utah, and Wisconsin—reported

[15]HAVA mandates all states to require identification from first-time voters who registered by mail unless a copy of the identification is included with their mail-in voter registration application.

requiring identification from only provisional voters in the November 2004 election, but Michigan and Utah reported allowing an alternative to identification for provisional voters who did not have required identification. In Michigan, for example, a voter receiving a provisional ballot who was unable to meet the identification requirement was permitted, according to election officials responding to our state survey, to fax, mail, or hand-deliver an acceptable form of photo identification to the clerk anytime during the 6 days following the election.

Alternatives to Provisional Voting Available in Some Jurisdictions We Visited

Some jurisdictions we visited reported that Election Day voting options other than provisional ballots were available. For example, election officials in jurisdictions we visited in Ohio said that provisional ballots were the only special ballots available for that election. In contrast, in a New Mexico jurisdiction we visited, election officials said the state offered an in-lieu-of ballot for voters who requested an absentee ballot, and claimed it did not arrive. These election officials said the in-lieu-of ballot was the same as a provisional ballot, but it was placed in a different sleeve for later determination of whether an absentee ballot had been cast or not. At a Connecticut jurisdiction we visited, election officials described the state's presidential ballot, available at the clerk's office on Election Day for the November 2004 election. A presidential ballot, according to election officials and documents they provided, allowed voting for president and vice-president by former Connecticut residents who had moved to another state within 30 days of the election and for that reason could not vote in their new state of residence.[16]

Election officials in some jurisdictions we visited, such as 1 jurisdiction in Florida and 2 jurisdictions in New Jersey, said their procedures allowed challenged voters to sign a statement, such as an affidavit declaring their eligibility, and to vote on a regular ballot that would be counted with other ballots on Election Day. According to poll worker guidance provided by election officials in the Florida jurisdiction, a written challenge must be submitted under oath and given to the voter; then the voter has the right to submit an oath affirming his or her eligibility. The polling place clerk and inspectors must resolve the challenge by majority vote, providing a regular ballot if the decision is in the prospective voter's favor. The guidance states that a challenged voter who refuses to sign the oath must be offered a provisional ballot. In both jurisdictions we visited in New Jersey, voters

[16]To be eligible for a presidential ballot, a person must be a citizen at least 18 years old and have not forfeited electoral privileges because of a disfranchising crime.

who were challenged were not issued a provisional ballot, according to documents provided by election officials. As stated in the poll worker manual for one of the jurisdictions for the 2004 general election, a voter who was challenged completed a challenged voter affidavit, as shown in figure 43. The manual stated that the location's four poll workers take a vote to decide whether the voter would be allowed to vote. On the basis of the decision, the challenged voter cast a regular ballot or was not allowed to vote, according to the manual (in case of a tie, the voter was allowed to vote).

Figure 43: Middlesex County, New Jersey, Challenged Voter Affidavit

CHALLENGED VOTER AFFIDAVIT

MIDDLESEX COUNTY BOARD OF ELECTIONS
COMMISSIONER OF REGISTRATION

STATE OF NEW JERSEY)
COUNTY OF MIDDLESEX) ss.

I, _____ , OF _____ _____
PRINT Voter's Name Current Address, Apt. # Municipality

_____ _____ _____ _____
Zip Ward District Address of Polling Place

being duly sworn according to law, on my oath, deposes and say: I am a duly registered voter at the above address. I am a citizen of the United States, and have resided in this State and in this County for 30 days next before this Election, and not elsewhere. I am now a resident of this Election District; as far as I know and verily believe, I am 18 years of age, and have never been convicted of a crime which would disqualify me as a voter in the State of New Jersey, and in all respects qualified to vote in this Election, in this Election District, that I have not voted elsewhere in this Election and have presented the following current document(s); please check:

1. _____ A valid New Jersey driver's license
2. _____ A sample ballot with my name and address
3. _____ An official Federal, State, County or Municipal document
4. _____ A utility or telephone bill or tax or rent receipt dated
5. _____ A piece of mail postmarked on or after the 60th day before the day of this Electic
6. _____ Other _____

_____

_____

Enter Above Identifying Document(s), Number(s), Address(s), Date(s)

_____
Signature of Voter

Sworn and Subscribed before me this ___ day of _____ 20____

_____ _____
Signature of Judge Signature of Clerk

_____ _____
Signature of Inspector Signature of Clerk

Original Copy - For District Board to return to Board of Elections
Copy - For Challenged Voter
Copy - For Challenger

C-4

21

Source: Middlesex County, New Jersey.

In our survey of local election jurisdictions nationwide, we asked for information on the use of provisional ballots, challenged ballots, or other types of ballots under various scenarios for the November 2004 election.[17] Table 18 shows the extent to which we estimate that local jurisdictions provided provisional ballots as compared to providing other types of ballots.

Table 18: Estimated Percentages of Local Jurisdictions Nationwide That Provided Provisional, Challenge, or Other Ballots for the November 2004 Election under Various Scenarios

	Percentage of jurisdictions providing			
Scenario	Provisional ballots	Challenge ballots	Other ballots	Not applicable
Individuals who registered by mail (without providing identification),voted for the first time, and did not bring proper identification with them to the polling place	49	6	7	39
Individuals who claimed they were at the correct polling place but were not on the voter registration list at the polling place	48	7	13	33
Individuals who were challenged by an election official as ineligible to vote	23	23	3	49
Individuals who voted after the polling place closing times when the polling place was kept open late because of a federal court, state court, or other order extending the polling place hours	6	1	2	91
Individuals who said they had requested an absentee ballot but that the ballot never arrived	18	1	19	60

Source: GAO 2005 survey of local election jurisdictions.

Note: Jurisdictions could indicate using more than one type of ballot for a particular scenario; therefore, the row of percentages may not add to 100 percent.

Jurisdictions Varied in Their Approach to Providing Provisional Ballots

Apart from permitting voters to cast provisional ballots under the circumstances specified in HAVA, election officials in jurisdictions we visited described differing approaches under which provisional ballots were utilized for the November 2004 election.

Election officials in most of the 28 jurisdictions we visited said that in the November 2004 election they would not refuse an individual a provisional

[17]Jurisdictions in Idaho, Minnesota, New Hampshire, and North Dakota were not asked questions about provisional voting because they are not subject to HAVA's provisional voting requirements and do not provide for provisional voting. Maine was inadvertently not asked to answer these questions.

ballot. In a Colorado jurisdiction, election officials said that election judges were instructed to direct all voters meeting the criteria for voting provisionally (e.g., claiming to be registered and eligible, but with some eligibility question) to the provisional voting table. In 1 Nevada jurisdiction, the election official said that anyone could receive a provisional ballot. He said that they had Las Vegas tourists who wanted to vote a provisional ballot, even though they were informed that it would not be counted. Election officials in 1 Washington jurisdiction said voters knew that they could cast a ballot regardless of circumstances, and election officials in the other Washington jurisdiction said that provisional ballots served as a conflict avoidance tool at the polls. Election officials in both New Mexico jurisdictions said that if a voter was not on the registration list, he or she was immediately given a provisional ballot. According to the New Mexico election officials, precinct officials were not to direct a voter to the correct precinct; instead, under the provisional voting rule, they were to offer a provisional ballot to the voter.

Election officials in some other jurisdictions we visited told us that poll workers may have taken certain steps before providing a voter with a provisional ballot. In 1 Illinois jurisdiction, an election official said that if a potential voter was not listed, the poll workers first tried to determine if the voter was registered in another jurisdiction. If that was the case, the poll workers then directed the voter to that jurisdiction, but they did not refuse to provide a provisional ballot if a voter requested one. In 1 Ohio jurisdiction, election officials told us that if a voter was registered in Ohio, everything was done to get the voter to the correct precinct. In a New Jersey jurisdiction we visited, election officials explained that poll workers take several steps when the voter's name was not listed in the poll book. Poll workers were instructed, according to the poll worker's manual, to check the poll book for misspellings or for the name being out of alphabetical sequence, and to check the county street guide to see if the voter was in the wrong location. Election officials in this jurisdiction also told us that voters who were in the wrong location were directed to the correct location. They added that voters who did not wish to vote provisionally were told to go before a superior court judge to plead their cases.

In 5 jurisdictions we visited, election officials said there were instances where election officials would refuse to provide a provisional ballot on Election Day. In 1 Ohio jurisdiction, election officials said that a provisional ballot was provided if the potential voter appeared at the polling place. However, if the person came to the election office on Election Day and no

record of voter registration was found by the Registrar, then the voter was not allowed to vote provisionally. A potential voter stating that he or she was not registered or not a resident was a reason not to offer the individual a provisional ballot, according to election officials in 1 jurisdiction in Nevada, and 1 in New Jersey, and both jurisdictions in North Carolina. Officials in 1 Georgia jurisdiction we visited said that an individual might not be offered a provisional ballot if he or she was on the voter registration list and therefore eligible to vote a regular ballot.

Whether a provisional ballot was provided or not might have been based, in part, on the size of the jurisdiction and the familiarity of the poll workers with the voters. Several election officials in small local jurisdictions included in our nationwide survey made this point in written comments. For example, comments included the following:

- "This is a small township. We don't have the problems big cities have. People know who lives in the township. They know their neighbors."
- "Most voters are personally known, including their addresses."
- "We were told that the state voter list was the bible for the day. But we had one lady who should have been provisional but we all knew where she lived so we let her vote. It was the choir lady's niece. Her signature was on file."

In larger jurisdictions, poll workers might be less likely to know the voters in the precinct and may have made greater use of provisional ballots than in smaller jurisdictions.

Newness of Providing Provisional Ballots Presented Some Challenges in November 2004

Some jurisdictions we visited reported that knowing how many provisional ballots to have available for the November 2004 election was a challenge. However, on the basis of our survey of local jurisdictions, we estimate that for the November 2004 election, only 1 percent of jurisdictions had a shortage of provisional ballots. The difficulty with anticipating the need for provisional ballots, according to an Illinois jurisdiction election official, was that officials had no historical experience to rely upon in deciding how many to make available at each site. In this jurisdiction, provisional ballots were used for the first time in the November 2004 election, according to the election official. Similarly, in a Pennsylvania jurisdiction we visited, election officials stated that they had no basis to plan for the number needed, and that they had to rush to produce (e.g., placing a provisional

ballot sticker over an absentee ballot) additional provisional ballots at the last minute because some precincts needed more than were initially allocated. Election officials in one Nevada jurisdiction we visited said some polling places were overstocked while others were understocked, requiring them to shuttle the ballots between polling places. In a Colorado jurisdiction we visited, election officials said that last-minute changes by state officials created a need for more provisional ballots because this change allowed individuals who registered during a voter registration drive but who were not on the voter list to vote provisionally.

On the basis of our local survey, poll workers failing to follow procedures for conducting provisional voting surfaced as an issue in some jurisdictions in the November 2004 election. We estimate that 12 percent of jurisdictions nationwide encountered poll worker performance problems related to their failure to follow procedures with provisional voting. The newness of the provisional procedures or last-minute changes in the guidance were challenges that confused poll workers, according to election officials in jurisdictions we visited. Specifically,

- In a Georgia jurisdiction, election officials told us there was a question regarding whether several college students were eligible to vote provisionally, and state election officials were called for clarification (the students were allowed to vote provisionally).

- In a Connecticut jurisdiction, election officials said poll workers were confused about the process, issuing provisional ballots in some cases before checking with the Registrar to try to locate the prospective voters in the statewide database.

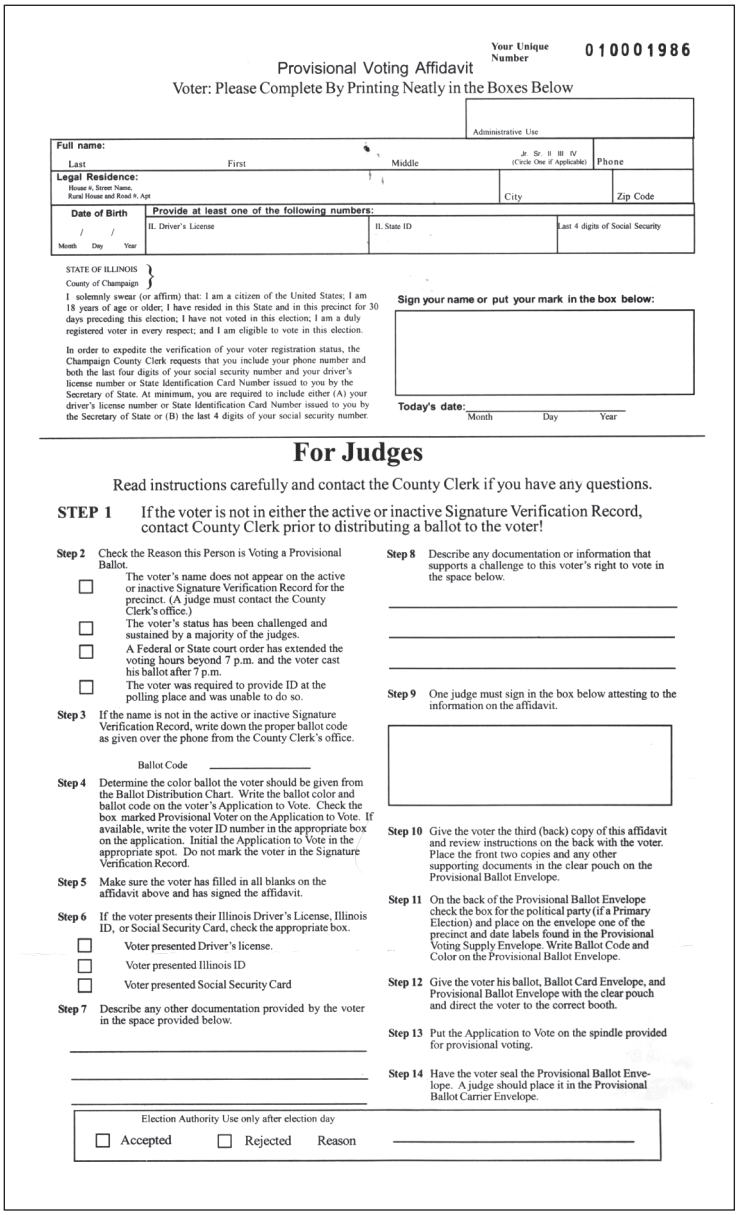
- In both Nevada jurisdictions, election officials we visited identified poll worker training needs; for example, in 1 of the Nevada jurisdictions election officials said provisional ballot materials were not adequately tracked and returned.

- In an Ohio jurisdiction, election officials identified poll worker handling of provisional ballots as an area for improvement based on finding valid provisional ballots returned in envelopes for soiled and defaced ballots. In addition, they said about half of the provisional voters did not sign the poll book, as they were supposed to have done under this jurisdiction's requirements. Furthermore, voters were to place their provisional ballots in a colored provisional sleeve for determination of eligibility before the vote was submitted, but the election official estimated that

about 10 percent of the provisional ballots were placed directly in the ballot box instead.

Some election officials in jurisdictions we visited described actions they took to implement provisional voting that worked well for the November 2004 election. Several identified training given to poll workers that prepared them for provisional voting, or had staff dedicated to handling provisional votes, or poll workers with prior provisional voting experience. For example, election officials in 1 Colorado jurisdiction said that they had election judges whose sole responsibility was conducting provisional voting. According to these election officials, the election judges (i.e., poll workers) were well trained and sat at a separate table to handle provisional voting. One jurisdiction we visited in Illinois had specific instructions on the voter affidavit for election workers to follow. Figure 44 provides an example of the affidavit.

Figure 44: Affidavit Containing Provisional Ballot Instructions for Poll Workers in Champaign, Illinois



Your Unique Number 010001986

Provisional Voting Affidavit

Voter: Please Complete By Printing Neatly in the Boxes Below

Administrative Use

Full name: Last First Middle Jr. Sr. II III IV (Circle One if Applicable) Phone

Legal Residence: House #, Street Name, Rural House and Road #, Apt City Zip Code

Date of Birth / / Month Day Year

Provide at least one of the following numbers: IL Driver's License | IL State ID | Last 4 digits of Social Security

STATE OF ILLINOIS
County of Champaign

I solemnly swear (or affirm) that: I am a citizen of the United States; I am 18 years of age or older; I have resided in this State and in this precinct for 30 days preceding this election; I have not voted in this election; I am a duly registered voter in every respect; and I am eligible to vote in this election.

In order to expedite the verification of your voter registration status, the Champaign County Clerk requests that you include your phone number and both the last four digits of your social security number and your driver's license number or State Identification Card Number issued to you by the Secretary of State. At minimum, you are required to include either (A) your driver's license number or State Identification Card Number issued to you by the Secretary of State or (B) the last 4 digits of your social security number.

Sign your name or put your mark in the box below:

Today's date: Month Day Year

For Judges

Read instructions carefully and contact the County Clerk if you have any questions.

STEP 1 If the voter is not in either the active or inactive Signature Verification Record, contact County Clerk prior to distributing a ballot to the voter!

Step 2 Check the Reason this Person is Voting a Provisional Ballot.

- ☐ The voter's name does not appear on the active or inactive Signature Verification Record for the precinct. (A judge must contact the County Clerk's office.)
- ☐ The voter's status has been challenged and sustained by a majority of the judges.
- ☐ A Federal or State court order has extended the voting hours beyond 7 p.m. and the voter cast his ballot after 7 p.m.
- ☐ The voter was required to provide ID at the polling place and was unable to do so.

Step 3 If the name is not in the active or inactive Signature Verification Record, write down the proper ballot code as given over the phone from the County Clerk's office.

Ballot Code _____

Step 4 Determine the color ballot the voter should be given from the Ballot Distribution Chart. Write the ballot color and ballot code on the voter's Application to Vote. Check the box marked Provisional Voter on the Application to Vote. If available, write the voter ID number in the appropriate box on the application. Initial the Application to Vote in the appropriate spot. Do not mark the voter in the Signature Verification Record.

Step 5 Make sure the voter has filled in all blanks on the affidavit above and has signed the affidavit.

Step 6 If the voter presents their Illinois Driver's License, Illinois ID, or Social Security Card, check the appropriate box.

- ☐ Voter presented Driver's license.
- ☐ Voter presented Illinois ID
- ☐ Voter presented Social Security Card

Step 7 Describe any other documentation provided by the voter in the space provided below.

_____

_____

_____

Step 8 Describe any documentation or information that supports a challenge to this voter's right to vote in the space below.

_____

_____

_____

Step 9 One judge must sign in the box below attesting to the information on the affidavit.

Step 10 Give the voter the third (back) copy of this affidavit and review instructions on the back with the voter. Place the front two copies and any other supporting documents in the clear pouch on the Provisional Ballot Envelope.

Step 11 On the back of the Provisional Ballot Envelope check the box for the political party (if a Primary Election) and place on the envelope one of the precinct and date labels found in the Provisional Voting Supply Envelope. Write Ballot Code and Color on the Provisional Ballot Envelope.

Step 12 Give the voter his ballot, Ballot Card Envelope, and Provisional Ballot Envelope with the clear pouch and direct the voter to the correct booth.

Step 13 Put the Application to Vote on the spindle provided for provisional voting.

Step 14 Have the voter seal the Provisional Ballot Envelope. A judge should place it in the Provisional Ballot Carrier Envelope.

Election Authority Use only after election day

☐ Accepted ☐ Rejected Reason _____

Source: Champaign County, Illinois.

State and Local Jurisdictions Reported Variation in Several Areas Affecting whether Provisional Ballots Are Counted

HAVA specifies that voters casting ballots under HAVA's provisional balloting requirements must, in general, execute a written affirmation stating that they are registered in the jurisdiction in which they desire to vote and that they are eligible to vote in that election. Polling place officials, under HAVA, are to transmit either the ballot or the written affirmation information to an appropriate election official for verification to ascertain if the individual is eligible to vote under state law. In the November 2004 election, state requirements regarding the location from which voters had to cast their provisional ballot in order for it to be counted (e.g., in the specific precinct in which the voter is registered or anywhere within the county—city, parish, township—in which the voter was registered) was one key difference among states. States also varied in how missing voter information was handled and how voters were informed whether their vote was counted or not. On the basis of our national survey of local jurisdictions, the most frequent problem encountered by local jurisdictions in counting provisional ballots was that voters did not meet residency eligibility requirements for the precinct or jurisdiction.

Location Where Voters Must Cast Their Ballots in Order to Be Counted Varied among States

HAVA requires states to provide provisional balloting where, among other things, individuals assert that they are registered in the jurisdiction in which they desire to vote. The term "jurisdiction" in HAVA's provisional voting requirements is not specifically defined. As a result, states establish, under their own election codes, the applicable jurisdiction where voters must cast their provisional ballot from in order for such ballot to be eligible to be counted. For example, in some states this location is the specific precinct in which the voter is registered, and in other states, the voter may be anywhere within the county (city, parish, township) in which the voter resides and is registered. Our survey of state election officials asked where a provisional voter needed to cast a vote in order for it to be counted for the November 2004 election. Figure 45 shows where states reported that provisional voters needed to cast their votes in order for such votes to be eligible to be counted.

Figure 45: State-Reported Locations Where a Provisional Vote Had to Be Cast in Order for It to Be Counted for the November 2004 General Election



Source: GAO survey of state election officials.

Note: Six states are not subject to HAVA's provisional voting requirements, but 2 of these 6 (Wisconsin and Wyoming) authorize some measure of provisional voting. Both of these states are included with the 32 states that reported requiring that provisional voters must cast their votes in the specific precincts in which they are registered in order for their votes to be eligible to be counted.

Variation in state requirements as to the location where a provisional ballot must have been cast in order to be counted was also evident in the jurisdictions we visited. For example, voters in Kansas could, according to election officials, vote provisionally in precincts other than where they were registered (but within the same county) and if otherwise eligible to vote have their vote partially counted (e.g., for county, state, or federal offices or issues). Nevada election officials said they count provisional votes cast anywhere in the county where the voter was registered and otherwise eligible, but all provisional ballots only included federal races. Election officials in both Washington jurisdictions we visited reported that a voter in the November 2004 election was allowed to cast a provisional ballot anywhere in the state of Washington, and the ballot would be forwarded to the correct county (if the ballot was cast in a county other than the one in which the voter was registered) and counted if the voter was eligible. Election officials in 1 Washington jurisdiction we visited said that county election workers mailed the provisional ballots for non-Washington residents to the Secretary of State of the state where the voter claimed to be registered, but these officials were not knowledgeable of what became of the ballots.

Election officials in several states have faced court challenges to their state requirements regarding the location where a provisional ballot must have been cast in order to be counted. The litigation has primarily arisen in states requiring that a provisional voter had to cast a vote in the specific precinct in which he or she was registered, in order for that vote to be counted. In this context, the courts have generally held that HAVA does not require a state to count provisional votes cast in the wrong precinct as legal votes when they would otherwise be considered invalid under state law.[18]

In our state survey, we also asked state election officials if they anticipated that their state would change, by November 2006, where a provisional voter must cast a vote for it to be counted. Forty states reported that they did not anticipate such rules would change. Election officials in 4 states reported they anticipated a change by November 2006. Three out of the 4 states (Arkansas, Nevada, and New Jersey) reporting that they anticipated a change for 2006 had reported for the November 2004 general election that a

[18]For example, the United States Court of Appeals for the Sixth Circuit, in ruling on the counting of provisional votes under Ohio law, held that ballots cast in a precinct where the voter does not reside and which would be invalid under state law for that reason are not required by HAVA to be counted as valid votes. *Sandusky County Democratic Party v. Blackwell*, 387 F.3d 565, 568 (6th Cir. 2004).

provisional voter could have cast a vote anywhere within the county (city, parish, township) in which the voter resides and have such vote counted. The fourth state, Colorado, had reported for the November 2004 general election that provisional voters had to cast their votes in the specific precincts in which they were registered in order for their votes to be counted. Georgia, Maryland, and the District of Columbia said they did not know whether rules specifying where a provisional voter must cast a ballot in order to be counted could be anticipated to change, and the remaining 4 states responded that they will not have provisional voting. These 4 states are not subject to provisional voting requirements.

Residency Requirements and Evidence of Registration Were the Most Frequent Problems Nationwide Affecting whether Provisional Ballots Were Counted

In our survey of local election jurisdictions nationwide, we asked about problems that local jurisdictions encountered during the November 2004 election in counting provisional ballots. On the basis of our survey, in jurisdictions where provisional ballots were cast we estimate that the most frequent problems concerned voters not meeting residency requirements or lacking evidence that the voter was registered. Specifically, we estimate

- 66 percent (plus or minus 7 percent) of jurisdictions had a problem with voters not meeting residency eligibility requirements for the precinct or jurisdiction,[19]
- 61 percent (plus or minus 7 percent) received insufficient evidence that individuals had submitted voter registration applications at motor vehicle agency offices,
- 61 percent (plus or minus 7 percent) had instances of insufficient evidence that individuals had registered or tried to register directly with the election office,
- 34 percent (plus or minus 7 percent) had registration applications received by the registrar very close to or after the registration deadline,
- 32 percent (plus or minus 7 percent) had voters not providing identification as specified by HAVA for registrants who registered by mail and were voting for the first time in the precinct or jurisdiction,

[19]The 95 percent confidence interval for this percentage is greater than the +/- 5 percent sampling error for the complete sample.

- 29 percent (plus or minus 6 percent) received insufficient evidence that individuals had submitted voter registration applications at National Voter Registration Act agencies other than motor vehicle agency offices,
- 28 percent (plus or minus 6 percent) had provisional ballot envelopes or ballots that were incomplete or illegible, and
- 20 percent of jurisdictions had problems with voters who did not sign a sworn statement that they met the qualifications to be eligible to vote in the precinct or jurisdiction.

Written comments made by local election officials in our nationwide survey identified some additional problems encountered with counting provisional ballots. Examples included uncertainty whether a convicted felon's voting rights, lost as a result of such conviction, had been restored; a voter's registration records that had been sealed by a court; and the state changing the rules several times right up to Election Day, creating confusion, according to election officials.

Jurisdictions Visited Identified Variations in How Missing Information Was Handled when Provisional Ballots Were Counted

In addition to variation in where states required provisional ballots to be cast in order to be counted for the November 2004 election, local jurisdictions we visited reported a variation in how to handle a lack of identification or a missing signature. For example, election officials in one New Mexico jurisdiction we visited said that first-time voters that did not provide the required identification had until the close of the polls on Election Day to bring their identification to the county clerk's office. In contrast, according to election officials in a New Jersey and a Georgia jurisdiction, provisional voters were allowed up to 2 days to produce identification for their vote to be counted, and in a Nevada jurisdiction, voters had until 5:00 p.m. the Friday after the election.

With respect to mail registrants who were permitted to cast provisional ballots because they did not provide required identification when voting for the first time, election officials in 1 Illinois jurisdiction we visited reported a lack of clarity as to what subsequent identification-related verification was needed prior to counting provisional ballots. According to the Illinois election officials, the state's guidance resulted in a situation where one Illinois jurisdiction required the voter to provide to the county clerk's office identification with an address that matched the address in the voter registration list within 48 hours after the election in order to be counted,

while another jurisdiction did not require the two such addresses match. The Illinois officials stated that this issue has been clarified.

Jurisdictions we visited also varied in how they handled a missing voter signature. For example, in 1 Colorado jurisdiction, election officials said that they mailed letters to voters who failed to sign their provisional ballot envelopes and allowed the voters up to 10 days after the election to come in and sign so that their votes would be counted. This was not a procedure described in all jurisdictions we visited. In 1 jurisdiction in New Mexico, ballots would not be counted for voters who did not sign the provisional ballot affidavit or roster. In 1 Georgia jurisdiction we visited, voters had to complete a new voter registration form or their provisional ballots were not counted.

Telephone Was Used Most Often to Provide Voters with the Outcome of Their Provisional Vote

HAVA requires that provisional voters be provided with written information about how to find out whether their vote was counted (and if not, why) using a free access system established by state or local election officials. On the basis of our local jurisdiction survey, we estimate that the majority of local jurisdictions that had provisional ballots cast used the telephone (often toll-free) as the free access system for voters in the November 2004 election to obtain information on whether their provisional ballot was counted, and if not counted, why not. Table 19 shows the estimated percentage of jurisdictions that used various methods. Some jurisdictions used more than one method.

Table 19: Estimated Percentages of Local Jurisdictions Using Various Methods to Inform Voters of the Outcome of Their Provisional Ballot, November 2004

Method used	Percentage of jurisdictions using method
Local election office telephone number	84[a]
State election office telephone number	50[b]
Letter informing voters of the outcome of their provisional ballot	51[b]
Internet Web site address	35[b]
E-mail informing voters of the outcome of their provisional ballot	3[c]

Source: GAO 2005 survey of local election jurisdictions. The estimates are based on a subgroup of jurisdictions where provisional ballots were cast.

[a]The 95 percent confidence interval for this percentage is +/- 6 percentage points.

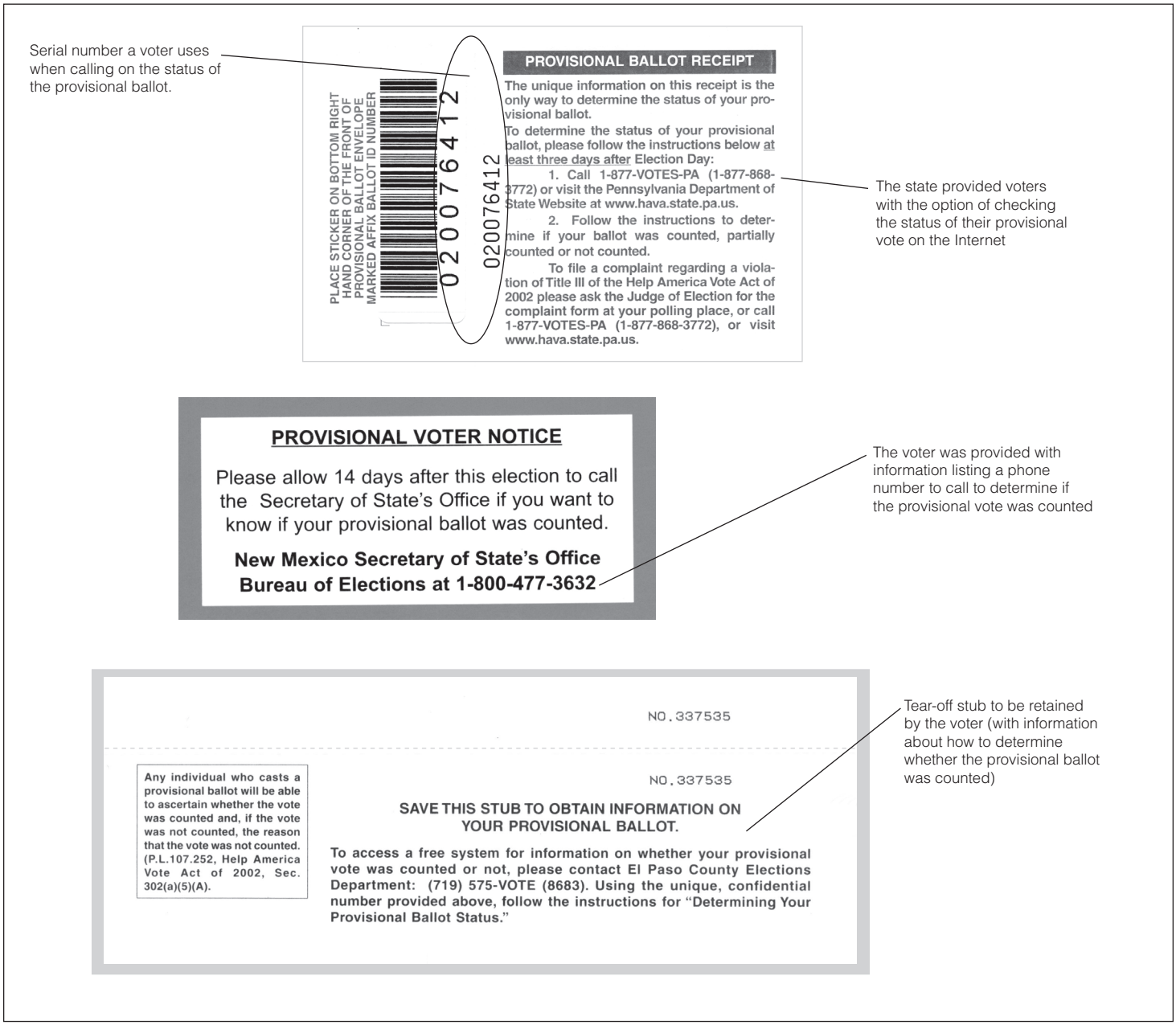
[b]The 95 percent confidence interval for this percentage is +/- 8 percentage points.

[c]The 95 percent confidence interval for this percentage is +6,-3 percentage points.

Note: Jurisdictions could indicate using more than one method, therefore the percentages add to more than 100 percent.

Election officials from jurisdictions we visited described a number of ways that provisional voters were provided information about how to learn the outcome of their votes for the November 2004 election, such as ballot receipts, a copy of the voter's affidavit, a form letter, or a tear-off portion of the provisional ballot envelope. In a New Jersey jurisdiction we visited, provisional voters were given a toll-free number at which to leave their name and address, and then the results were mailed to them, according to election officials. The jurisdiction election officials noted that this process worked well. Figure 46 provides examples of the information voters were provided to inquire whether their vote was counted.

Figure 46: Examples of Written Information Provided to Voters to Inquire whether Their Provisional Vote Was Counted



Source (top to bottom): Allegheny County, Pennsylvania; Santa Fe County, New Mexico; El Paso County, Colorado.

In our local jurisdiction survey, we asked how soon after Election Day information on the outcome of a provisional ballot was made available to voters. According to written comments, feedback was reported by some election officials to be available to voters after the November 2004 election as early as the next day, or within 7 days after the election, although some allowed 1 month, or until the election was certified.

Election officials in some of the jurisdictions we visited reported that few voters called to find out if their provisional votes were counted. For example, in a Colorado jurisdiction, officials reported approximately 100 calls out of over 6,100 ballots cast; a Kansas jurisdiction election official estimated receiving calls from 6 provisional voters out of over 3,600 that voted; a New Jersey jurisdiction reported receiving 69 inquiries from voters out of over 6,300 cast; and in 3 other jurisdictions we visited, election officials reported no one called to find out if his or her vote was counted.

A Number of Factors Contribute to Difficulties in Estimating and Comparing Provisional Ballots Cast and Counted

Estimating the number of provisional ballots initially cast and those that were counted in the November 2004 election is difficult because complete information is not available, and because of differences in how state and local jurisdictions have implemented HAVA provisional voting requirements affecting how and whether such ballots are provided and counted. Those same factors limit the value of comparing provisional ballots cast and counted among jurisdictions. Although estimation is difficult, our survey allowed us to estimate provisional ballots cast, but with strong caveats.

While HAVA required that most states permit individuals to cast provisional ballots under certain circumstances, not all jurisdictions reported having provisional ballots cast in their jurisdiction in the November 2004 election. On the basis of our survey of local jurisdictions, we estimate that provisional votes were cast in 33 percent of jurisdictions and none were cast in 67 percent of jurisdictions.[20] Our estimates varied by size of jurisdiction regarding whether provisional votes were cast or not. We estimate that in 99 percent of large jurisdictions, 84 percent of medium jurisdictions, and 12 percent of small jurisdictions provisional votes were

[20]Jurisdictions in Idaho, Maine, Minnesota, New Hampshire, and North Dakota were not included in this estimate.

cast in the November 2004 election. The differences between all sizes of jurisdictions were statistically significant.

The difference between different sizes of jurisdictions' use of provisional ballots may be explained in part by comments from election officials in local jurisdictions surveyed and from officials in jurisdictions we visited. For example, officials in several smaller jurisdictions included in our nationwide survey who reported that provisional ballots were not cast in their jurisdiction had indicated in written comments that election workers are likely to have personal knowledge of a voter's eligibility. As one election official from a Wisconsin jurisdiction wrote, provisional ballots were available, but use of the ballots was not necessary. Similarly, in a small jurisdiction we visited in New Hampshire, election officials told us that given the town's small population of roughly 1,600 residents, 99 percent of the time someone in the room knew the individual and could vouch for his or her identity. In this circumstance, according to election officials, no verification was necessary at the poll to ensure the voter's identification.

Data Were Lacking for National Estimate of Provisional Votes Cast and Counted

The number of provisional ballots cast and counted nationally is difficult to estimate with precision because of the limited data available and data quality concerns. Estimates that are available, however, do serve as an indication that the HAVA provisional voting requirements have allowed potentially eligible voters who otherwise might have been turned away to participate. We requested November 2004 data on provisional ballots cast and counted in our survey of local election jurisdictions nationwide, but because of missing information and other methodological concerns, our estimate is provided only with strong caveats. We estimate that a total of between 1.1 million and 1.7 million provisional ballots were cast. Our range reflects the fact that an estimated 20 percent of the jurisdictions in our survey did not provide data on how many provisional ballots were cast. We could not estimate the number of provisional ballots that were counted with any level of certainty, because of a very high level of missing data—an estimated 40 percent of the jurisdictions did not provide data on the number of provisional ballots counted.

In addition, some jurisdictions in our survey providing the number of provisional ballots cast may have actually provided the number of provisional votes counted. It is possible this may have occurred because jurisdictions would more likely have a record of the number of provisional votes determined to be qualified and counted than they would have the number of provisional votes originally submitted at polling places (cast).[21] For example, in 1 jurisdiction we visited, provisional ballot numbers were provided only on the number of provisional votes that were counted. If some responses to our survey of local jurisdictions actually provided the number of votes counted rather than the number of votes cast, then our estimate of provisional votes cast may be an underestimate.

HAVA specifies that information be made available to individuals through a free access system (such as a toll-free telephone number or an Internet Web site) regarding whether their provisional votes were counted and, if a vote was not counted, the reason it was not counted.[22] The specifics of implementing such a system, such as the methods by which such information is to be identified, collected, and maintained, however, under HAVA, are left to the discretion of state and local election officials. The National Task Force on Election Reform recommended that states develop a uniform method for reporting provisional ballots at the state and national levels, and also that states collect data on the number of provisional ballots cast on Election Day.[23] Some states might require the information on ballots cast and counted be sent for statewide figures. Election officials in a Connecticut jurisdiction we visited, for example, said that the Registrar completed a provisional ballot report for the Secretary of State in accordance with state guidance.

[21]Lack of agreement for terms was a data quality issue pointed out by the Election Assistance Commission for the commission's Election Day survey, with some responses providing the same number for Election Day ballots cast and ballots counted. The U.S. Election Assistance Commission. *2004 Election Day Survey: How We Voted: People, Ballots and Polling Places*. September 2005.

[22]HAVA section 302(a) (codified at 42 U.S.C. § 15482(a)).

[23]National Task Force on Election Reform, *Election 2004, Review and Recommendations by the Nation's Elections Administrators.* May 2005.

Other national estimates of the number of provisional votes cast and counted in the November 2004 election have been affected by data quality issues. The Election Assistance Commission, using data from its survey of election administrators,[24] estimated that 1.9 million voters cast provisional ballots at the polls in November 2004, and that 1.2 million of those votes cast were counted.[25] As with our estimates, EAC cautioned that the coverage, or response rate, for its estimates was limited. The response rate for provisional ballots cast and counted was 46 percent and 38 percent, respectively. The report authors stated that data quality issues, such as missing data or data error entries (such as in 15 jurisdictions in the EAC report where the number of provisional ballots counted was greater than the jurisdiction reported as cast) were identified and corrected where possible.

On the basis of data collected at different times from different sources in different states, electionline.org estimated that over 1.6 million provisional ballots were cast, and nearly 1.1 million of them were counted. However, readers are cautioned here as well about the limitations of the available data. For example, figures are not definitive because of the variation in requirements and procedures among (or even within) states, and estimates are based on incomplete information.[26] The authors stated that they provided provisional voting estimates with the intent of moving the discussion of provisional voting forward.

Number of November 2004 Provisional Votes Cast and Counted in Local Jurisdictions We Visited

Information provided by some of the jurisdictions we visited illustrates the variation in the reported number of provisional ballots cast and counted during the November 2004 election, as shown in table 20.

[24]EAC surveyed all 50 states (which, in turn, worked with local election officials), the District of Columbia, Guam, Puerto Rico, American Samoa, and the U.S. Virgin Islands, in the fall of 2004 and with follow-up requests in 2005.

[25]U.S. Election Assistance Commission, *2004 Election Day Survey.* September 2005.

[26]Electionline.org, *Briefing: Solution or Problem? Provisional Ballots in 2004*. March 2005. Electionline.org is produced by the Election Reform Information Project.

Table 20: Reported Provisional Ballots Cast and Counted in Selected Jurisdictions

Jurisdiction	Provisional ballots cast	Total provisional ballots counted of those cast	Percentage of provisional ballots cast that were counted	Total ballots counted in jurisdiction
El Paso, CO	6,158	4,779	78	242,888
Larimer, CO	2,636	1,798	68	147,112
New Haven, CT	75	67	89	Not available
Dougherty, GA	130	12	9	33,809
Muscogee, GA	210	107	51	64,336
Champaign, IL	292	64	22	84,153
Chicago, IL	22,611	13,838	61	1,063,860
Johnson, KS	10,942	7,375	67	259,599
Wyandotte, KS	3,664	2,780	76	53,630
Clark, NV	4,352	1,543	35	546,858
Washoe, NV	1,465	880	60	159,511
Bernalillo, NM	12,367	6,233	50	263,054
Santa Fe, NM	580	230	40	67,782
Carteret, NC	1,099	888	81	31,770
Guilford, NC	2,260	1,291	57	201,854
Cuyahoga, OH	25,309	16,750	66	687,255
Mahoning, OH	2,786	2,350	84	134,290
Clark, WA	5,214	4,215	81	172,277
King, WA	31,712	28,010	88	898,238

Source: GAO summary of information provided by jurisdictions we visited.

When looking at provisional ballots cast and counted for a particular jurisdiction, the variability in the implementation of provisional voting by states and jurisdictions makes interpretation and comparison among jurisdictions difficult. As mentioned earlier, the number of provisional votes cast and counted may vary based on a number of factors. In general, states and jurisdictions vary in why and how provisional ballots are provided to potential voters, as well as the state and local procedures for how provisional ballots are counted. A partial list of these factors includes the following:

- State provisions varied regarding the additional circumstances (apart from the minimum requirements specified in HAVA) under which a provisional ballot may be offered.

- Some states offered other voting options in addition to provisional ballots to voters with eligibility issues (such as signing an affidavit, then voting normally or casting a challenged ballot).

- The manner and extent to which the provisional ballot options available to voters are actually utilized varied in connection with the size and approach of the jurisdictions. For example, smaller jurisdictions were, according to election officials, less likely to use the provisional ballot option than larger jurisdictions because they were more knowledgeable of voters in their jurisdictions and therefore better positioned to address eligibility issues than larger jurisdictions, and some jurisdictions reported taking additional steps to send the voter to the correct precinct before offering a provisional ballot, whereas other jurisdictions might not do so.

- States established the location where voters must cast their provisional ballots from in order for such ballots to be eligible to be counted. For example, in some states this location is the specific precinct in which the voter is registered, and in other states, the voter may be anywhere within the county (city, parish, township) in which the voter resides and is registered.

- States or local jurisdictions established other conditions (e.g., the time limit for providing required identification) that varied in determining whether a provisional vote was to be counted.

- There were other factors, such as instances in which the polling location was kept open late because of a federal court, state court, or other order extending the polling hours.

Notwithstanding the variations we have identified in provisional voting processes and challenges identified by some election officials in jurisdictions we visited, several election officials reported that they thought the provisional voting process worked well for the November 2004 election, in that people who would normally not have been able to cast a ballot were allowed to do so, and some of those ballots were counted.

Concluding Observations

While many jurisdictions reported that for the November 2000 election having at least one procedure in place to help resolve eligibility questions for voters whose name did not appear on a polling place registration list, only 20 states plus the District of Columbia reported using some form of provisional voting in the November 2000 election. In those states in which it was not available, voters whose names did not appear on polling place registration lists, but stated they had properly registered to vote, were often not permitted to cast a regular ballot. Provisional voting is an important means of enhancing voter access to the polls.

HAVA required all states that required registration prior to Election Day to provide for provisional balloting by the November 2004 election, but left to states the specific choices on how they would implement that requirement. In exercising this discretion, states have created varied provisional voting rules and practices. Under HAVA, provisional ballots are to be counted as a vote under state law if the person casting the ballot is determined to be eligible to vote under state law. These statutory provisions and determinations of eligibility and what constitutes a properly voted ballot vary by state and thus affect the state rules and procedures used to determine whether provisional ballots are counted. At least 1 state, for example, allows voters to cast a provisional ballot for statewide offices anywhere in the state, with the ballot returned for eligibility verification and counting to the jurisdiction in which the voter said he or she was registered. Other states required that voters cast provisional ballots in their assigned precinct for the ballots to be counted. The actual impact of these varying practices on provisional balloting and vote counting is unknown. Comparable data across states are not available to determine whether or how these variations affect the number of voters who are permitted to cast provisional ballots or the percentage of provisional ballots that are actually counted. Thus, it is difficult to assess the potential impact of a state changing its existing rules and practices. However, based on the data that are available, it is clear that provisional voting has helped to facilitate voter participation of those encountering eligibility-related issues when attempting to vote.

Counting the Votes

Once the polls close on Election Day, the process of determining and certifying the final results begins. Vote counting is a complex, multistep process with many variations across the nation. The exact process depends upon a number of variables. Among them are state requirements that define standards for determining voter intent for ballots that are not clearly marked, deadlines for certifying the final count, and specifications for conducting recounts when required. The types of ballots to be counted affect vote tabulations because absentee and provisional ballots typically undergo some type of verification before counting, while early and regular Election Day ballots typically do not require this processing. The types of technology used for vote casting and counting—hand-counted paper ballots and machine-counted ballots (punch card, optical scan, and those cast electronically)—also add variance to how votes are handled. The counting process requires attention to detail, and problems in any one election stage can affect the final vote count. Moreover, its orchestration requires the effective interaction of people, processes, and technology. This chapter discusses the continuity and key changes since the 2000 general election and challenges—new and ongoing—encountered by election officials in the 2004 general election with respect to counting votes.

Overview

In the 2004 general election, vote counting remained an intricate, multistep process characterized by a great variety of local procedures depending on a local jurisdiction's technology, size, and preferences. As with the 2000 general election, the proportion of jurisdictions nationwide reporting recounts or contested elections remained small in the 2004 general election. There were some notable developments related to vote counting. A significant change was the fact that by the 2004 general election more states had developed guidance for determining voter intent on unclear ballots. Eighteen states that reported not having guidance in the 2000 general election reported in our survey they had such guidance in place for the 2004 general election. In addition, 9 states reported changes relating to the process of conducting recounts. Some added requirements for mandatory recounts. Others changed their conditions and guidance for conducting recounts. The results of our state survey showed that while 29 states and the District of Columbia did not require audits of vote counts, 9 states reported having taken some legislative or executive steps toward doing so.

Many of the problems in managing people, processes, and technology that had confronted election officials across the country in the November 2000 general election continued to challenge them in the 2004 general election.

Equipment problems, poll worker errors, and voter errors made it difficult to tabulate the votes quickly and accurately, according to some election officials. A new phenomenon emerged as a challenge to election officials, as well: Some jurisdictions reported difficulty completing the extra steps required to verify and count provisional votes within the time allowed for tallying the final vote count. Finally, while recounts and contested elections remained rare in the 2004 general election, those that did occur, particularly in Washington state, revealed the intricacies and vulnerabilities of the election process.

In the 2004 General Election the Vote-Counting Process Remained Complex and Marked by Local Diversity

The basic elements of the vote-counting process we described in our October 2001 comprehensive report on election processes nationwide remained in practice for the general election of 2004.[1] Of necessity, it was a complex, multistep process, with many variations, depending on a jurisdiction's technology, size, and preferences. As with other elections, vote counting in the 2004 general election involved certain common steps: closing and securing the polls and voting equipment; securing the ballots; reconciling the number of ballots at the polls (e.g., the number available at the polls compared to the number cast, spoiled, and remaining); transporting ballots and equipment from the polling places to a central location where they were secured; in some cases electronically transmitting results from polling place voting equipment to a central tally location; verifying provisional and absentee ballots for counting; determining whether and how to count ballots that may be improperly or unclearly marked; conducting any necessary recounts; and certifying the final count.

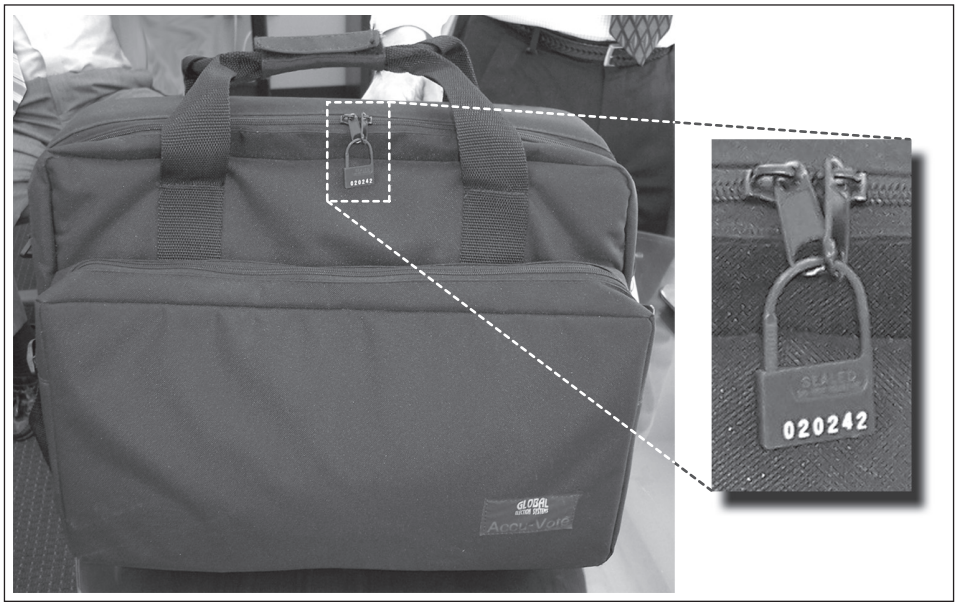
Local Jurisdictions We Surveyed and Visited Secured Machines and Ballots in a Variety of Ways

Preliminary to counting, a key step was to secure the voting machines and ballots so that no additional votes could be cast. Procedures for securing equipment varied with the equipment that was in use. However, on the basis of our survey of a representative sample of local election jurisdictions nationwide, we estimate that 91 percent of all jurisdictions used hardware locks and seals as one of their predominant security measures. In our site visits, local election officials also described securing DRE tapes and cartridges under lock and key before and after they were delivered to boards of elections or other authorities. For example, election officials

[1] GAO-02-3.

from 1 jurisdiction we visited described securing memory cards in optical scan counting machines by attaching a plastic band with a serial number. The band would have to be severed in order for the memory card to be removed, according to election officials. One such band is shown in Figure 47 securing a voting equipment bag.

Figure 47: Sealed Voting Equipment Bag



Source: GAO.

Election officials in 2 jurisdictions we visited also described a variety of measures they took to ensure that ballots were not lost or miscounted. In 1 Washington jurisdiction, officials said they secured punch card ballots at polling places for counting elsewhere by transporting ballots twice: once earlier on Election Day and the other time after the polls had closed. These officials also said that ballots were bundled into groups of 50, separated by type (Election Day, provisional, and absentee ballots), and put into transport carrier safe boxes. Two poll workers, one from each political party, accompanied the ballots when they were transported to the elections office for counting. Similarly, in a Colorado jurisdiction we visited, election officials said that at the close of Election Day they sealed optical scan ballots from the polling place and the optical scan counter to prevent

tampering. Then, two election judges transferred the ballots and optical scan counter to the counting center.

While ballot-securing methods varied, the results of our local jurisdiction survey showed that most jurisdictions had written policies and procedures in place in the November 2004 general election to secure ballots (including paper and electronically stored ballots). As shown in table 21, on the basis of our survey we estimate that two-thirds of local jurisdictions had written procedures for transporting ballots, and about three-quarters had written procedures in place for secure ballot storage rooms.

Table 21: Estimated Percentages of Jurisdictions Having Written Ballot Security Policies and Procedures, November 2004 General Election

Policies and procedures	Percentage of jurisdictions that had written policies and procedures
Transporting unvoted ballots to polling places	66
Transporting voted ballots or e-memory to locations for counting[a]	66
Providing secure rooms or building where unvoted ballots are stored	71
Providing security for rooms or building where voted ballots are stored	76
Securing the electronic transmission of voted ballots for counting[b]	18

Source: GAO 2005 survey of local election jurisdictions.

[a]Transporting ballots or e-memory to locations was not applicable for an estimated 20 percent of jurisdictions.

[b]Securing electronic transmissions was not applicable for an estimated 57 percent of jurisdictions.

In addition, reconciling ballots with the number of voters was a common step in securing ballots before they were counted. According to our state survey, 47 states and the District of Columbia reported that they required jurisdictions to count or keep track of ballots that were unused, spoiled, rejected, or issued but not returned. Two states, Montana and Maine, reported not requiring jurisdictions to count or keep track of such ballots. New York reported in our survey that because it does not have paper ballots, such tracking was not necessary. New York reported that it did not use paper, optical scan, or punch card ballots. During our visits to election jurisdictions, we asked officials how they reconcile ballot and voter numbers. The election officials reported conducting cross-checks in a

number of ways, but generally followed a process of reconciling any discrepancies between the total numbers of ballots on hand at the beginning of the day, the number of voters who signed in at the polling place, and the number of ballots cast.

Counting, Canvassing, and Certifying the Vote Was an Intricate and Varied Operation

Once the ballots were reconciled in the November 2004 election, local jurisdictions tabulated and canvassed (or reviewed) the vote. Both counting and canvassing the count were an ongoing process in the effort to ensure an accurate tally. After initial tabulations of votes on election night, which were typically released to the public, canvassing was typically the process of reviewing all votes by precinct, resolving problem votes, and counting all types of votes (including absentee and provisional votes) for each candidate and issue on the ballot and producing an official total for each. The official total was usually certified by an election official. This process varied among jurisdictions in terms of how and where it was done and who was responsible.

The counting process involved several different types of ballots, cast under different circumstances:

- General election votes are cast at polling places on Election Day by voters who appeared in the registration lists for that precinct and voted a regular ballot.
- Provisional votes are cast by those, for example, whose registration (and qualification to vote) could not be established at the time of voting at the polls on Election Day.
- Absentee votes are generally votes received and cast by mail before Election Day.
- Early votes are generally cast in person before Election Day.

According to our local survey, for the November 2004 general election, local jurisdictions nationwide used different voting methods for different ballot types. As shown in table 22, we estimate the largest percentages of jurisdictions used optical scan and paper hand-counted ballots for Election Day. Also, optical scan and punch card vote-counting methods were used at precincts or at central locations. Jurisdictions could check more than one voting method.

Table 22: Estimated Percentages of Local Jurisdictions Using Particular Voting Methods by Ballot Type for the November 2004 Election

Voting method	Percentage of jurisdictions using method for general Election Day voting	Percentage of jurisdictions using method for absentee voting	Percentage of jurisdictions using method for provisional voting	Percentage of jurisdictions using method for early voting
DRE	7	4	1	4
Central count optical scan	24	20	9	5
Precinct count optical scan	32	24	10[a]	5
Lever machine	7	1	1	1
Central count punch card ballot	3	3	2	1
Precinct count punch card ballot	2	1	2[a]	1
Paper (hand-counted) ballot	35	36	18	8

Source: GAO 2005 survey of local election jurisdictions.

[a]A small number of jurisdictions indicated on our questionnaire that they use precinct count equipment for provisional ballots. This could be true when a jurisdiction does not physically count provisional ballots at a precinct, but when officials programmed optical scan or punch card tabulating machines to accept provisional ballots only from specified precincts.

In our local jurisdiction survey, we also asked what predominant voting method was used to process the largest number of ballots in the 2004 general election. We estimate that hand-counted paper ballots were the predominant tabulation method for 30 percent of all jurisdictions, although these were almost all small jurisdictions. Specifically, we estimate that 41 percent of small jurisdictions, 3 percent of medium jurisdictions, and no large jurisdictions hand-counted paper ballots.[2] Small jurisdictions were statistically different from large jurisdictions.

As in the November 2000 general election, the counting process for the November 2004 election took place at precincts or at centralized locations, such as election headquarters at town halls and even warehouses. In jurisdictions we visited, we learned about some of the substantial variations in the sequence, procedures, and precautions taken to conduct the count. We found in our site visits that vote counting ranged from a very simple process in a small jurisdiction to more complex processes in larger jurisdictions. For example, a small New Hampshire jurisdiction, with just

[2]The estimate for large jurisdictions has a 95 percent confidence interval of 0 to +2 percentage points.

over 1,000 registered voters, had one polling place and one precinct open on Election Day, according to election officials. They told us the paper ballots were not transferred to any location for counting and were hand-counted by 25 election workers. These officials also said that five teams of five individuals each reviewed votes cast on each paper ballot and used paper and pencil to record and tally vote totals. The final election outcomes were written on a standard form and submitted to the New Hampshire Secretary of State's office, according to election officials.

In contrast, election officials in a large Washington jurisdiction described a more complex process for their centralized vote count of punch card ballots. As described by these officials, their process enabled them to begin reporting results on Election Day evening by precinct and to provide updates of the count every 30 minutes. Once Election Day ballots were transferred to the election office by poll workers, the ballots were counted to determine total numbers, according to election officials. They also told us that after the ballots were separated by precinct, up to 20 inspection boards, composed of two Republicans and two Democrats each, inspected the ballots one precinct at a time. In the inspection process, the officials said that the ballots were further separated into categories—those that were machine-readable and those that required further examination, such as ballots with write-in candidates or with a chad hanging by two or more corners. Once all questions were resolved (including any that would require review by a canvassing board), they told us ballots in batches of 500 each were placed in trays by precinct and brought to the ballot tabulation area. According to these officials, the jurisdiction used a punch card tabulator, which was connected to a computer and had a processing speed of 600 ballots per minute (see fig. 48). Once all ballots were counted, jurisdiction election officials told us they generated an unofficial report with results for all races and voting propositions. This initial tally was posted on the county Web site and released to the press, candidates, and public, according to election officials.

Figure 48: Punch Card Tabulator Connected to Computer



Source: GAO.

Six of the jurisdictions we visited told us that they counted Election Day votes at the local precinct, where poll workers would tabulate results and resolve any ballot issues that could be handled locally. For example, in a large Kansas jurisdiction, election officials said that voters were able to place their ballots in an optical scanner at the polling place that read the ballot and rejected it if there were any problems. According to officials there, the machines could return to the voter any ballot that, for example, had too few or too many votes for a specific office and provide a screen message for what to correct before resubmitting the ballot. After the polls closed, the optical scan machines with their memory cards—which had been programmed for the specific precinct—were transferred to election headquarters, according to election officials. The officials also said the optical scan machines were linked electronically to one computer and data from the memory cards were uploaded so that votes from all precincts could be tallied.

Additional Steps Were Required to Manage Absentee, Provisional, and Early Votes

Absentee, provisional, and early votes each required some additional steps to manage in order to include them in the vote count.

Absentee votes: According to our state survey, all states reported having some provision for absentee voting in the 2004 general election. As we discussed in chapter 3, on absentee voting, absentee ballots must typically undergo some type of verification prior to counting. At 1 Colorado jurisdiction we visited, officials said that they began verifying and counting absentee ballots 10 days before Election Day. At 1 jurisdiction in Washington election officials said that they qualified the absentee ballots as they were received at the election office, but did not count the votes until 3:00 p.m. on Election Day. Additionally, at a jurisdiction in Illinois, election officials said that they distributed most absentee ballots to their respective precincts to be counted along with the Election Day ballots. In each of these jurisdictions, however, according to election officials, the absentee ballot results were not released until after the Election Day polls were closed. Also, on the basis of our local jurisdiction survey, we estimate that 99 percent of election jurisdictions included the counts of qualified absentee ballots in the final certified count, regardless of their effect on the outcome.

Provisional votes: Provisional voting, which was required by HAVA in all but 6 states during the 2004 general election, generally required several steps. At all of the local jurisdictions we visited that used provisional ballots, election officials said that the ballots were transferred to an election office or central count location, where the eligibility of the voter was verified before they were counted. We estimate, on the basis of our local jurisdiction survey, that 83 percent of jurisdictions that provided provisional ballots during the 2004 general election transferred the provisional ballots to a central location for counting. Those jurisdictions that did not engage in transfers may have been jurisdictions with only one precinct, in which case, the votes were tallied on-site. At all of the jurisdictions we visited that used provisional ballots election officials said they included provisional ballots determined to be verified in certified vote counts regardless of their effect on the outcome of the election.

Early votes: According to our state survey, for the November 2004 election, 24 states and the District of Columbia reported they allowed early voting, and from our local jurisdiction survey, we estimate that about 23 percent of local jurisdictions allowed early voting in the election. In early voting jurisdictions we visited, a variety of reconciliation and counting processes were used, according to election officials. At one jurisdiction we visited,

election officials told us that early voting DRE votes were reconciled daily. According to these officials, at the end of the early voting period, election department staff shut down the DRE machines and removed the memory cards (which stored cast votes). The officials said that the memory cards were sealed and returned to the election department office for counting, in a manner similar to Election Day DRE votes. In another jurisdiction we visited that used optical scan machines for early voting, officials told us that ballots were inserted by voters into the machines at the polls—the same procedure used on Election Day. At the end of each early voting day, according to the officials, the ballots from that day were physically transferred to the clerk's office and the optical scan results were submitted by modem to the jurisdiction's headquarters.

Election Certification Periods Varied by State

Election returns posted on election night are unofficial and are not considered final until canvassing—the process described earlier of reviewing all votes by precinct, resolving problem votes, and counting all types of votes—is complete and the count is certified. Certification is when the vote count is finalized, generally by state and local officials. Our state survey showed that for the 2004 general election, states reported varied practices for when counts were certified and by whom, similar to the general election of 2000.

Our state survey showed that most states reported setting certification deadlines, but the certification periods varied from state to state. Four states (Alaska, Nebraska, New Hampshire, and Rhode Island) and the District of Columbia reported not specifying a deadline following Election Day for certification of election results, while all other states reported specifying such a deadline. For example, certification on the second day after Election Day was reported by Delaware, while not later than 40 days was reported by Michigan. Some states reported caveats and varying levels of specificity in the certification deadlines. Maine reported allowing 3 days for local election official certification and 20 days for state-level certification. Missouri's reported deadline was by the fourth Tuesday following the election. North Dakota reported a deadline of not less than 3 days, but not more than 6. Similarly, the requirement reported for Texas was 15 to 30 days after the election.

For the 2004 General Election, More States Had Requirements or Guidance for Determining Voter Intent

An important facet of the canvassing process is the consideration that may or may not be given to ballots that have not been marked properly. An improper mark, for example, could be a circle around a candidate's name instead of a checked box on a ballot that is to be scanned optically. For those states providing for the determination of voter intent, the importance of having explicit and consistent criteria for treating unclear ballots became evident in the 2000 general election when different interpretations for punch card ballots in Florida made the close presidential race extremely contentious. While subsequent federal reforms have not specified standards for treating unclear ballots, HAVA requires that each state adopt uniform standards, by January 2006, that define what constitutes a vote and what will be counted as a vote for each category of voting system used in the state.[3]

In our state survey, 39 states and the District of Columbia reported that for the November 2004 general election they had requirements or guidance for determining voter intent that focused primarily on improper ballot marks. Forty-five states and the District of Columbia reported they had requirements or guidance for determining how or whether to count a machine-unreadable ballot—one that cannot be processed by machine because it is damaged.

Eighteen states that had reported not having provisions in place for the 2000 general election reported to us in our 2005 state survey that they had voter intent guidance for the November 2004 general election. Georgia, for example, had developed requirements for four methods: DRE machines, lever-type machines, optical scan, and hand-counted paper ballots. Some of Georgia's requirements were for certain ballots rejected by optical scan machines. These requirements provide for some measure of subjective determination of a voter's intent by election officials in certain specified instances. In such an instance, a vote shall be counted, under these Georgia provisions, if in the opinion of the vote review panel, the voter has clearly and without question indicated a choice for which the voter desired to vote. In addition, under specified circumstances, these Georgia provisions also provide for a similar type of voter intent determination with respect to hand-counted paper ballots.

[3]HAVA section 301(a)(6) (codified at 42 U.S.C. § 15481(a)(6)).

As described below, we found in our site visits that under state or local guidance, local jurisdictions we visited had gone to varied lengths in the 2004 general election to salvage ballots that were improperly marked or that were machine unreadable. These efforts varied by the type of voting equipment used in the jurisdiction.

Optical scan ballots: In some jurisdictions, election officials told us that optical scan machines located at polling places could notify the voter of an unreadable or incorrectly marked ballot at the moment it was submitted. However, where the ballots were transferred to a central location for counting this would not be the case. In one jurisdiction in Colorado where optical scanning was done centrally for absentee ballots, election officials told us they were required to interpret voter intent or replace an unreadable ballot. According to election officials, the jurisdiction had instructions, which they stated were based on state statutes, specifying that bipartisan election judges would be the responsible parties for determining voter intent. Their deliberations, however, would be observed by others, according to the instructions. If a decision was reached on voter intent, a replacement ballot could be created and run through the optical scanner, according to the officials.

Officials in a Kansas jurisdiction we visited said that state election standards were very specific for interpreting an incorrectly marked optical scan ballot. They would count a vote if an oval shape is marked, near but not inside the oval, and not closer to another candidate's name. A completed oval would also be counted if another oval for the same race was scribbled or crossed out. If the ballot could be interpreted locally, officials said election workers duplicated the vote on a new ballot for the optical scanner to read. According to election officials, if the intent was not clear, the ballot would be sent to the Board of Canvassers for further examination. State guidance also included standards for hand-counted paper ballots.

In Florida, guidance in place for the November 2004 general election was even more specific than that provided in Colorado or Kansas. The guidance specified, for example, that, with respect to manual recounts, a vote may be counted if "there is an 'X', a check mark, a plus sign, an asterisk or a star, any portion of which is contained in a single oval or within the blank space between the head and tail of a single arrow and which does not enter into another oval or the space between the head and tail of another arrow." It also allowed for a vote to be counted under additional specified circumstances including if "there is a diagonal, horizontal, or vertical line,

any portion of which intersects two points on the oval and which does not intersect another oval at any two points," provided that the horizontal line does not strike through the name of the candidate.

Punch cards: While federal election reforms included provisions promoting replacement of punch card ballots, on the basis of our local jurisdiction survey, some jurisdictions continued to use them in the 2004 election. As was the case for other types of ballots, levels of guidance for interpreting voter intent varied by state. Illinois reported that it had no requirements or guidance for determining voter intent, according to our state survey. Election officials in 2 Illinois jurisdictions using punch card ballots told us in our site visit that election workers did not attempt to ascertain the intent of voters on punch card ballots that were improperly punched. If the ballot could not be counted by a punch card-counting machine because of an improper punch or mark, the votes were not to be counted.

In contrast to Illinois, Washington reported that it had guidelines or requirements regarding voter intent and allowed for remaking an unreadable or damaged punch card. In a Washington jurisdiction we visited that used punch card ballots in the 2004 general election, election officials said that state law guided their jurisdiction's written instructions for determining voter intent. Election officials said voters were given very specific instructions for how to change their vote before casting their vote, if necessary, on a punch card ballot while at the polls. These officials also said ballots could be either enhanced or duplicated if it was clear that a voter had followed these instructions. Also, according to the officials, a problem ballot could be enhanced or duplicated by officials if voter intent could easily be determined. If voter intent was at all unclear, the ballot was to be sent to the canvassing board for review. According to officials, canvassing board meetings were open to the public and state guidelines were to be used to interpret voter intent. Figure 49 shows a punch card voting booth.

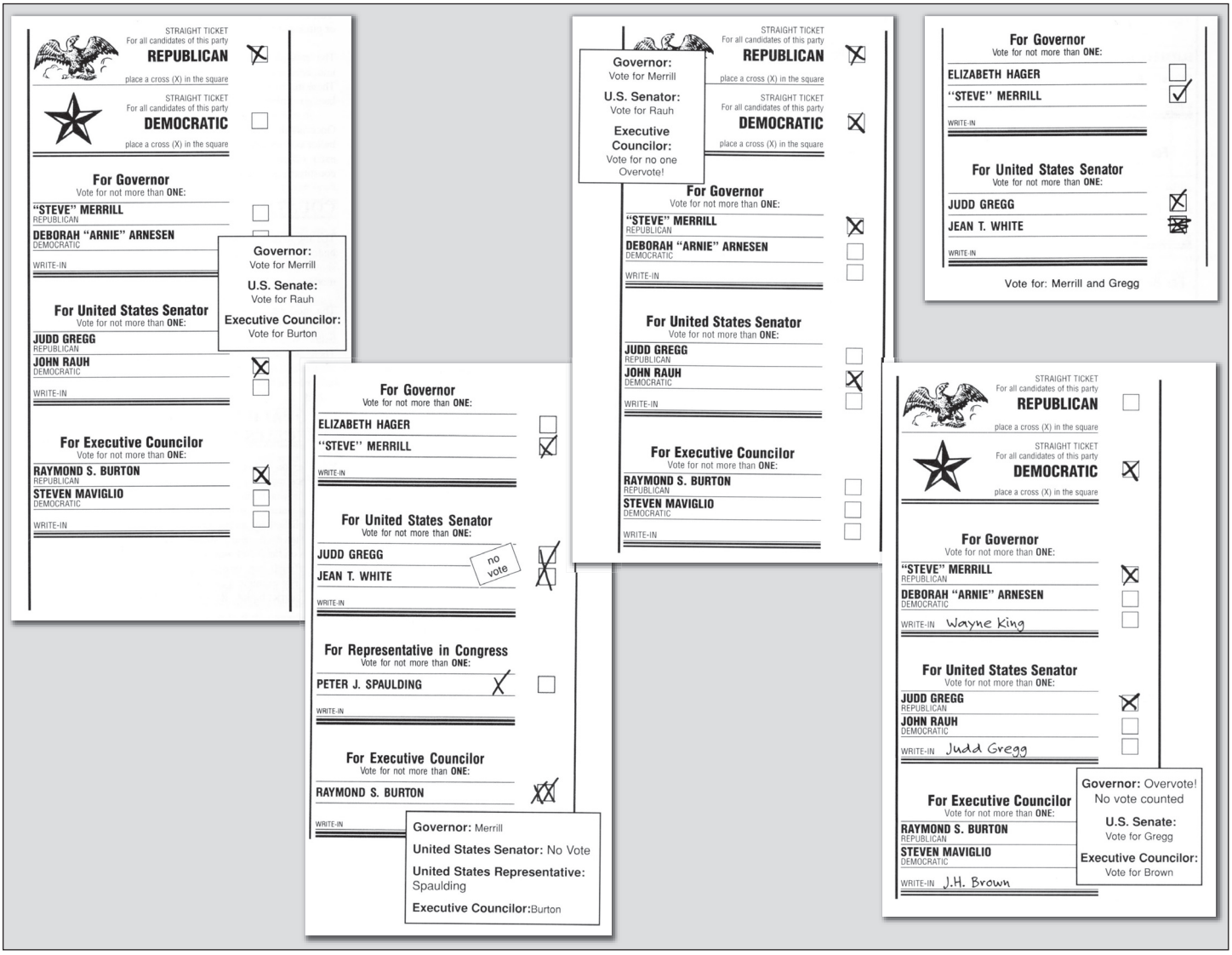
Figure 49: Punch Card Voting Booth



Source: GAO.

Hand-counted paper ballots: While we estimate, on the basis of our local jurisdiction survey, that no large jurisdictions and only 3 percent of medium jurisdictions used paper ballots in the November 2004 general election for their predominant voting method, 41 percent of small jurisdictions did. This voting method presented yet another variation in the process of determining voter intent. For example, in one small jurisdiction we visited in New Hampshire, election officials we spoke with said a senior election official was on hand during ballot counting. They said if a ballot was unclear, the senior official would be involved to discuss it. If it was still unresolved, state guidance called for an unclear ballot to "be counted in accordance with a majority vote of the election officials present." The guidance, which we examined, also provided examples of what marks on a paper ballot to accept, as shown in figure 50.

Figure 50: New Hampshire Guidance for Determining Voter Intent on Paper Ballots

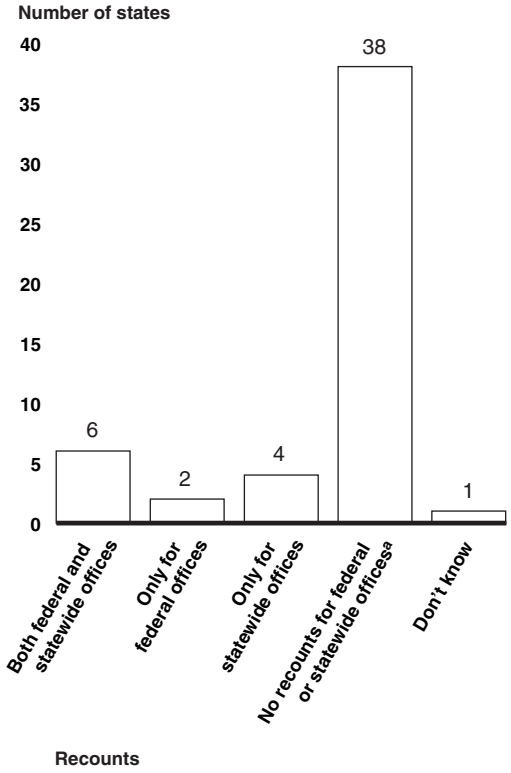


Source: *New Hampshire Election Procedure Manual*: 2004-2005; provided by election officials in Madbury, New Hampshire.

Recounts and Contested Elections Remained Uncommon for the November 2004 General Election

As with the 2000 general election, recounts and contested elections were an uncommon event in the 2004 general election. On the basis of our local survey, we estimate that 92 percent of election jurisdictions nationwide did not conduct a recount for federal or statewide office. Also on the basis of our survey, recounts were more prevalent in large than in small election jurisdictions. Specifically, we estimate that 4 percent of small jurisdictions, 16 percent of medium, and 24 percent of large jurisdictions conducted recounts for federal or statewide offices. Both large and medium jurisdictions were statistically different from small jurisdictions. Similarly, in our state survey, 37 states and the District of Columbia reported they had no recounts for federal or statewide offices during the primary or general elections of 2004, as shown in figure 51.

Figure 51: Number of States Reporting Federal and Statewide Recounts for the 2004 Primary or General Elections



Source: GAO 2005 survey of state election officials.

[a]Includes District of Columbia.

Recounts are, in general, conducted because a candidate, voter, or group of voters has requested it or because the margin of victory was within a certain specified margin such that state provisions required or allowed for a recount. Election officials in local jurisdictions we visited in several states where recounts were conducted described to us the procedures they used for their 2004 general election recounts. In a New Hampshire jurisdiction, where a recount was conducted of the presidential race of 2004, officials said the recount was requested by a presidential candidate to test the accuracy of the optical scan vote-counting equipment. The officials provided the following description of the recount: Five wards in the jurisdiction had been selected for a sample recount. It was conducted by the New Hampshire Secretary of State's office, not by the local election jurisdiction. The jurisdiction's only role in the recount was to provide the

Secretary of State with the optical scan ballots from the applicable wards. After the Secretary of State recounted a portion of the optical scan ballots and found no significant discrepancies between the initial vote tally and the partial recount, a full recount was not conducted statewide, according to these officials.

In North Carolina, races for two statewide offices (the Agricultural Commissioner and the Superintendent of Public Instruction) were subject to recounts because, under state law, the close margin of victory allowed the losing candidates to request a recount, according to election officials. In 1 North Carolina jurisdiction we visited, which used DRE machines, local election officials described the recount process as follows: The recount was conducted in a different manner from the initial count. For the initial count, votes were electronically transferred from each DRE machine to vote storage devices at the polls that stored the vote totals by precinct. The precinct totals were then downloaded from the vote storage devices onto a computer located at the jurisdiction's election headquarters, and vote tabulation software summed vote totals from each precinct for each election contest in the jurisdiction. During the recount, rather than relying on aggregated votes totaled by precinct for a vote count, officials tabulated individual DRE ballots. To complete this process, the jurisdiction's tabulation software recognized individual ballot images from the DRE machines rather than aggregated votes per precinct. The individual ballot images were downloaded onto the computer in election headquarters, and votes for the races in question were retabulated (by voter, rather than by precinct as in the initial count). The outcomes of both the Agricultural Commissioner and the Superintendent of Public Instruction races were unaffected by the recount results.

Generally, contested elections are court actions initiated by a candidate or voter alleging, for example, that some type of misconduct or fraud on the part of another candidate, election officials, or voters, occurred in a particular election. The results of our local survey indicate that contested elections were rare during the period from 2001 to the 2004 general election. In our local survey, we asked local jurisdictions whether they held any primary or general elections for federal or statewide offices during this period that were contested, and if so, whether the outcomes for these elections changed. On the basis of our nationwide survey, we estimate that 5 percent of local election jurisdictions held a federal or statewide election that was contested during this period. The contested elections in which the winner did change involved races for offices such as state judge or governor, or for the U.S. House of Representatives.

Perhaps the most heavily contested election in November 2004, which received a great deal of press coverage, was the Washington state governor's race. A close margin of victory and a candidate request prompted two recounts, and after the state certification of a winner in the election, the second place candidate's campaign and seven voters filed a petition in a state Superior Court contesting such certification, alleging that errors, omissions, mistakes, neglect, and other wrongful acts had occurred in conducting the election. The Chelan County Superior Court dismissed the election contest petition, finding that the petitioners failed to prove that grounds for nullification of the election existed.[4] The Superior Court held, in general, that while there was some evidence of irregularities, the petitioners failed to adequately prove that the outcome of the election was changed as a result. The recount itself, however, revealed the substantial complexities involved in accomplishing an error-free count. We discuss this case more closely later in this chapter.

Several States Had Further Developed Their Specifications for an Election Recount since the 2000 General Election

State provisions for recount processes vary, and not all states have provided for or required them in the past. For the November 2004 general election, however, several states reported that they had introduced or further developed their specifications for election recounts since the 2000 general election.

In our October 2001 report on election processes, we reported that 47 states and the District of Columbia had provisions for recounts, though most did not have mandatory recount provisions.[5] To better understand recount reform efforts to help ensure vote count accuracy since the 2000 election, we asked states in our 2005 survey about changes to their mandatory recount provisions in place for the November 2004 general election. Nineteen states reported requiring a mandatory recount predominantly in cases of a tie or close margin of victory, whereas in 2001, 17 states indicated they required mandatory recounts. Thus, 2 more states reported requiring mandatory recounts for the 2004 general election than for the 2000 general election. In addition, 3 other states reported amending their existing provisions for mandatory recounts, while 3 said they had changed their requirements or guidance for who may request a recount as

[4]*Borders v. King County*, No. 05-2-00027-3 (Chelan County Super. Ct., June 6, 2005) (transcript of oral decision).

[5]GAO-02-3.

shown in table 23. Three states—Hawaii, Mississippi, and Tennessee—reported not having any formal provision for conducting recounts—both for the 2000 or 2004 general elections.

Table 23: States Reported Changes to Recount Provisions since 2000 for the 2004 General Election

States reporting changes	Type of change since 2000
Alabama, Pennsylvania, Texas	Mandatory recount requirement added
Arizona, Minnesota, Washington	Mandatory recount requirements amended
Florida, Maine, Rhode Island	Requirement or guidance for who may request a recount changed

Source: GAO 2005 survey of state election officials

Alabama, Pennsylvania, and Texas were the states that reported adding mandatory recount provisions for the 2004 election. Alabama law, in place for the 2004 general election, requires a recount when the election returns for any public office indicate that a candidate or ballot measure is defeated by not more than one-half of 1 percent of the votes cast for the office or the ballot measure—unless the defeated candidate submits a written waiver. In Pennsylvania, a recount is mandatory if an election is decided by one-half of 1 percent or less—unless the defeated candidate requests in writing that a recount and recanvass not be made. Texas reported that a recount was required only if two or more candidates tie in an election.

For the 2004 general election, Arizona, Minnesota, and Washington reported adding more specifications to the vote margins that trigger recounts in their states than were in effect during the 2000 general election. Arizona added triggers for different types of races. For the 2000 general election, Arizona reported requiring a mandatory recount when the margin of votes between the two candidates receiving the most votes was not more than 0.1 percent of votes cast for both candidates, or 200 votes for statewide offices and 50 votes for the state legislature. For the 2004 general election, Arizona reported in our state survey that it had amended its mandatory recount requirements so that the thresholds triggered by the number of votes only applied when the total number of votes cast was 25,000 or fewer.

Washington's mandatory recount provisions in place for the November 2004 general election had changed since the November 2000 general election. The requirement in 2000 for a mandatory recount by machine was

a margin of 0.5 percent or less of total votes cast for the top two candidates. If the margin was less than 150 votes and less than 0.25 percent of total votes cast for the top two candidates, a manual recount was required. The amended requirement, in place for the November 2004 general election, specified that a recount by machine was required when the margin is both fewer than 2,000 votes and less than 0.5 percent of total votes cast for the top two candidates. If the margin was fewer than 150 votes and less than 0.25 percent of total votes cast for the top two candidates, there was to be a manual recount.

Since the November 2000 election, Minnesota amended its mandatory recount triggers to include a specific percentage margin of victory in certain circumstances, rather than only a specified difference in the absolute number of votes between the top two candidates. While a margin of 100 votes or fewer in an election had previously triggered a recount for the 2000 general election, Minnesota election officials reported in our state survey that for the 2004 general election their state required a recount if the margin was determined to be either less than one-half of 1 percent of the total number of votes counted or, was 10 votes or less when no more than 400 votes are cast.

According to our state survey, state requirements or guidance for who may request a recount, in place for the November 2004 general election, changed in Florida, Maine, and Rhode Island since 2000. While any Florida candidate or candidate's political party in 2000 could request a recount, this was no longer true for the November 2004 general election. For the 2004 general election, Florida election officials reported that no candidate or political party could request a recount, and that the only authorized recounts were mandatory recounts to be conducted when the margin of victory was 0.5 percent or less of the total votes cast. Rhode Island, which reported that for the November 2000 general election it had allowed recount requests by any candidate who trailed the winning candidate by less than 5 percent, reported that for the November 2004 general election, it required a smaller margin before a losing candidate could request a recount. For example, for races with between 20,001 and 100,000 votes, Rhode Island reported that it required a margin of 1 percent or less (or 500 votes) before a trailing candidate could request a recount, and for races with more than 100,000 votes the required margin was one-half of 1 percent (or 1,500 votes) before a trailing candidate could request a recount. Maine, on the other hand, reported that its recount provisions in place for the November 2004 general election were clarified to provide that an apparent

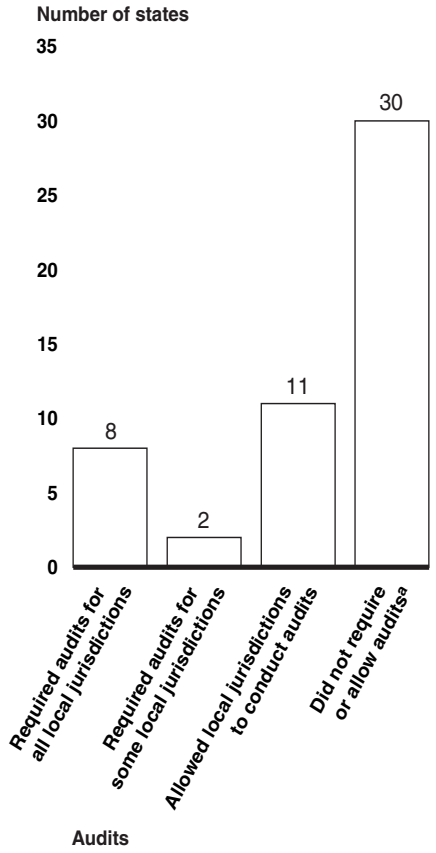
losing candidate, rather than only the second-place candidate, could request a recount.

Vote Count Audits Were Not Prevalent in the 2004 General Election, but Some States Reported Taking Action to Require Them

Twenty-nine states and the District of Columbia reported that for the 2004 general election, they did not have provisions requiring or allowing local jurisdictions to conduct a vote count audit of election results. However, in our state survey, 9 states reported taking action since November 2004 (e.g., enacted legislation or took executive action) to require audits of vote counts. As used in this report, a vote count audit is an automatic recount, in full or in part, of the vote tabulation, irrespective of the margin of victory, in order to ensure accuracy before certification.

On the basis of our state survey, as shown in figure 52, 8 states reported that for the 2004 general election they had a vote count audit requirement for all local jurisdictions, and 2 states reported requiring vote count audits for some local jurisdictions. Election officials from 29 states and the District of Columbia reported that for the 2004 general election they did not require or allow local jurisdictions to conduct vote count audits. Eleven states reported that they allowed them. We estimate, on the basis of our local survey, that 15 percent of all local jurisdictions were required by their states to conduct such audits as part of the certification process for the 2004 general election. Larger and medium jurisdictions were more likely to have been required to do so than smaller jurisdictions. Nine percent of small jurisdictions, 27 percent of medium, and 38 percent of large jurisdictions conducted a required vote count audit of the 2004 general election. Both large and medium jurisdictions were statistically different from small jurisdictions.

Figure 52: Number of States Reporting Vote Count Audit Requirements in Place for the 2004 General Election



Source: GAO 2005 survey of state election officials.

[a]Includes District of Columbia.

Nine states reported in our state survey that they had enacted legislation or taken some executive action to require audits since November 2004.[6] For example, in Washington, beginning January 1, 2006, prior to election certifications, county officials must audit the results of votes cast on DRE machines. The audit must be conducted by randomly selecting up to 4 percent of the DRE voting machines or one machine, whichever is

[6]These 9 states were Alabama, Alaska, Colorado, Connecticut, Minnesota, New Mexico, North Carolina, Washington, and Wisconsin.

greater, and for each device, comparing the results recorded electronically with the results recorded on paper.

During our visits to local election jurisdictions, election officials in 5 jurisdictions described conducting vote count audits as a part of the election certification process for the November 2004 general election. For instance, 2 large jurisdictions in Nevada reported that the state requires each jurisdiction to randomly audit election results when DRE machines were used. According to officials in 1 of these Nevada jurisdictions, they were required to select 1 percent of DRE machines, or 20 machines, whichever amount is greater, and to perform a manual audit of the machine-tabulated vote totals. The officials said that they used a computer program to randomly select which of the jurisdiction's 740 DRE machines to audit. To conduct a paper-based audit, they told us that for each randomly selected machine, election workers printed the DRE result tapes from the voter-verified paper trail printer, manually counted the vote data on the tapes, and compared the manual count results to the original electronic results.

In one large Illinois jurisdiction we visited, election officials told us they were required by the state to automatically audit (by retabulating votes) results of punch card ballots in 5 percent of their precincts, which were randomly selected. According to the officials, the State Board of Elections sent the jurisdiction officials a letter specifying which randomly selected precincts had to retabulate their votes.

Election officials in a Pennsylvania jurisdiction we visited said that state law required random audits when electronic voting machines were used. According to these officials, they were required to audit 2 percent of DRE vote totals following an election. They told us, however, that in practice they actually audit all DRE machine vote totals to ensure an accurate vote count. They stated that vote data stored on DRE backup memory cards is printed and compared to vote data stored on DRE cartridges used in original vote counts. They said they operated on the assumption that because the internal memory cards serve as a backup system, there should be no difference in the totals.

Local Jurisdictions Reported Some Mistakes and Technical Challenges in Counting Votes for the 2004 General Election

As in the general election of 2000, the 2004 general election saw failures to properly employ voting equipment. At several of the jurisdictions we visited, officials recounted mistakes in using the DRE systems, for example, that echoed other recent findings (in our September 2005 report on the security and reliability of electronic voting), noting inadequate understanding of the equipment on the part of those using it.[7]

In our September 2005 report on electronic voting, we noted that instances of fewer votes counted than cast in one Pennsylvania county in the 2004 general election had resulted from incorrectly programmed DRE machines. Similarly, in our 2005 site visits to election jurisdictions for this report, officials with whom we spoke recounted difficulties that had resulted from mistakes in programming the electronic equipment. In 1 Florida jurisdiction, for example, officials reported that the storage capacity of an optical scan accumulator (used to combine vote data from DREs and optical scanners) had been inadequately programmed to capture all of the votes cast. Officials there were able to discover and rectify the problem so that all votes were counted. In a Nevada jurisdiction, officials said that on Election Day, there were 198 provisional ballots (out of 4,532 cast) that were incorrectly programmed on the DRE machines at several polling locations, resulting in the provisional votes being counted without the voter first being qualified. According to these officials, poll workers forgot to add the "0" to the beginning of the precinct number. The officials noted that 2004 was the first time that the jurisdiction had used provisional voting and that in the future they planned to use paper provisional ballots to avoid any confusion.

In a North Carolina jurisdiction we visited, election officials told us about how a misunderstanding of the voting equipment resulted in the loss of votes. Specifically, election officials were unclear about the vote storage capacity of a DRE machine used in early voting and failed to notice the machine's warning that its file was full. The software installed on this machine was an older version of the program and only recognized up to 3,500 votes, according to election officials. Election administrators believed that it could recognize up to 10,500 votes. They discovered the error at the close of Election Day when reconciling the number of votes

[7]GAO, *Elections: Federal Efforts to Improve Security and Reliability of Electronic Voting Systems Are Under Way, but Key Activities Need to Be Completed*, GAO-05-956 (Washington, D.C.: Sept. 21, 2005).

cast on the DRE machine used in early voting with the number of voters credited with early voting at the polls. Furthermore they said it was not until they subsequently conducted a simulation of votes cast that they discovered the cause of the problem. They also discovered that while the machine's software flashed warnings on its screen when the voter file became full, election workers had not seen it because of the screen's positioning. Also, according to the officials, they had been operating under the assumption that the machine would have automatically stopped accepting votes once the limit had been reached. Instead, the machine had continued to accept votes cast, overwriting earlier votes in order to accommodate the new ones. The officials said they determined that 4,235 votes were lost.

Not all equipment failures resulted in lost votes, but some did create technical challenges. Officials in a Colorado jurisdiction stated that memory cards for optical scan machines at early voting sites sometimes failed, which meant that all affected optical scan ballots were rescanned using a new card once poll workers realized that the original card was malfunctioning. Also, in our September 2005 report on the security and reliability of electronic voting mentioned earlier, we noted that a Florida county experienced several problems with its DRE system, including instances where each touch screen took up to 1 hour to activate and had to be activated separately and sequentially, causing delays at the polling place. In addition, we reported that election monitors discovered that the system contained a flaw that allowed one DRE machine's ballots to be added to the canvass totals multiple times without being detected. In another instance, our report notes that a malfunction in a DRE system in Ohio caused the system to record approximately 3,900 votes too many for one presidential candidate in the 2004 general election. We also reported that a state-designated voting system examiner in a Pennsylvania jurisdiction noted that the county DRE system had technical problems, such as failure to accurately capture write-in votes, frozen computer screens, and difficulties sensing voters' touches.

During our 2005 site visits, officials from 3 jurisdictions also described several cases of jamming problems with optical scan and punch card ballot tabulators. For example, election officials in a Kansas jurisdiction we visited told us that an extensive two-sided optical scan ballot frequently jammed voting machines because of its length. These officials told us that they used a two-sided ballot design which required that the optical scan counting equipment read the ballot front and back, which presented a problem. According to the officials, the ballot was not scored properly to

feed easily through the equipment and paper jams occurred frequently. Election officials said the ballots had to be hand-sorted into 13 groups before scanning, which took time. Similarly, officials in a New Jersey jurisdiction told us that their optical scan machines had frequently jammed when reading provisional and absentee ballots. According to the officials, the ballots had two or three folds, which in combination with the high volume of ballots being read, jammed the machine regularly. To repair the jams, officials told us they would straighten ballots and run them through again, or, if needed, would remake the ballot. Also, officials in an Illinois jurisdiction we visited said punch cards had also jammed in their tabulator. Officials there said that this had been likely due to the punch cards swelling in humid weather, and this problem had caused the scanner to misread ballots on several occasions. In all of these instances, the problems were corrected.

While we heard in our site visits about some human error at the polls, in our survey of local jurisdictions we found that human error was a problem for a small portion of election jurisdictions in terms of at least one key function. Specifically, we estimate that 6 percent of local jurisdictions nationwide experienced poll worker errors in tracking and accounting for ballots. To the extent that these errors occurred, they were more common in large jurisdictions. We estimate 1 percent of small jurisdictions, 14 percent of medium jurisdictions, and 34 percent of large jurisdictions had these errors. The differences between all size categories are statistically significant. In 10 of the jurisdictions we visited, election officials cited poll worker or voter errors as the cause of discrepancies in the number of ballots and voters. In 1 Ohio jurisdiction, for example, election officials said the discrepancy in the number of ballots and votes was caused by the fact that poll workers did not track some voters who left the polling place without voting. In a Florida jurisdiction, according to election officials, some voters left the polling place without signing a poll book (which was used to reconcile voter numbers). Another cause for discrepancies in the number of ballots and voters cited by election officials in a Washington jurisdiction was that poll workers erroneously counted some provisional ballots as regular Election Day ballots, which led to the appearance of more regular Election Day ballots cast than voters credited with voting in that manner.

Finally, from election officials in 2 jurisdictions we visited, we learned of voter errors in using voting technology. In one Kansas jurisdiction, officials reported that some voters did not know how to scroll down the electronic screen to see all of the information. Also, we were told by election officials

in a New Jersey jurisdiction that poll workers had noticed that some voters had failed to press a button to finalize their votes. According to these officials, the poll workers watched for such a mistake, and in at least one instance, reached under the curtain to register a vote while both a Democrat and a Republican poll worker observed the maneuver.

In the 2004 General Election, Some Election Jurisdictions Reported Difficulty Meeting Deadlines for Certifying the Final Vote Count

According to state survey responses, 7 states (Arkansas, California, Georgia, Oklahoma, Pennsylvania, South Carolina, and Virginia) encountered a challenge during the 2004 general election related to timely completion of the certification process. For example, Georgia election officials reported difficulty in certifying election results in a timely manner that would allow a runoff election to commence within 3 weeks of Election Day. California officials responded that achieving an appropriate balance between vote count accuracy and the speed of vote tabulation was a challenge statewide. Arkansas officials said that the Secretary of State's office had to contact local election jurisdictions numerous times to receive certified election results in a timely manner.

In some local jurisdictions we visited, we also heard about difficulty meeting certification deadlines, particularly with regard to provisional ballots. In 7 local election jurisdictions we visited, election officials cited concerns with the timing requirements of election certifications. Specifically, the task of verifying voter information with respect to provisional ballots and counting provisional ballots made achieving certification deadlines difficult. For example, officials in 1 Colorado jurisdiction said that verifying and counting provisional ballots within the state-mandated 12-day period required that the county hire additional workers. A Florida jurisdiction reported a similar challenge, but in this instance, these officials stated that the county canvassing board was required to consider each provisional ballot individually, which added to the challenge to meet the short state certification deadline. One large jurisdiction in Illinois also reported that its 14-day certification deadline was difficult to achieve because of the large number of provisional ballots that had to be verified and counted. In a Washington jurisdiction, officials stated that verifying and counting all ballots (including provisional ballots) within state-mandated periods had been a challenge in 2004. In 2005, the Washington state legislature extended the mandated certification deadline from 15 to 21 days following any general election.

The Recount in Washington State Revealed the Intricacies of the Election Process, but Also Yielded Many State Reforms

While the 2004 recount in Washington was one of few statewide recounts conducted across the country, the types of issues that surfaced during the recount about Washington's election system identified problems in all three key elements of elections—people, process, and technology. The close gubernatorial race and the recount subjected these elements to close scrutiny, revealing the vulnerability and interdependence of the various stages of the elections process and the unerring attention to detail that is required to run an error-free election. It was, in fact, the closest gubernatorial race in United States history. In the initial statewide count, a mere 261 votes separated the top two candidates—about 0.001 percent of the total votes cast. An initial recount reduced that margin of victory to just 42 votes out of more than 2.7 million cast, and the final recount resulted in a 129-vote margin of victory for the candidate who came in second in the first two vote counts.

In part because it is the largest election jurisdiction (in number of voters) in Washington state, King County was the subject of some of the greatest scrutiny. However, problems were identified by courts in other jurisdictions in the state as well. As a result of this scrutiny, as discussed below, Washington state, and King County itself, has subsequently instituted many reforms.

Breakdowns in Interaction of People, Process, and Technology Can Impair the Vote Count

We reviewed a variety of reports and studies on this extraordinary election, including state task force studies, an internal county review, a management audit sponsored by the Election Center,[8] and the findings of a state Superior Court that resulted from a lawsuit challenging the results of the final recount. The principal problems we identified in these materials ranged from poll worker errors to challenges in using equipment. Described here, they illustrate how breakdowns in the interface of people, process, and technology may, at any stage of an election, impair an accurate vote count.

[8]The Election Center is a nonprofit organization composed of government employees whose profession it is to serve in voter registration and elections administration (e.g., voter registrars, elections supervisors, elections directors). The Election Center in October 2005 completed an audit of King County's elections operations following the November 2004 general election. The audit was initiated in response to a mandate from King County's governing council requesting that such an audit be completed.

Provisional Ballots Counted before Being Validated

In at least 11 counties provisional ballots were found by a Washington state Superior Court to have been counted without verifying voter signatures or before verification of voter registration status was completed.[9] For example, in Pierce County, Washington, 77 provisional ballots were found by the Superior Court to have been improperly cast. Provisional ballots were to have included on the ballot envelope the voter's name and residence. Because the provisional voter's identity or residence was not marked on the provisional ballot envelope for these 77 ballots, voter registration status could not be verified. In King County, the court found that 348 provisional ballots were improperly cast without verifying voter eligibility. The Election Center management audit found this had occurred because the provisional voters had been allowed to put their ballots, which had not been verified, directly into the optical scan machines at the voting precincts. The Superior Court found that of these 348 provisional ballots, 252 were ultimately determined to have been cast by registered voters. According to the audit, this error resulted from poll worker confusion about who was accountable for the provisional voting process at the polls. No one poll worker was assigned responsibility for tracking provisional ballots.

Illegal Votes Cast by Felons

The Superior Court also found that more than 1,400 votes had been cast illegally by felons during the November 2004 general election in counties across Washington. Under Washington state law, in general, persons convicted of a federal or state felony are not eligible to vote unless their right to vote has been restored. According to the King County audit, some felons were registered to vote in King County. The audit stated that election registration officials had very limited information available to them regarding such felons that would have allowed them to periodically purge the rolls. Moreover, according to the audit report, when a former felon who wished to register signed an affidavit to attest to the fact that his or her voting rights had been restored, election officials had no expedient way to verify the claim, particularly for former felons convicted in a different county. In addition, the audit report noted that election officials did not necessarily have the authority to refuse to accept a registration form. In our June 2005 report on maintaining accurate voter registration lists, we found

[9]*Borders v. King County*, No. 05-2-00027-3 (Chelan County Super. Ct., June 6, 2005) (transcript of oral decision).

that similar challenges in identifying and removing felons from voter rolls were reported in other states as well.[10]

More Votes Counted than Cast

The Superior Court found that more votes were counted than the number of voters credited with voting. Specifically, a judge cited evidence of 190 excess votes counted in Clark County, 77 excess votes counted in Spokane County, 20 excess votes counted in Island County, and 14 excess votes counted in Kittitas County. In a King County internal report, election officials reported that the discrepancy between voters credited with voting and ballots cast was about 0.2 percent, or over 1,000 votes. The Election Center management audit concluded that the discrepancy may have been due, in part, to the use of an electronic wand held by temporary employees to scan the entry codes in the poll book when registrants came to vote. The audit noted space limitations and difficulty hearing the wand's beep when it processed a bar code may have prevented an accurate count of voters. During our site visit with King County officials, they told us that separate from the wanding issue, poll worker training deficiencies may have contributed to discrepancies in the number of votes credited and cast when voter information was not entered properly into poll books.

Uncounted Ballots Discovered after Results Had Been Certified

According to the Superior Court's findings, in several counties uncounted ballots were discovered after the certification of the initial election results. The Superior Court found that there were 64 uncounted absentee ballots found in Pierce County and 8 in Spokane County. According to the Election Center audit, in King County, the uncounted ballots were both absentee and provisional ballots, and 22 absentee and provisional ballots were discovered in the base units of optical scan machines after the election was certified. The audit concluded that poll workers had failed to adhere to their procedures for checking these units when reconciling ballots after the polls closed, and recommended strengthening both procedures and training.

Absentee Ballots Erroneously Disqualified

In King County, during the second recount, the King County Canvassing Board discovered that election workers had disqualified 573 absentee ballots during initial canvassing when they could not find the voters' signatures in the county's new computerized voter registration list for verification. In addition, the election workers had not checked elsewhere for these signatures, such as on the voters' paper registration forms. In the

[10]GAO-05-478.

recount, the King County Canvassing Board decided to recanvass these ballots to determine whether their disqualification had been appropriate or whether these ballots should have been counted.[11] According to the King County audit, the voter registration list had been very recently updated, and for this reason, not all voter signatures had been scanned and electronically stored in time for the general election so that election workers would have been able to find them.

Verifying absentee ballots was another issue highlighted during the recount. According to press accounts, differences existed in how local jurisdictions in the state verified the signatures of absentee and provisional voters. The *Seattle Times* reported conducting a survey in which it found that signatures went through as many as four levels of review in one county and only one level in another. Also, the newspaper reported that some counties would look for as many as six different identifying traits of a signature, while others "eyeballed the handwriting." Recommendations by the Governor's Election Reform Task Force identified the verification of voter signatures as one of several areas needing more procedural consistency among the counties.

The Washington Recount Fueled Several Reforms at the State and Local Levels

Washington enacted into law a series of election reform measures in 2005 designed to clarify, standardize, and strengthen election requirements and procedures. Several of the statewide reforms specifically address problems described above, but others are broader measures designed to improve election administration. Examples of these measures are listed below.

- Unique provisional and absentee ballots: All provisional and absentee ballots are required to be visually distinguishable from one another and must be either printed on colored paper or imprinted with a bar code for the purpose of identifying the ballot as a provisional or absentee ballot. The bar code must not identify the voter. Provisional and absentee ballots must be incapable of being tabulated by polling place counting devices.

[11]The King County Canvassing Board's authority to recanvass these ballots was litigated in late 2004. The Washington State Supreme Court eventually ruled that the county canvassing board could, in its discretion, recanvass the 573 uncounted ballots (eventually totaling 735 after another 162 ballots were discovered) in certain circumstances, thereby allowing the recanvassing of the ballots and inclusion in the total tally of votes. *Wash. State Republican Party v. King County*, 103 P.3d 725 (2004); See also *In Re Election Contest filed by Coday*, 2006 Wash. LEXIS 185 (Wash. Mar. 9, 2006.).

- Standardized guidelines for signature verification processes: The Secretary of State is to establish guidelines for signature verification relating to, for example, signatures on absentee and provisional ballot envelopes. All election personnel assigned to verify signatures are required to receive training on the established guidelines. State law also provides that while signatures on certain mail-in ballot envelopes (such as absentee ballots) must be compared with the voter's signature in the county registration files, variation between the signature on a return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames (e.g., Joseph Smith versus Joe Smith) is permitted so long as the surname and handwriting are clearly the same.

- Triennial review of county election processes and reports listing corrective actions: Instead of being performed periodically, state-conducted reviews of county election-related policies, procedures, and practices are to be performed at least once every 3 years. If staffing or budget levels do not permit a 3-year review cycle, such reviews must be done as often as possible. The county auditor or the county canvassing board must respond to the review report in writing, listing steps to be taken to correct any problems. Before the next primary or general election, the Secretary of State's office must visit the county and verify that the corrective action has been taken.

- Election law manuals for use in all vote-counting centers: The Secretary of State must prepare a manual explaining all election laws and rules in easy-to-understand, plain language for use during the vote counting, canvassing, and recounting process. The manuals must be available for use in all vote-counting centers throughout the state.

- Option to conduct voting entirely by mail: Another change introduced by the state, which may avoid errors at the polls, has been to give county officials the option to conduct elections entirely by mail. The new measure authorizes the use of all-mail voting in counties upon the express approval by a county's legislative authority and provides that such approval must apply to all primary, special, and general elections conducted by the county. For example, King County has announced plans to conduct elections entirely by mail in 2007. The King County Independent Task Force on Elections found in 2005 that the King County election process basically involved simultaneously conducting two dissimilar elections. The task force stated that increasingly, a majority of King County voters (565,011, or slightly more than

62 percent in 2004) used the permanent absentee or vote-by-mail process. Despite this fact, the task force reported that the county also conducted a traditional election involving about 330,000 voters assigned to over 2,500 precincts and 540 individual polling places, and the use of hundreds of temporary election workers who must be trained and who work at the polling places for more than 13 hours on election days. Furthermore, the task force stated that both election processes contain independent, complex, and often conflicting requirements that have clearly caused significant problems for King County election officials. Having one means of voting for all citizens is perceived to be both more efficient and cost-effective than the previous process, according to the task force.

- Paper records for electronic voting devices and precertification audits of electronic voting results: All electronic voting devices must, beginning January 1, 2006, produce an individual paper record of each vote, at the time of voting, that may be accepted or rejected by the voter before finalizing his or her vote. This audit is to be conducted by randomly selecting a specified percentage of electronic voting devices and, for each device, comparing the results recorded electronically with the paper records. The audit process must be open to observation by political party representatives if such representatives have been appointed and are present at the time of the audit.

Separate from changes made at the Washington state level, King County, as reported in the Election Center audit, also implemented or was in the process of implementing changes to improve election administration that specifically address issues that arose during the 2004 general election.[12] Examples of such reported changes are below:

- Controls to manage provisional ballots: Provisional ballots will be color-coded for easy recognition and will have timing marks that prevent the counter at the polling place from accepting them. Therefore, the voter has no option but to return his or her provisional ballot to a poll worker, who will place it in a provisional envelope. One additional poll worker is to be assigned to each polling place to exclusively manage provisional ballots for all voters at that polling place.

[12]Election Center, *King County Elections Operations* (Houston, Texas, 2005).

- Controls to prevent misplaced ballots: Poll workers are required to record the serial number located at the bottom of the optical scan bins on the ballot reconciliation transmittal form. The serial number is not visible if any ballots remain in the bin. Increased poll worker training, attaching a flashlight to the inside of each bin, and continued adherence to existing procedures for troubleshooters to examine each bin before certification are also intended to help ensure that all ballots are properly handled and counted in future elections.

- Additional procedures for tracking absentee ballots and registration signatures: King County performed a database search of the entire voter file prior to the fall 2005 elections, in order to identify missing or unreadable signatures. On the basis of the search results, elections personnel contacted voters and made significant progress in updating the files. In addition, procedures at the absentee ballot operation center have been enhanced. New logs were created for tracking absentee ballots that required additional research because they were not easily verified. Also, in any instance where a voter registration signature is not on file, or is illegible, a search for the original record, as well as a call and a letter to the voter, is required.

- Improvements to procedures for reconciling ballots and voters: For the 2005 primary and general elections, the use of electronic hand wands to scan poll books, when reconciling ballot and voter numbers, was to be done at a county center where more space would be available. New checklists were developed that required staff to balance the number of signatures recorded with the wand against the number of ballots counted by the computer. Also, the hand-wand process was to occur at the beginning rather than at the end of the canvass to allow more time for any necessary research into potential discrepancies.

Concluding Observations

Although the methods used to secure and count ballots vary across the 50 states and the District of Columbia, the goal of vote counting is the same across the nation: to accurately count all ballots cast by eligible voters. As with the elections process overall, conducting an accurate vote count is not a simple process. It requires many steps, an unerring attention to detail, and the seamless integration of people, processes, and technology.

Providing eligible voters multiple means and times within a jurisdiction for casting their ballots—early, absentee, provisional, and Election Day voting—enhances eligible voters' opportunity to vote. At the same time,

multiple voting methods and types of ballots can make the vote-counting process more complicated. In addition, short deadlines for certifying the final vote—as little as 2 days in 1 state—provide little time for election officials to review, verify, and count provisional and absentee ballots. Larger jurisdictions generally face more challenges than smaller jurisdictions because of the sheer volume of votes cast by all ballot types—absentee, provisional, and regular ballots. Provisional ballots were new for many jurisdictions in November 2004 and created some challenges in tracking, verifying, and counting. On the basis of their experience in November 2004, some jurisdictions are implementing new procedures for provisional voting, such as printing provisional ballots in a color different from other types of ballots or using paper ballots rather than DRE machines for provisional voters.

Two jurisdictions we visited in Washington have announced plans to move to all-mail elections, which was authorized on a county-wide basis by recent state law. Although replacing in-person voting with all-mail voting eliminates some challenges—e.g., poll worker training on voting equipment operations and provisional voting or the chance of malfunctioning voting equipment at the polls—in some circumstances it could magnify the importance of other aspects of state election processes, such as verifying votes, accurately matching voter signatures and having guidance for determining voter intent from improperly or unclearly marked ballots. For those jurisdictions allowing or requiring the determination of a voter's intent from an improperly or unclearly marked ballot, the importance of having explicit and consistent criteria for treating such ballots became evident in the 2000 general election when different interpretations for such ballots in Florida made the close presidential race extremely contentious. Eighteen states that reported they did not have voter intent guidance in place for the November 2000 general election reported to us in our state survey that they did have voter intent requirements or guidance in place for the November 2004 general election. While federal election provisions do not address the state counting issue of ascertaining voter intent, HAVA did require states to adopt, by January 2006, uniform and nondiscriminatory standards defining what constitutes a vote and what will be counted as a vote for each type of voting system used by the state.

The recount in the close gubernatorial election in Washington revealed the interdependence of every stage of the elections process in ensuring an accurate vote count. That experience also illustrated how small errors in election operations can affect the vote counting process. Were any state's election processes subjected to the very close scrutiny that characterized

the recount in Washington state, it is likely that imperfections would be revealed. Votes are cast and elections are conducted by people who are not and cannot be 100 percent error free in all their tasks all the time. Thus, the consistently error-free vote count may be elusive, particularly in very large jurisdictions with hundreds of thousands of ballots cast in person, absentee, or provisionally. However, diligent efforts to achieve consistent error-free vote counts can help to ensure that any errors are reduced to the minimum humanly possible.

Voting Methods and Technologies

Voting methods can be thought of as tools for accommodating the millions of voters in our nation's more than 10,000 local elections jurisdictions. These tools are as simple as a pencil, paper, and a box, or as sophisticated as programmable computer-based touch screens.[1] Regardless of method, however, the proper operation and functioning of each depends on its effective interplay with the people who participate in elections (both voters and election workers) and the processes (governed by policies, procedures, and so forth) that govern the interaction of people with one another and with the voting method.

This chapter focuses on voting methods—the technology variable in the people, process, and technology election equation. It describes the use of voting methods in the 2004 general election, compares this technology environment with that of the 2000 general election, and examines plans for voting technologies in the 2006 election, particularly in light of the roles being played by states and HAVA. It also examines efforts to measure and understand how well voting equipment performed in the 2004 election (see fig. 53 for equipment examples), including the state of performance standards and local jurisdictions' overall satisfaction with their respective voting methods. Additionally, this chapter discusses the state of practice relative to voting system security, testing, and integration, and presents key challenges facing all levels of governments as voting systems, related election systems, and supporting technologies continue to evolve.

[1]As described in the glossary of this report, the five types of voting methods are paper ballot, lever machine, punch card, optical scan, and direct recording electronic (DRE). All except paper ballot are considered automated methods. The punch card, optical scan, and DRE methods utilize computers to automate voting or tabulation. Of these three, punch card and optical scan equipment typically automate vote counting, while DREs automate both vote casting and counting. Optical scan and DRE are considered the more technology-based voting methods.

Figure 53: Examples of Voting Equipment



Source: GAO.

DRE (top left), precinct count optical scan (top center), central count optical scan (top right), lever machine (bottom left), precinct count punch card (bottom center), and central count punch card (bottom right).

Overview

The technology of the voting environment can be characterized as varied and evolving, according to our 2005 state survey results and local jurisdiction survey estimates. We estimate on the basis of our local jurisdiction survey that the predominant voting methods most often used for the 2004 general election by large jurisdictions were DRE and precinct count optical scan, while medium jurisdictions most often used precinct count optical scan and small jurisdictions most often used paper ballot. In addition, the predominant voting method most often used for large jurisdictions changed from precinct count optical scan in 2000 to both DRE and precinct count optical scan in 2004, while the predominant voting

methods remained the same for the other jurisdiction sizes. Also in the 2004 general election, an estimated one-fifth of jurisdictions used multiple voting methods to support voting activities. Most states generally exercised influence over the voting methods used by their respective elections jurisdictions through a range of approaches such as requiring the use of one specific voting method, helping with local acquisition efforts, or eliminating voting methods, according to our 2005 state survey. Ten states and the District of Columbia reported that they required the use of one specific method for the 2004 general election, and 4 additional states planned to require a specific method for the 2006 general election. Sixteen states and the District of Columbia reported that they were involved to some extent in local jurisdiction efforts to acquire voting systems, components, and services. States also reported that they were eliminating lever and punch card equipment between the 2000 and 2006 general elections. Specifically, for the November 2000 general election, 37 states reported that they used lever or punch card voting equipment; by the November 2006 general election, only 4 states had plans to use lever and punch card equipment. HAVA has influenced state and local decisions regarding particular voting methods by providing funds to states to replace punch card and lever voting equipment with other voting methods. This greater state involvement in jurisdictions' choice of voting methods, combined with federal funding to replace lever and punch card voting equipment and certain HAVA requirements—among other factors—is likely to influence the adoption of DRE and optical scan voting methods.

Federal and state standards provide an important baseline for the performance of voting systems and were widely adopted for the 2004 general election. However, according to our local jurisdiction survey, voting equipment performance was not consistently measured during the 2004 general election and varied by jurisdiction size and voting method, in part because some types of measures were not well suited to particular voting methods. For example, small jurisdictions were generally less likely to collect accuracy measures such as accuracy of voting equipment (estimated at 31 percent for small jurisdictions) than large and medium jurisdictions (66 percent and 54 percent, respectively), and this may be because the predominant voting method most used by small jurisdictions was paper ballot. On the other hand, on the basis of our local jurisdiction survey, we estimate that the vast majority of all jurisdictions were very satisfied or satisfied with their systems' performance during the 2004 general election. For instance, we estimate that 78 percent of jurisdictions were very satisfied or satisfied with the accuracy of their voting system performance. The estimated high satisfaction levels demonstrated across

different voting system performance areas and jurisdiction sizes contrast with our lower estimates of the performance measures that were collected for the 2004 general election. Although the reasons for moderate collection levels for performance measures are unclear, jurisdictions that may not have collected performance data or may have considered such information not applicable to their situation may lack sufficient insight into their system operations to adequately support their satisfaction in the variety of performance areas we surveyed. The moderate collection levels of data on operational voting system performance may present a challenge to state and local election officials in their efforts to make informed decisions on both near-term and long-term voting system changes and investments.

A wide range of recently published concerns for the security of voting systems and the development of nationwide mechanisms under HAVA to improve security standards and processes have not yet produced a consistent approach across all jurisdictions for managing the security of voting systems. Our 2005 local jurisdiction survey and our visits to local jurisdictions found that voting system security has been primarily shouldered by local jurisdictions. However, states, vendors, law enforcement officials, and others shared in these efforts to varying degrees for the 2004 general election. Our state survey for the 2004 general election and visits to local jurisdictions indicated that security mechanisms employed by some states—but not others—included promulgation of policies and guidance, compliance of voting equipment with security standards, and monitoring and evaluation of implemented security controls. According to our local jurisdiction survey estimates and visits to local jurisdictions, jurisdictions and their support organizations were largely responsible for implementation of security controls, such as access restrictions to voting equipment, system backup capabilities, and security-related testing. Estimates from our local jurisdiction survey also showed, however, that many jurisdictions nationwide had not documented their security measures, and we found that several of the jurisdictions we visited reported that they had not implemented recommended measures, such as security plans, training, and documentation of policies and procedures. Furthermore, decisions by states to continue using outdated voting system standards may allow the vulnerabilities of newer technologies to go unevaluated and impair effective management of the corresponding security risks. States and local jurisdictions face the challenge of regularly updating and consistently applying appropriate standards and other directives to meet the vulnerabilities and risks of their specific election environments.

Testing and evaluation of voting systems also varied across states and jurisdictions for the 2004 general election. Our state survey found that most states required certification testing of their voting systems using a range of criteria. However, responsibility for purchasing a certified system typically rested with local jurisdictions. Other results from our 2005 state survey and responses from jurisdictions we visited indicated that acceptance testing continued to be commonly performed, but there was wide variation in the responsibilities and practices for this type of testing, including whether such testing was applied to new systems or upgrades, the extent of vendor participation, and the coverage of hardware and software functions. Also on the basis of our local jurisdiction survey, we estimate that most jurisdictions conducted readiness (logic and accuracy) testing for the 2004 general election as they did for the 2000 election, but in some jurisdictions we visited, we found they used different procedures that may have included one or more processes such as diagnostic tests, mock elections, or suites of test votes. In contrast, our local survey estimates indicate that parallel testing was employed by fewer than an estimated 2 percent of jurisdictions. This may be due to, in part, the lack of directives for conducting such tests.[2] Finally, postelection voting system audit tests were conducted by fewer than half of jurisdictions for the 2004 general election, according to our local survey estimates, although many more large and medium jurisdictions performed these tests than small jurisdictions. As with other types of testing, the requirements and practices for audit tests were diverse. Factors associated with the testing of voting systems may further challenge states and local jurisdictions as they adapt to changes in voting system capabilities, standards, and national certification for the 2006 general election. Those factors are likely to include increased certification testing workloads to recertify systems with new capabilities, ongoing limits to the number of available testing laboratories until a new laboratory accreditation process becomes fully operational, and more complex testing because a new version of the federal voluntary voting system guidelines has been added in 2005 to older federal standards from 1990 and 2002 that states are already using.

The number of jurisdictions that had integrated particular aspects of voting system components and technologies was limited for the 2004 general election, according to estimates from our local jurisdiction survey and visits to local jurisdictions for the selected areas of integration we examined, such as electronic programming or setup and electronic

[2]We estimate that 91 percent of jurisdictions considered parallel testing to be not applicable.

management. Two-thirds of the jurisdictions we visited told us that they used electronic programming or setup of voting equipment, and an estimated 7 percent of jurisdictions that used voting methods other than paper ballots, according to our local survey, connected their voting equipment via a local network at polling locations. Relatively few local jurisdictions we visited also reported having plans for integrating or further integrating their election-related systems and components for the 2006 general election, and in the instances where jurisdictions reported plans, the scope and nature of the plans varied. For instance, officials at 5 jurisdictions we visited reported plans to introduce a voter-verifiable paper trail (VVPT) capability for future elections, and officials from 1 jurisdiction reported plans to purchase an optical scanner with the ability to tabulate both DRE and optical scan election results. Nevertheless, the potential for greater integration in the future does exist as states and jurisdictions act on plans to acquire the kind of voting equipment (e.g., optical scan and DRE products) that lends itself to integration. For example, on the basis of our local jurisdiction survey, we estimate that at least one-fifth of jurisdictions plan to acquire DRE or optical scan equipment before the 2006 general election, and officials from 2 jurisdictions we visited who used DRE equipment told us that their state planned to purchase electronic poll books for its precincts to use during the 2006 elections to electronically link its voter registration system with its voting systems. It is unclear if and when this migration to more technology-based voting methods will produce more integrated election system environments. However, suitable standards and guidance for these interconnected components and systems—some of which remain to be developed—could facilitate the development, testing, operational management, and maintenance of components and systems, thereby maximizing the benefits of current and emerging election technologies and achieving states' and local jurisdictions' goals for performance and security. The challenge inherent in such a dynamic environment is to update system standards so that emerging technical, security, and reliability interactions are systematically addressed.

Voting Methods Vary among Jurisdictions and Are Being Influenced by States' Choices and HAVA

The technology of the voting environment can be characterized as varied and evolving, according to our 2005 state survey results and local jurisdiction survey estimates. We estimate on the basis of our local jurisdiction survey that the predominant voting methods most often used for the 2004 general election by large jurisdictions were DRE and precinct count optical scan, while medium jurisdictions most often used precinct count optical scan and small jurisdictions most often used paper ballot.

Two key patterns emerged in the use of voting methods between the 2000 and 2004 general elections. First, we estimate that the percentage of large jurisdictions using DREs doubled from 15 percent in the 2000 general election to 30 percent in 2004. The predominant voting method for large jurisdictions changed from precinct count optical scan in 2000 to both DRE and precinct count optical scan in 2004. In contrast, we estimate that the predominant voting methods remained the same for small and medium jurisdictions (paper ballots and precinct count optical scan, respectively) from 2000 to 2004. Furthermore, on the basis of our local jurisdiction survey, we estimate that at least one-fifth of jurisdictions plan to acquire DRE or optical scan equipment before the 2006 general election. Second, in response to our state survey, 9 states reported that they eliminated the lever machine and punch card voting methods for the 2004 general election. In addition, 18 other states plan to eliminate lever or punch card voting methods for the 2006 general election. This greater state involvement in jurisdictions' choice of voting methods, the availablilty of federal funding to replace lever and punch card voting equipment, and certain HAVA requirements—among other factors—are likely influences on the adoption of DRE and optical scan voting methods.

Voting Methods Differ by the Size of Local Jurisdictions and States' Choices

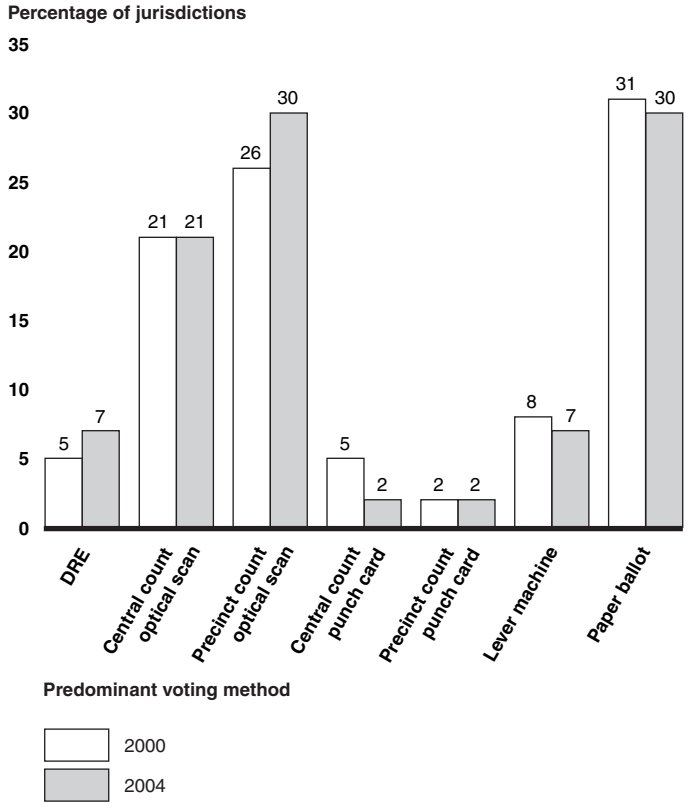
Since the November 2000 general election, the DRE voting method has become more widely used in large jurisdictions, according to our local jurisdiction 2005 survey. During the same period, states' reported use of lever machine and punch card voting methods has decreased, according to responses to our 2005 state survey. Our state and local jurisdiction surveys also indicate plans for changes to voting technologies for the 2006 general election.

Overall, the estimated percentages of predominant voting methods used by local jurisdictions in the 2000 and 2004 general elections did not change appreciably. In particular, from our local jurisdiction survey, we estimate that the mix of predominant voting methods used in the November 2000 general election was 5 percent DRE, 21 percent central count optical scan, 26 percent precinct count optical scan, 5 percent central count punch card, 2 percent precinct count punch card, 8 percent lever, and 31 percent paper.[3] In comparison, we estimate that the mix for the November 2004 general

[3]We defined the predominant voting method as one that processed the largest number of ballots regardless of when the vote was cast: on general Election Day, as a provisional vote, during absentee voting, or during early voting.

election (in the same order) was 7 percent DRE, 21 percent central count optical scan, 30 percent precinct count optical scan, 2 percent central count punch card, 2 percent precinct count punch card, 7 percent lever, and 30 percent paper. Figure 54 compares these percentage changes.

Figure 54: Estimated Percentages of Jurisdictions Using Predominant Voting Methods in the 2000 and 2004 General Elections



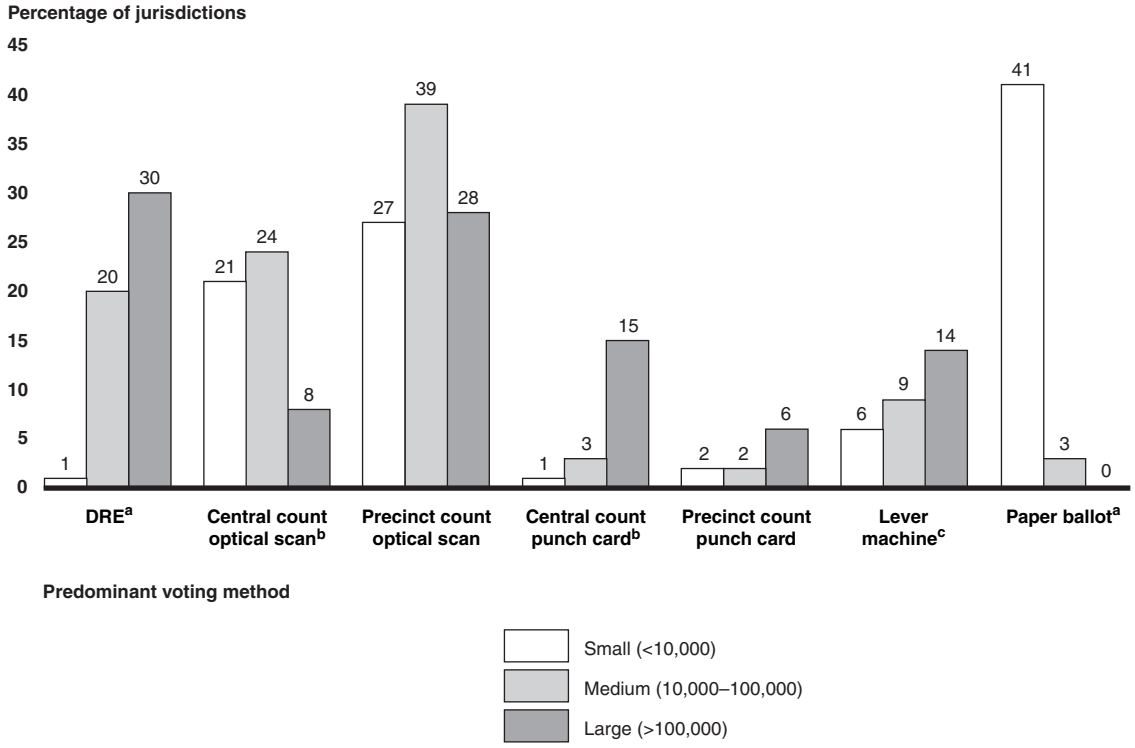
Source: GAO 2005 survey of local election jurisdictions.

According to our local jurisdiction survey, there may have been a small shift away from punch card and lever machine voting methods (estimated at 3 percent or 1 percent loss of jurisdictions, respectively) and may have been an increase in optical scan and DRE voting equipment (estimated at 5 percent and 2 percent gain of jurisdictions, respectively) for the 2004 general election. However, these differences are not statistically significant. During the same time frame, we estimate that 16 percent of

jurisdictions acquired new voting equipment through their own purchases or leases and 15 percent of jurisdictions through purchases or leases by their state. Thus, the new voting equipment acquired by many jurisdictions since 2000 did not substantively affect the predominant voting methods that were already in use.

One notable change did occur, however, in the use of predominant voting methods in the 2000 and 2004 general elections. The percentage of large jurisdictions using DREs doubled (estimated at 15 percent in 2000 and 30 percent in 2004, respectively)—an increase that is statistically significant. This increase in the use of DREs changed the predominant voting method most often used for large jurisdictions, which was precinct count optical scan in 2000, to both DRE and precinct count optical scan in 2004. A smaller increase in the use of DREs among medium jurisdictions (from an estimated 13 percent in 2000 to 20 percent in 2004) is not statistically significant, and there was virtually no change in DRE use among small jurisdictions (an estimated 1 percent for both elections). In contrast, the use of paper ballots as a predominant voting method did not appreciably change between the 2000 and 2004 general elections (with overall use at 30 percent in 2000 and 31 percent in 2004, respectively). Small jurisdictions were the major contributors to this steady use of paper ballots (estimated at 43 percent in 2000 and 41 percent in 2004, respectively); medium jurisdictions were minor contributors (3 percent for each election). (No large jurisdictions used paper ballots as their predominant voting method for either of these elections.) We also estimate that use of precinct count optical scan as the predominant voting method for medium jurisdictions did not change appreciably between the 2000 and 2004 elections (estimated at 35 percent in 2000 and 39 percent in 2004, respectively). Figure 55 shows the estimated use of predominant voting methods for small, medium, and large jurisdictions in the 2004 general election.

Figure 55: Estimated Percentages of Jurisdictions Using Predominant Voting Methods in 2004, by Jurisdiction Size



Source: GAO 2005 survey of local election jurisdictions.

Note: Percentages for predominant voting methods within each jurisdiction size may not add to 100 because of rounding.

[a]The differences between small jurisdictions and both medium and large jurisdictions are statistically significant.

[b]The differences between both small and medium jurisdictions and large jurisdictions are statistically significant.

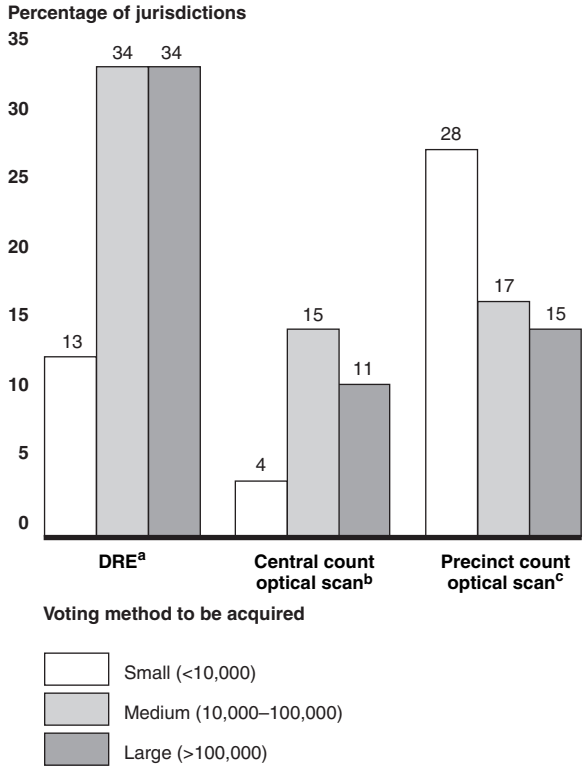
[c]The difference between small jurisdictions and large jurisdictions is statistically significant.

The more widespread adoption of DREs by large jurisdictions was consistent with their greater proportion among jurisdictions that acquired voting equipment since 2000. According to our local jurisdiction survey, we estimate that 37 percent of large jurisdictions bought or leased new voting equipment since 2000, compared with 21 percent of medium jurisdictions and 12 percent of small jurisdictions, where the differences between large jurisdictions and both medium and small jurisdictions are statistically significant.

Furthermore, on the basis of our local jurisdiction survey, we estimate that at least one-fifth of jurisdictions plan to acquire DRE or optical scan equipment before the 2006 general election.[4] Both large and medium jurisdictions are more likely to have plans to acquire DREs before the November 2006 general election (estimated at 34 percent each) than small jurisdictions (estimated at 13 percent), while small jurisdictions are more likely to have plans to acquire precinct count optical scan voting equipment (estimated at 28 percent) than medium or large jurisdictions (estimated at 17 percent and 15 percent, respectively). In general, fewer jurisdictions expected to acquire central count optical scan voting equipment than the other two voting methods, although the differences were not statistically significant. The percentages of jurisdictions planning to acquire the newer voting systems before the next general election are shown in figure 56 by the size of jurisdiction.

[4]Jurisdictions could identify more than one voting method to be acquired.

Figure 56: Estimated Percentages of Jurisdictions with Plans to Acquire Particular Voting Systems before the November 2006 General Election



Source: GAO 2005 survey of local election jurisdictions.

[a]The differences between small jurisdictions and both medium and large jurisdictions are statistically significant. The 95 percent confidence interval for large jurisdictions planning to acquire DREs is +/- 8 percentage points.

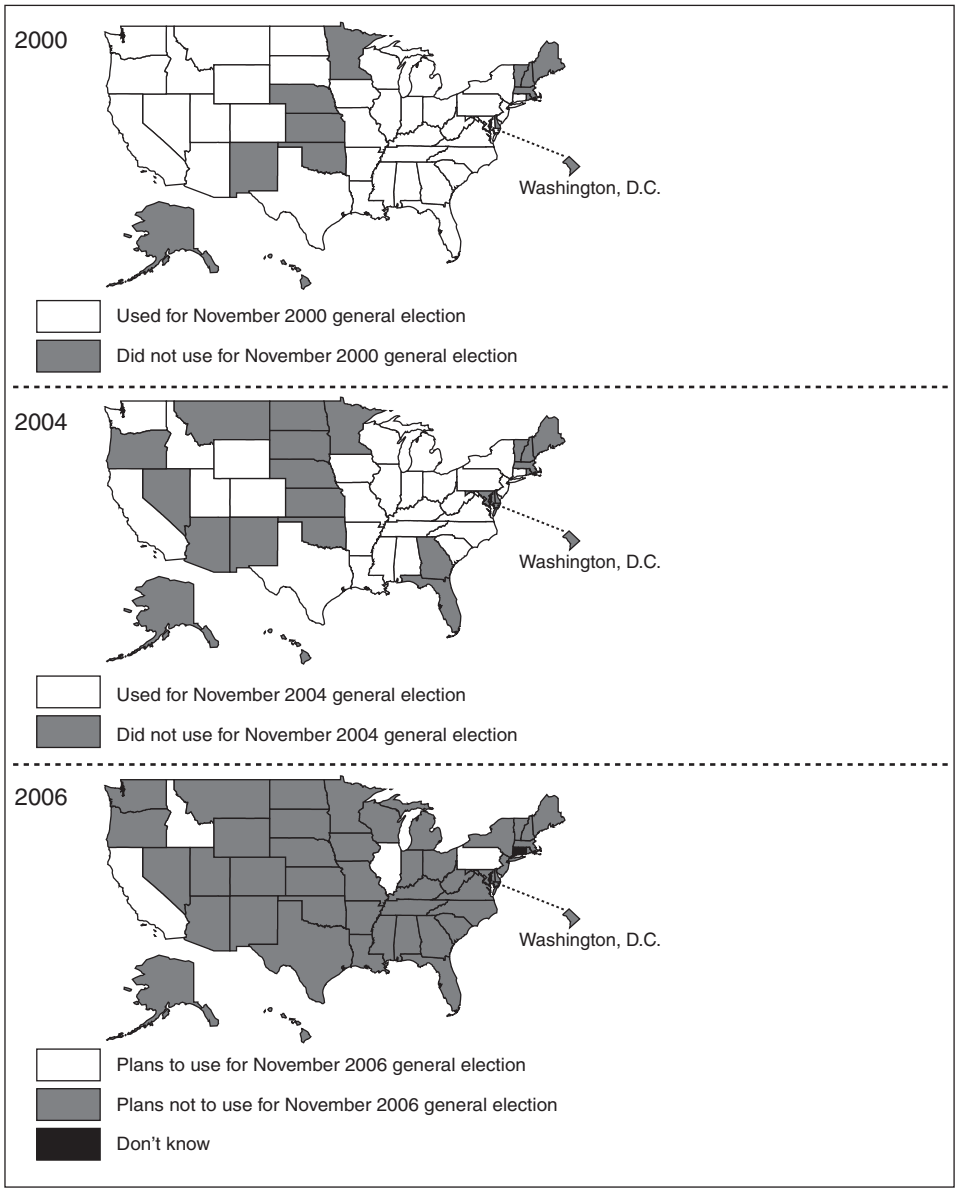
[b]The difference between small jurisdictions and medium jurisdictions is statistically significant.

[c]The difference between small jurisdictions and large jurisdictions is statistically significant.

Another interesting pattern emerged in voting methods between November 2000 and November 2004 at the statewide level. Thirty-seven states reported that at least 1 jurisdiction used lever machine or punch card voting equipment for the November 2000 general election. By the time of the November 2004 general election, the number of states that continued to employ these voting methods decreased to 28. Specifically, our state survey results show that 9 states reported that they completed replacement of all their punch card or lever voting equipment before the November 2004

general election, and 4 other states reported that they completed their replacements since the 2004 election. Of the remaining 24 states that reported using the punch card and lever methods in 2000 but had not yet replaced them at the time of our survey, 18 reported that they planned to replace all punch card and lever voting equipment by the November 2006 general election, while 3 planned to replace a portion of their equipment by then. One state reported no replacement plans prior to the November 2006 general election. Figure 57 summarizes the states' progress and plans for replacing punch card and lever voting equipment.

Figure 57: State-Reported Status of Lever and Punch Card Voting Equipment in 2000, 2004, and 2006



Sources: GAO 2005 survey of state election officials and follow-up with 2 states for clarification of responses (analysis), MapArt (map).

Our local jurisdiction survey provided insight into jurisdictions' plans for acquiring technology-based voting methods and the time frames for executing these plans, which may increase the predominance of these methods in future elections. Specifically, we estimate that 25 percent of local jurisdictions are planning to acquire precinct count optical scan machines by the November 2006 general election, 19 percent expect to acquire DREs by then, and about 7 percent plan to acquire central count optical scan equipment before that election.[5] In addition, we estimate that between 4 and 10 percent of local jurisdictions had plans to acquire additional equipment in each of these voting methods but had not set a target date for doing so at the time of our survey.[6]

During visits to election jurisdictions across the country, local election officials explained some of their motivations behind plans to acquire DRE or optical scan voting equipment. For example, election officials in 6 jurisdictions cited HAVA as the reason for purchasing new DRE equipment, particularly HAVA's requirement that each voting place have at least one voting method that is accessible to persons with disabilities, as we discussed earlier in chapter 4.[7] More specifically, officials in 1 large jurisdiction in Connecticut said that they would evaluate the use of DREs to meet HAVA accessibility requirements before deciding whether to purchase more DREs in time for the November 2006 general election. Election officials from 5 other jurisdictions stated that they planned to purchase new voting equipment to provide a VVPT, a requirement levied by 3 of the 14 states we visited (Colorado, Nevada, and New Mexico). Officials from 5 other jurisdictions said that they expected to acquire new voting equipment but did not give a reason and, in some cases, did not yet know what type of equipment they would obtain. Officials in jurisdictions that did not plan to purchase new voting equipment told us that their existing equipment was sufficient or that budget constraints prevented the acquisition of new equipment, among other reasons.

[5]Some jurisdictions may be planning to acquire equipment for more than one voting method.

[6]We also estimate that about one-fourth of jurisdictions did not know whether they planned to acquire DRE or optical scan voting equipment in time for the 2006 general election.

[7]HAVA § 301(a)(3) (codified at 42 U.S.C. § 15481(a)(3)).

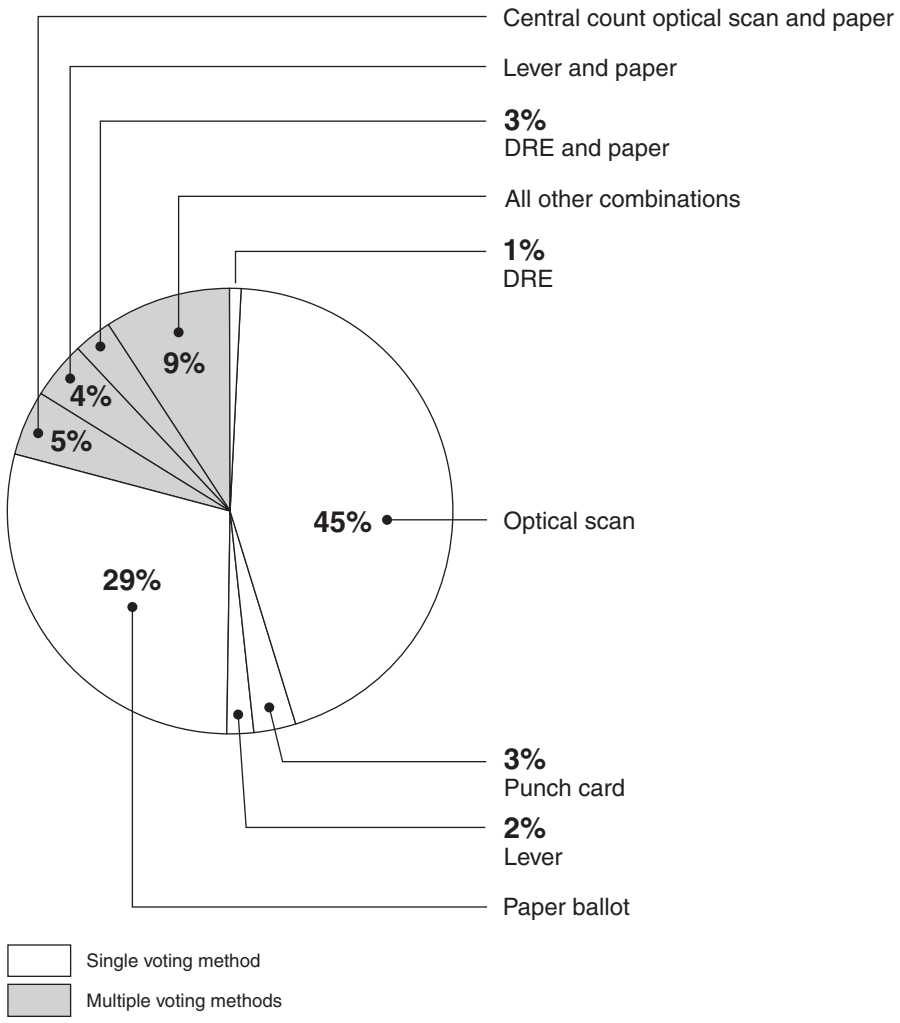
More Jurisdictions Used Several Voting Methods

As for the 2000 general election, some jurisdictions used multiple voting methods to support the 2004 general election, and some of these methods were more widely used than others for particular types of voting. In our October 2001 comprehensive report on election processes nationwide, we reported that 5 percent of jurisdictions used more than one voting method.[8] On the basis of our 2005 local jurisdiction survey, we estimate that 21 percent of jurisdictions used more than one voting method in the November 2004 general election, with the most common combination of methods being central count optical scan with paper ballot (estimated to be 5 percent of jurisdictions).[9] Other common combinations in 2004 were lever machine with paper ballot (4 percent) and DRE with paper ballot (3 percent). DRE with central count optical scan was one of numerous other combinations used by 2 percent or less of local jurisdictions. Figure 58 shows the estimated proportion of jurisdictions with the most prevalent single and combination voting methods.

[8]GAO-02-3.

[9]The percentage of jurisdictions reported for the November 2000 general election was based on GAO analysis of data from Election Data Services and states; the current estimate of jurisdictions is based on our 2005 survey of local election jurisdictions. Some of the differences may be due to differences in these methods.

Figure 58: Estimated Percentages of Local Jurisdictions That Used Single and Multiple Voting Methods in the November 2004 General Election



Source: GAO analysis of GAO's 2005 survey of local election jurisdictions.

Note: Percentages for single and multiple voting methods do not add to 100 because of rounding.

The specific mix of voting methods used can also be viewed with respect to particular types of voting (e.g., absentee, early, provisional) that were supported in the 2004 election. In this regard, some voting methods were applied to a particular type of voting more frequently than others. We estimate that paper ballot was the most widely used voting method for

absentee voting (36 percent of jurisdictions), provisional voting (18 percent), and early voting (8 percent). Precinct count optical scan (shown in fig. 59) was generally the second most widely used voting method for these types of voting (24 percent of jurisdictions for absentee, 10 percent for provisional, and 5 percent for early voting, respectively), while central count optical scan was the third most widely used method (20 percent of jurisdictions for absentee, 9 percent for provisional, and 5 percent for early voting, respectively).

Figure 59: Precinct Count Optical Scan Voting Equipment



Source: GAO.

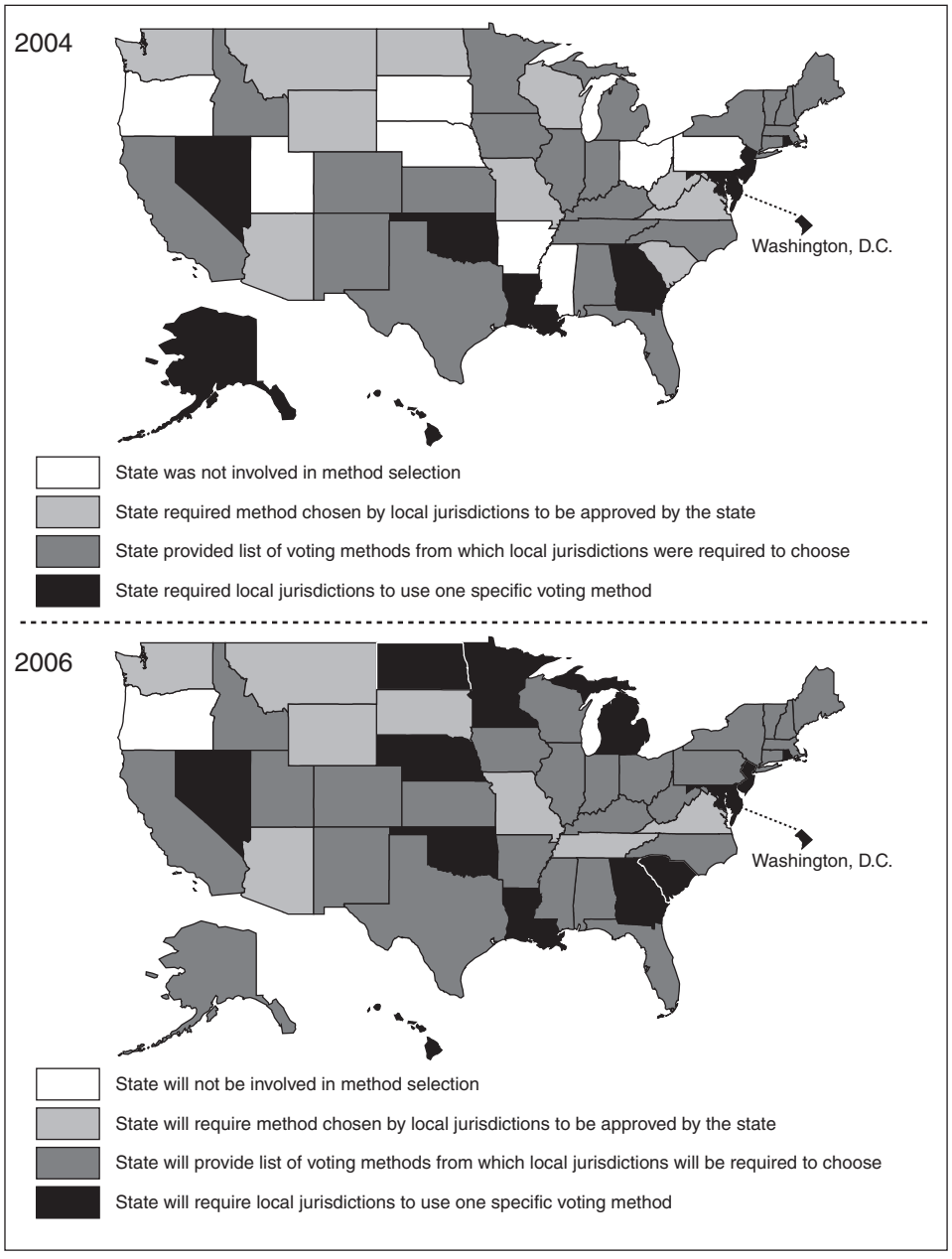
Precinct count optical scan voting equipment at the warehouse (left), polling location (center), and tabulation facility (right).

Jurisdictions' Voting Methods Were Influenced by the States and HAVA

Most states have generally exercised influence over the voting methods used by their respective elections jurisdictions through a range of approaches. In particular, for our state survey, a majority of states (32) and the District of Columbia said that they restricted the voting methods employed by local jurisdictions in the 2004 election either by requiring the use of one specific method (10 states and the District of Columbia) or providing a list of approved voting methods for the jurisdiction to select from (22 states). An alternate approach reported by 10 states was to require local jurisdictions to obtain state approval when selecting a voting method. The remaining 8 states said that local jurisdictions chose the voting method they used without any state involvement.

In addition to affecting the choice of voting methods, 16 states and the District of Columbia reported that they were involved to some extent in local jurisdiction efforts to acquire voting systems, components, and services. For example, 1 state reported that it evaluated voting equipment options and vendors, and then contracted with a single vendor to supply voting equipment for all jurisdictions in the state. Jurisdictions within this state then had the option of purchasing additional voting equipment from this vendor, as needed. The top map of figure 60 shows the role of each state in the selection of specific voting methods for jurisdictions in the 2004 general election.

Figure 60: State-Reported Involvement in the Use of Specific Voting Methods in the 2004 and 2006 General Elections

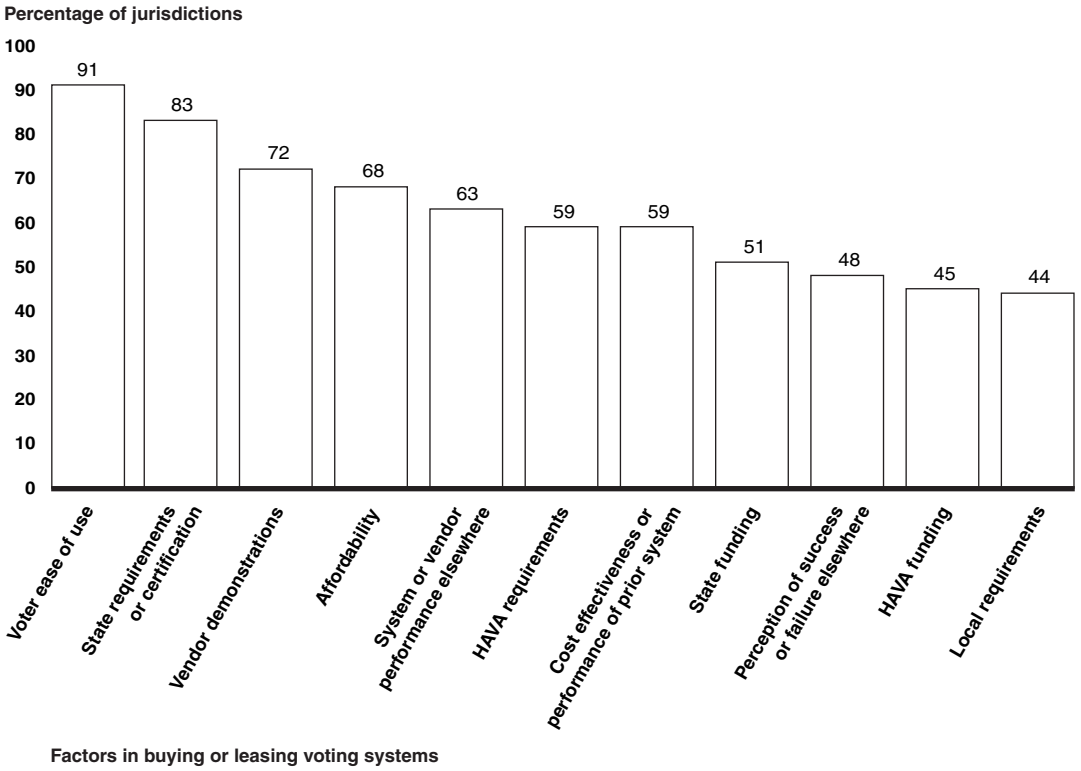


Sources: GAO 2005 survey of state election officials (analysis), MapArt (map).

Responses to our state survey indicate that state influence over the voting methods to be used in the November 2006 general election will continue to increase. Four additional states planned to require the use of a single voting method statewide, which will bring the total number of states doing so to 14, and the District of Columbia will do so as well. Also, 5 additional states reported that they will require local jurisdictions to select a voting method or methods from a state-approved list, bringing this total to 27; 8 states intended to continue to allow local jurisdictions to select their voting methods with state approval. Only 1 state was not expecting to be involved in decisions on voting methods for its jurisdictions for 2006. The bottom map of figure 60 shows the role of each state in the selection of specific voting methods for jurisdictions in the 2006 general election.

Consistent with state survey responses indicating their contributions to local jurisdictions' selection of voting methods and on the basis of our local jurisdiction survey, one of the most frequent factors that influenced the 16 percent of local jurisdictions that bought or leased new voting equipment since the November 2000 general election was state requirements or certification of the equipment (an estimated 83 percent of the 16 percent of jurisdictions that bought or leased the new voting equipment). Other widely influential factors included ease of equipment use (91 percent), vendor demonstrations (72 percent), and affordability (68 percent). In contrast, local requirements and HAVA funding were less influential factors for local jurisdictions' acquisition of voting equipment (44 percent and 45 percent of jurisdictions, respectively). (See fig. 61.)

Figure 61: Estimated Percentages of Local Jurisdictions Identifying Factors That Influenced Buying or Leasing Voting Equipment since the 2000 General Election



Source: GAO 2005 survey of local election jurisdictions.

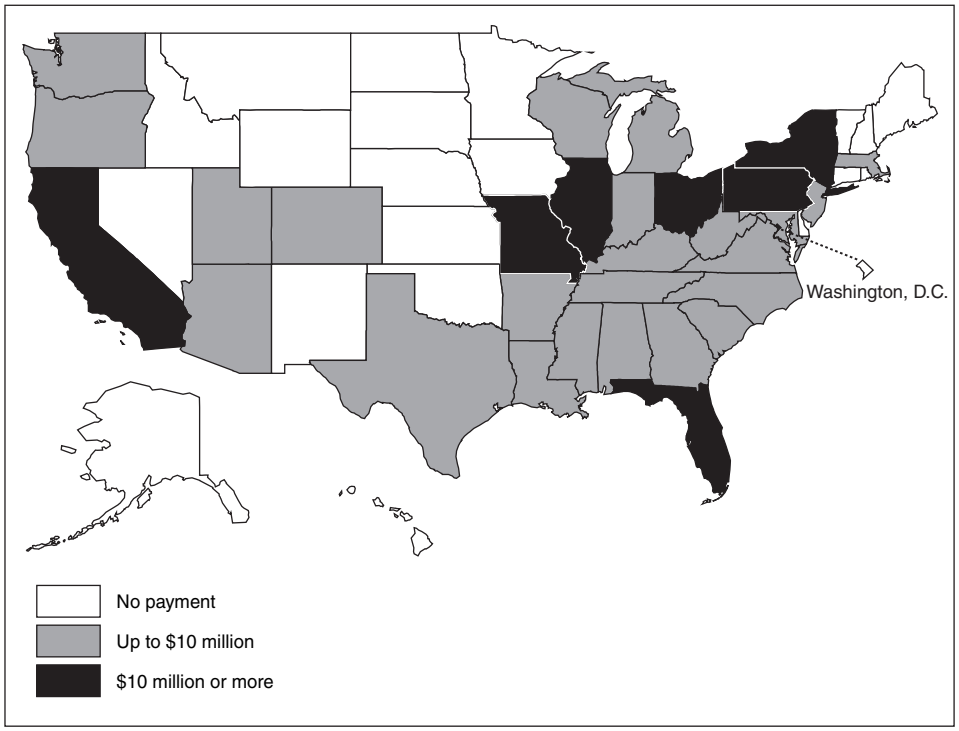
Note: These percentages represent responses from the estimated 16 percent of our sample of local jurisdictions that responded to our local jurisdiction survey that they bought or leased new voting equipment for the 2004 general election or later. The 95 percent confidence interval for values in all categories is +/- 13 percentage points or less.

HAVA has also influenced state and local decisions regarding particular voting methods through mechanisms to encourage the adoption of technology. Among other things, HAVA provided funds to states to replace punch card and lever voting equipment with other voting methods (Section 102 funds).[10] During fiscal year 2003, the General Services Administration

[10]HAVA § 102 (codified at 42 U.S.C. § 15302). HAVA § 101(b) (codified at 42 U.S.C. § 15301(b)) and HAVA § 102(a)(2) (codified at 42 U.S.C. § 15302(a)(2)) govern the use of HAVA Title I funds.

(GSA) reported distributing about $300 million to 30 states that applied for these funds. Figure 62 depicts an overview of the funds distributed to states specifically to replace lever machines and punch card voting equipment. (Fig. 57 presented an overview of states' progress in replacing lever and punch card voting equipment.) In responding to our state survey, 24 of the 30 states reported that they had invested at least a portion of these funds to replace lever or punch card voting equipment as of August 1, 2005.

Figure 62: Federal Payments to States in Fiscal Year 2003 under HAVA to Replace Lever and Punch Card Voting Equipment



Sources: GAO analysis of EAC data (analysis), MapArt (map).

Note: These figures represent lower limits on payments for replacement of lever and punch card voting equipment as made under HAVA Section 102. States may use additional HAVA funding obtained under HAVA Section 101 for voting equipment replacement or upgrade. However, these uses have not been separately tracked or reported by EAC or GSA to date.

In addition to the funding that HAVA earmarked for voting equipment replacement, states could also apply for other HAVA funds that could be

used for multiple purposes, including replacement or upgrade of voting systems (Section 101 funds).[11] In its 2004 annual report, EAC reported that almost $344 million had been distributed to each of the 50 states and the District of Columbia under this multiple purpose funding category. In all, 44 states and the District of Columbia reported in our state survey that they had spent or obligated funds from one or both of these HAVA funding sources in order to improve, acquire, lease, modify, or replace voting systems and related technology. EAC requires states to submit detailed annual reports on the use of those funds but has not yet compiled data from the state reports about spending for voting equipment covered in HAVA Section 101.

Besides authorizing funding for changes to voting methods, HAVA also has the potential to influence voting methods through new requirements for the usability and accountability of voting systems. Among other things, HAVA requires that voting systems used in federal elections provide voters with ballot verification and correction capabilities by January 1, 2006, including

- the opportunity to verify their ballots in a private and independent manner before they are cast;
- the ability to change their ballots or correct any error in a private and independent manner before the ballots are cast and counted; and
- the capability to both notify the voter whenever more than one candidate has been selected for a single office and correct the ballots.[12]

HAVA also requires voting equipment to generate a permanent paper record with manual audit capacity as an official record of the election.[13]

Our October 2001 report on election processes described how voting methods varied in their ability to support features such as error

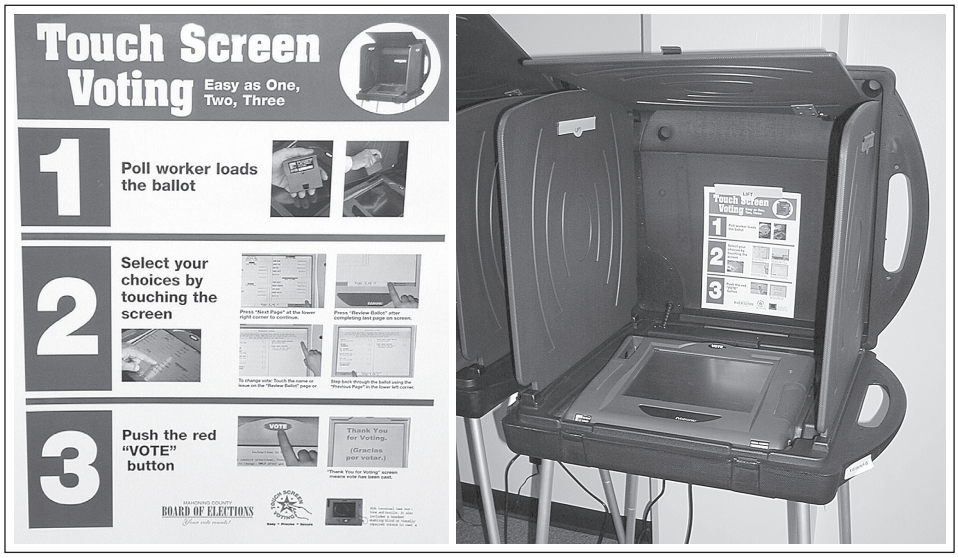
[11]HAVA § 101(b)(1)(F) (codified at 42 U.S.C. § 15301).

[12]HAVA § 301(a)(1) (codified at 42 U.S.C. § 15481(a)(1)).

[13]HAVA § 301(a)(2) (codified at 42 U.S.C. § 15481(a)(2)). HAVA requirements for maximum error rates in counting ballots are discussed in the section on voting system performance, which follows.

identification and correction for voters.[14] With regard to minimizing voter error at the polls, our local jurisdiction survey for the 2004 general election found that, for instance, voters were provided the opportunity to correct a ballot or exchange a spoiled ballot for a new one in most jurisdictions, and such capabilities were largely available for all voting methods. Our estimates of the availability of ballot correction capabilities range from 100 percent[15] (for jurisdictions whose predominant voting method was central count punch cards) to 70 percent (for jurisdictions predominantly using DREs).[16] However, the differences among these voting methods were not statistically significant. Figure 63 shows one approach that allows voters to verify and correct their ballots using a particular voting method (DRE).

Figure 63: Example of DRE Instructions and Equipment



Source: GAO.
DRE voting instructions (left), DRE voting unit (right).

[14]GAO-02-3.

[15]The 95 percent confidence interval for this value is between 100 percent and 89 percent.

[16]The 95 percent confidence interval for DREs is +13 or -15 percentage points.

With regard to voting equipment that generated a permanent paper record with a manual audit capability for election audits in the 2004 general election (including solutions such as VVPT), we estimate that few jurisdictions that used DREs had this capability.[17] Specifically, from our local jurisdiction survey, a small proportion of jurisdictions that used DREs for the 2004 election had manual audit capabilities such as VVPT (estimated at 8 percent of DRE jurisdictions)[18] or printing of ballot images (11 percent of DRE jurisdictions).[19] An estimated 52 percent of jurisdictions using DREs had equipment that produced an internal paper record that was not voter-verifiable.[20] With this limited implementation of HAVA-related capabilities in the 2004 general election, it appears that most of the voting system and election process changes to comply with these specific HAVA usability and accountability requirements will need to be satisfied by jurisdictions for the 2006 general election.

Voting Equipment Performance Was Not Consistently Measured during the 2004 General Election, but Estimated Levels of Performance Satisfaction Were High

Voting system performance can be viewed in terms of accuracy, reliability, and efficiency. Accuracy refers to how frequently the equipment completely and correctly records and counts votes; reliability refers to a system's ability to perform as intended, regardless of circumstances; and efficiency refers to how quickly a given vote can be cast and counted. Performance in each of these areas depends not only on how well a given voting system was designed and developed, but also on the procedures governing its operation and maintenance and the people who use and operate it. Thus, it is important that system performance be measured during an election when the system is being used and operated according to defined procedures by voters and election workers. As we have previously reported in our October 2001 report on election processes,

[17]Jurisdictions that used optical scan, punch card, and paper ballot voting methods were not included in our survey responses on manual audit capabilities because they already provide a key component for manual audits—a paper record created by the voter. Jurisdictions that used lever machines were not included in survey responses because the machines are no longer manufactured.

[18]The 95 percent confidence interval for VVPT in DRE jurisdictions is +9 or -6 percentage points.

[19]The 95 percent confidence interval for printing of ballot images in DRE jurisdictions is +6 or -5 percentage points.

[20]The 95 percent confidence interval for internal paper records that were not voter-verifiable in DRE jurisdictions is +/- 13 percentage points.

measuring how well voting systems perform during a given election allows local election officials to better position themselves for ensuring that elections are conducted effectively and efficiently.[21] Such measurement also provides the basis for knowing where performance needs, requirements, and expectations are not being met so that timely corrective action can be taken.

HAVA recognized the importance of voting system performance by specifying requirements for error rates in voting systems and providing for updates to the federal voting system standards, including the performance components of those standards. Moreover, according to our local jurisdiction survey, most local jurisdictions adopted performance standards for the 2004 general election—usually standards selected by their respective states.[22] As was the case for the 2000 general election, jurisdictions collected various types of voting system performance measures for the 2004 general election, although some types of measures were collected by fewer jurisdictions than others—in part because they were not well suited to particular voting methods. Furthermore, from our local jurisdiction survey, we estimate that the vast majority of all jurisdictions were very satisfied or satisfied with their systems' performance during the 2004 general election, even though performance data may not have been collected to an extent that would provide firm support for these views.

HAVA Has Increased the Focus on Voting System Performance

In our October 2001 report on voting equipment standards, we reported that the national voluntary voting system standards being used by some states and local jurisdictions at that time were originally approved in 1990[23] and were thus out of date.[24] Among other things, these standards identified minimum functional and performance thresholds for voting systems in terms of accuracy, reliability, and efficiency. In 2002, the Federal Election Commission updated these standards and, in doing so, provided new or

[21]GAO-02-3.

[22]Jurisdictions that used only hand-counted paper ballots on Election Day were excluded from this survey question.

[23]Federal Election Commission, *Performance and Test Standards for Punchcard, Marksense, and Direct Recording Electronic Voting Systems*, Jan. 1990.

[24]GAO, *Elections: Status and Use of Federal Voting Equipment Standards*, GAO-02-52 (Washington, D.C.: Oct.15, 2001).

enhanced coverage of certain performance requirements for, among other things,[25]

- voting system components that define, develop, and maintain election databases; perform election definition and setup functions; format ballots; count votes; consolidate and report results; and maintain records to support vote recounts;
- direct feedback to the voter that indicates when an undervote or overvote is detected in DRE and paper-based voting systems that encompass punch cards and optical scan;
- system standards to meet the needs of voters with disabilities, including specific standards for DREs; and
- strengthened election record requirements to address a range of election management functions, including such functions such as ballot definition and election programming.

HAVA further focused attention on voting system performance by establishing a performance requirement for systems used in elections for federal offices and by providing for updates to federal voting system standards. Specifically, HAVA required that voting systems used in federal elections comply with error rate standards specified in the 2002 federal voting system standards.[26] Under these standards, the maximum acceptable error rate during testing is 1 in 500,000 ballot positions.[27] In addition, HAVA directed EAC to revise the voluntary national voting system standards, and to test, certify, decertify, and recertify voting system hardware and software with respect to national voting system standards using accredited testing laboratories.

[25]Federal Election Commission, *Voting System Performance and Test Standards*, 2002.

[26]HAVA § 301(a)(5) (codified at 42 U.S.C. § 15481(a)(5)).

[27]The law did not specify whether the accuracy standards are to be measured in a test environment or an operational environment. However, the standard itself specifies a test environment.

Most Jurisdictions Adopted Voting System Performance Standards, but Collection of Performance Measures Varied by Jurisdiction Size and Voting Method

On the basis of our local jurisdiction survey, we estimate that the vast majority of jurisdictions that used some type of automated voting equipment on Election Day generally established written standards for the performance of their voting equipment for the November 2004 general election.[28] Of these, most jurisdictions (an estimated 77 percent) had adopted their state's standards or requirements pertaining to voting system performance, although a few had adopted performance standards from a source other than their state (10 percent) or developed their own (8 percent).[29] The apparently high adoption rate for standards among states and local jurisdictions is important because it indicates broad acceptance of a basic management tool needed for systematic performance measurement and evaluation.

Consistent with our results on voting system performance measurement from our October 2001 report on election processes,[30] estimates from our local jurisdiction survey indicated that jurisdictions used several specific measures that could be generally grouped into the areas of accuracy, reliability, and efficiency to assess the performance of their voting systems for the 2004 general election. However, jurisdictions measured how well their systems actually performed in the 2004 election to varying degrees. In the discussion below, we compare jurisdictions' collection of selected information on voting system performance for the 2000 and 2004 general elections, and then examine jurisdictions' performance monitoring in each of the three performance areas.

On the basis of on our local jurisdiction surveys for the 2000 and 2004 elections, we estimate that about 50 percent of jurisdictions collected performance information in both elections using three measures—accuracy, undervotes, and overvotes. The percentage of jurisdictions that collected information on a fourth performance measure—average time to vote—was much smaller (estimated at 10 percent or less). The differences

[28]Jurisdictions that used only hand-counted paper ballots on Election Day were excluded from this survey question.

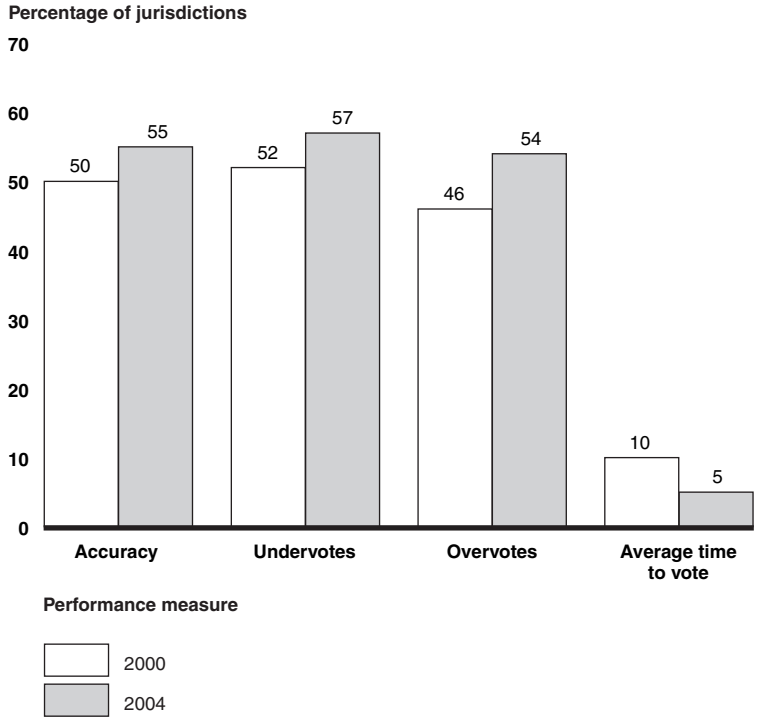
[29]Fourteen percent of the jurisdictions that adopted standards for the 2004 election did not know the source of the performance standards that they had adopted. Responses for these categories do not add to 100 percent because respondents were allowed to select multiple items for this question.

[30]GAO-02-3.

between estimates for the two elections are not statistically significant.[31] Figure 64 shows the percentages of jurisdictions that collected these performance measures for the 2000 and 2004 general elections.

[31]Differences in overall estimates from the 2001 and 2005 GAO surveys of local election jurisdictions are, in part, likely due to differences in the sample designs of the two surveys and how local election jurisdictions that were minor civil divisions were selected. Because of these sample design differences, comparing only election jurisdictions that are counties provides a stronger basis for making direct comparisons between the two surveys' results. The estimates compared in this report are of the county local election jurisdictions only; for this reason, some estimates from the 2001 survey are slightly different than the overall sample estimates provided in our prior report (GAO-02-3). For these comparisons, the 95 percent confidence interval is +/- 5 percentage points or less for the 2001 survey estimates and +/- 8 percentage points or less for the 2005 survey estimates.

Figure 64: Estimated Percentages of Jurisdictions That Collected Voting System Performance Information for the 2000 and 2004 General Elections



Sources: 2000 data: GAO 2001 survey of local election jurisdictions; 2004 data: GAO 2005 survey of local election jurisdictions.

Note: These estimates include only county election jurisdiction subgroup comparisons between the 2001 and 2005 surveys. See appendix V for further details about sampling differences between the surveys.

Accuracy

In the area of accuracy, we estimate that 42 percent of jurisdictions overall monitored the accuracy of voting equipment in the 2004 general election.[32] Other widely used measures of accuracy in the 2004 general election were spoiled ballots (estimated at 50 percent of jurisdictions),[33] undervotes (50 percent of jurisdictions), and overvotes (49 percent of jurisdictions).

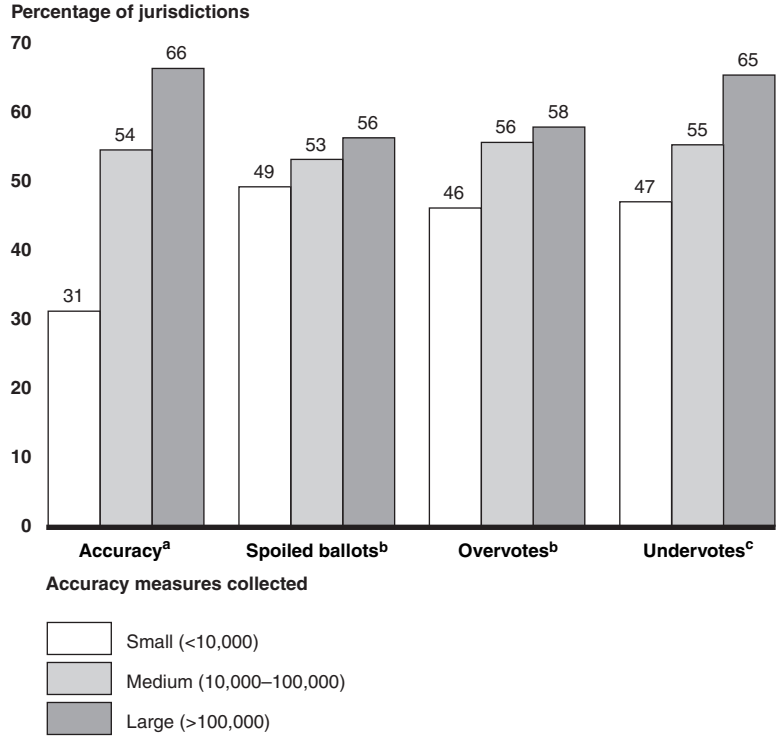
[32]An estimated 38 percent of respondents selected "not applicable" to the question on accuracy of voting equipment in their survey response.

[33]An estimated 25 percent of respondents selected "not applicable" to the question on spoiled/ruined ballots in their survey response.

During our visits to local jurisdictions, election officials in several jurisdictions told us that measuring overvotes was not a relevant performance indicator for jurisdictions using lever machines and DREs because neither permits overvoting. Election officials in several local jurisdictions we visited also told us that undervotes were not a meaningful metric because most voters focused on a limited range of issues or candidates and thus frequently chose not to vote on all contests.

Jurisdictions' collection of the accuracy measures we studied for the 2004 general election varied according to jurisdiction size, with small jurisdictions generally less likely to collect these measures than other jurisdiction sizes. Both large jurisdictions (an estimated 66 percent) and medium jurisdictions (54 percent) were significantly more likely than small jurisdictions (31 percent) to collect data on vote count accuracy. In addition, large jurisdictions (65 percent) were significantly more likely than small jurisdictions (47 percent) to collect data on undervotes. (See fig. 65.) This disparity may be due to the proportion of smaller jurisdictions that use paper ballots and for whom collection of these data would be a manual, time-consuming process.

Figure 65: Estimated Percentages of Jurisdictions That Collected Information on Voting Accuracy for the 2004 General Election, by Jurisdiction Size



Source: GAO 2005 survey of local election jurisdictions.

[a]The differences between small jurisdictions and both medium and large jurisdictions are statistically significant.

[b]The 95 percent confidence interval for small jurisdictions in these categories is +/- 6 percentage points.

[c]The difference between small jurisdictions and large jurisdictions is statistically significant. The 95 percent confidence interval for small jurisdictions is +/- 6 percentage points.

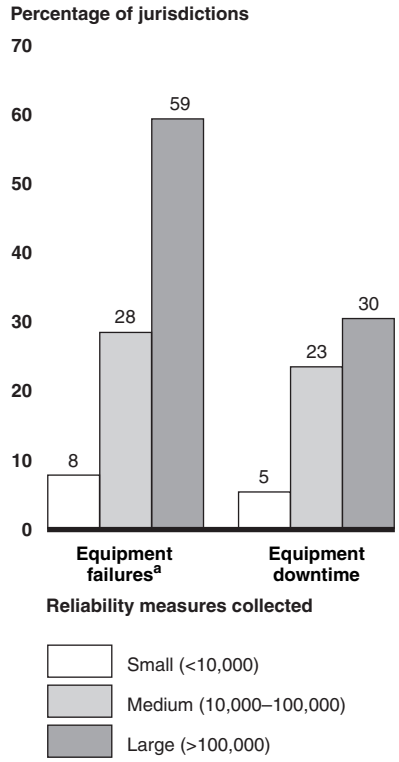
Reliability

In the area of reliability, we estimate that 15 percent of jurisdictions measured the reliability of their voting equipment in terms of pieces of equipment that failed, and 11 percent measured equipment downtime.[34]

[34]An estimated 66 percent of respondents selected the response "not applicable" for the survey questions on measurement of pieces of equipment that failed and equipment downtime.

As with accuracy, a higher percentage of large and medium jurisdictions collected such reliability data than small jurisdictions, and in the case of equipment failures, there were statistically significant differences in the collection of this information among different sizes of jurisdictions. (See fig. 66.) Importantly, an estimated 55 percent of all jurisdictions kept a written record of issues and problems that occurred on Election Day, which could be a potential source of reliability data.

Figure 66: Estimated Percentages of Jurisdictions That Collected Information on Voting Equipment Reliability for the 2004 General Election, by Jurisdiction Size



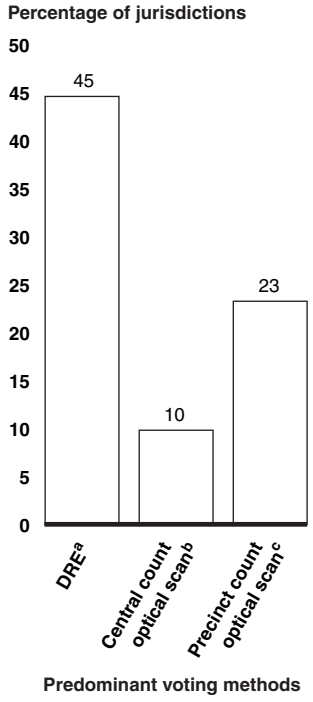
Source: GAO 2005 survey of local election jurisdictions.

[a]The differences between all categories of jurisdiction size are statistically significant.

Collection of reliability data for automated voting equipment was also related to the predominant voting method used by a jurisdiction, with jurisdictions that predominantly used DREs more likely to collect reliability data than those that used optical scan voting methods.

An estimated 45 percent of jurisdictions whose predominant method was DREs collected information on the number of pieces of voting equipment that failed. The next most frequently collected information on machine failures was for precinct count optical scan systems (an estimated 23 percent of jurisdictions) and central count optical scan systems (an estimated 10 percent). The differences in data collection on equipment failures among jurisdictions that predominantly used DREs and those that used precinct count optical scan or central count optical scan voting methods are statistically significant. (See fig. 67.)

Figure 67: Estimated Percentages of Jurisdictions That Collected Information on Voting Equipment Failures for the 2004 General Election, by Predominant Voting Method



Source: GAO 2005 survey of local election jurisdictions.

Note: The differences between DRE and both central count and precinct count optical scan voting methods are statistically significant.

[a]The 95 percent confidence interval for DRE is +/- 13 percentage points.

[b]The 95 percent confidence interval for central count optical scan percentages is +7 or -5 percentage points.

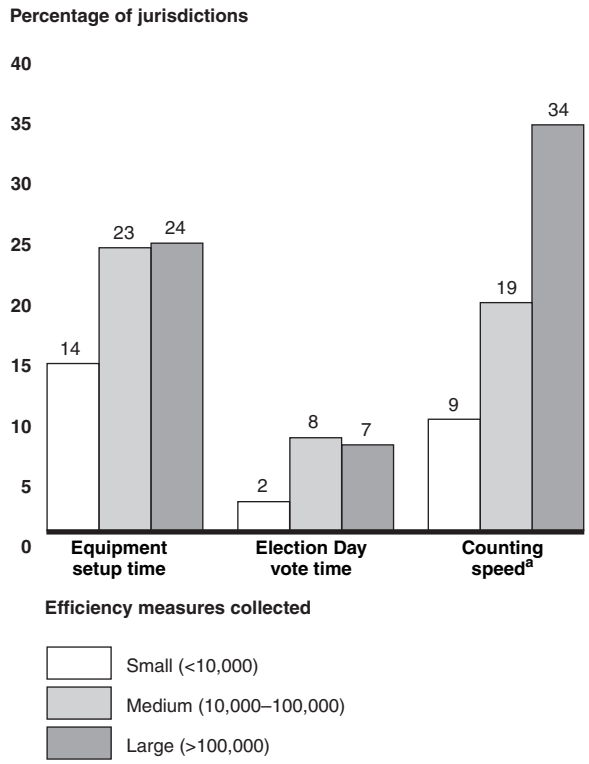
[c]The 95 percent confidence interval for precinct count optical scan percentages is +8 or -7 percentage points.

Efficiency

In the area of efficiency, we estimate that 13 percent of jurisdictions measured their voting system's speed of counting votes, 17 percent measured the time it took for election workers to set up equipment, and 4 percent measured the average length of time it took for voters to cast ballots on Election Day. Large jurisdictions (34 percent) were significantly more likely than were both medium jurisdictions (19 percent) and small jurisdictions (9 percent) to collect information on counting speed. There

were no significant differences for other efficiency measures by jurisdiction size. (See fig. 68.)

Figure 68: Estimated Percentages of Jurisdictions That Collected Information on Voting System Efficiency for the 2004 General Election, by Jurisdiction Size



Source: GAO 2005 survey of local election jurisdictions.

[a]The differences between all categories of jurisdiction size are statistically significant.

It is worth noting that for several types of performance measures in our local jurisdiction survey, jurisdiction size was a factor in whether system performance information was collected. Generally, large jurisdictions were most likely to record voting system performance and small jurisdictions were least likely, with medium jurisdictions in between. Moreover, large jurisdictions were more likely to keep a written record of issues or problems that occurred on Election Day. Specifically, on the basis of our local jurisdiction survey, we estimate that 79 percent of large jurisdictions kept such records, compared with 59 percent of medium jurisdictions and

52 percent of small jurisdictions.[35] The differences between large jurisdictions and both medium and small jurisdictions are statistically significant. The responsibilities for monitoring or reporting voting system performance most often rested with local jurisdictions. On the basis of our local jurisdiction survey, we estimate that 83 percent of local jurisdictions had local officials responsible for performance monitoring or reporting, while states or other organizations (such as independent consultants or vendors) held such responsibilities in 11 percent and 13 percent of jurisdictions, respectively.

Information obtained during our visits to local election jurisdictions was generally consistent with the above estimates from our local jurisdiction survey. For example, election officials in the 28 jurisdictions we visited most frequently cited number of undervotes (14 jurisdictions), overvotes (10 jurisdictions), and equipment failures (10 jurisdictions) as types of performance metrics collected. Another collected metric (cited by election officials in 6 jurisdictions we visited) was equipment speed, measured in terms of how fast the voting equipment downloaded vote totals or transmitted totals to its central count location, and the time required to cast a vote (reported by election officials in 4 jurisdictions, although officials in 2 of these 4 jurisdictions limited their measurements to early voting). Another measurement that election officials in some jurisdictions told us they collected was comments from poll workers and voters on the efficiency of the equipment. For instance, an election official in a large jurisdiction in Georgia told us that poll workers commented that it took 20 minutes to vote using the voting equipment's audio feature. In addition, election officials in several jurisdictions that we visited told us that they had established performance management programs for their voting systems. For example, election officials in 1 jurisdiction reported that they collected data on the time it took to vote to better allocate its voting equipment to various locations. Officials in a large jurisdiction in Kansas said they had conducted a survey of voters concerning their satisfaction with the ease of use of voting equipment during the 2004 general election and determined that they were very satisfied.

[35]The 95 percent confidence interval for small jurisdictions is +/- 6 percentage points.

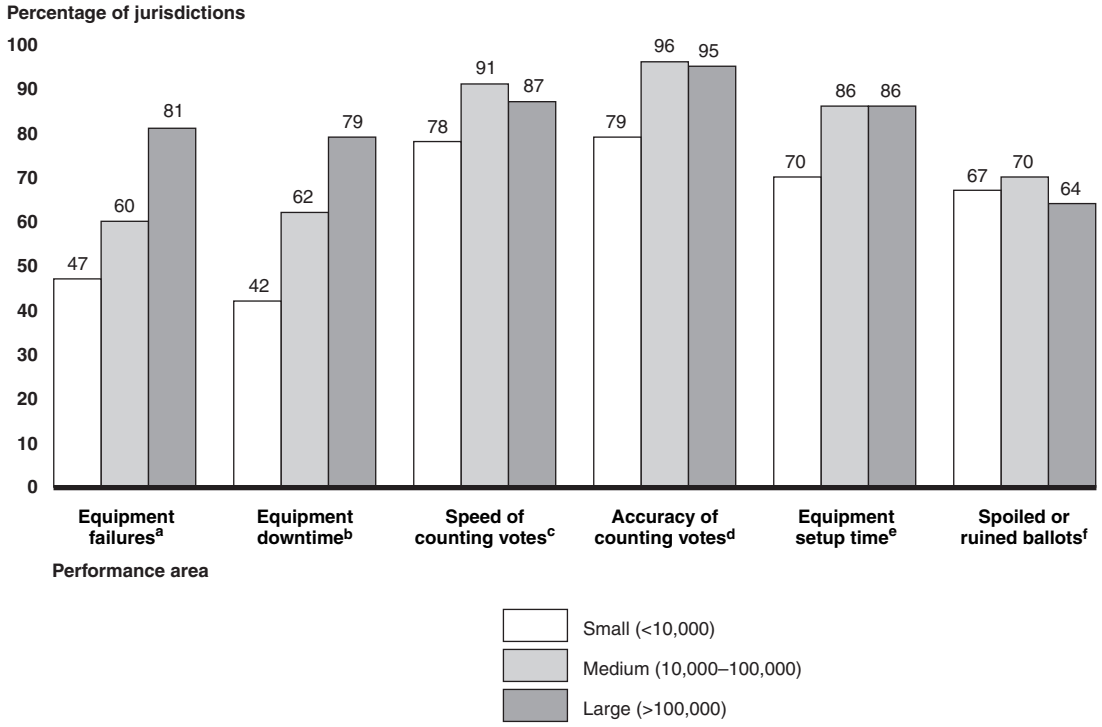
Local Jurisdictions Were Generally Satisfied with Their Voting Systems in 2004, although Some Problems Were Reported

In our October 2001 report on election processes, we reported that 96 percent of local jurisdictions nationwide were satisfied with the performance of the voting equipment during the November 2000 general election. On the basis of our local jurisdiction survey for the 2004 general election, we estimate that election officials were generally satisfied with their voting system performance. Estimated satisfaction varied for specific areas of voting system performance, ranging from relatively high levels for accuracy (78 percent), speed of vote counting (73 percent), time to set up equipment (63 percent), and number of spoiled or ruined ballots (61 percent), to relatively low levels for equipment failures (37 percent), and downtime (36 percent).[36] Some of these measures may not be applicable to all jurisdictions, such as those using only hand-counted paper ballots. When jurisdictions that used only hand-counted paper ballots were excluded from our results, satisfaction levels were higher in all performance areas—accuracy (86 percent), speed of vote counting (83 percent), time to set up equipment (76 percent), number of spoiled ballots (68 percent), equipment failures (54 percent), and downtime (52 percent). However, even with the exclusion of paper ballot jurisdictions, "not applicable" responses were often selected by jurisdictions in the areas of equipment failures (41 percent not applicable) and downtime (43 percent not applicable).

Also on the basis of our local jurisdiction survey, for five of six satisfaction measures, we estimate that medium and large jurisdictions were satisfied or very satisfied with their voting systems more frequently than small jurisdictions and that most of these differences are statistically significant. These ratings may be related to the widespread use of paper ballots by small jurisdictions, where this voting method was predominant in an estimated 41 percent of jurisdictions. Figure 69 shows the frequency of satisfaction in each of six performance areas for large, medium, and small jurisdictions.

[36]Percentages represent the combination of "satisfied" or "very satisfied" responses for each survey question item.

Figure 69: Estimated Percentages of Jurisdictions Satisfied with Voting System Performance for the 2004 General Election, by Jurisdiction Size



Source: GAO 2005 survey of local election jurisdictions.

Note: Satisfaction combines percentages with responses for "satisfied" or "very satisfied." Jurisdictions that used only hand-counted paper ballots on Election Day were excluded from this figure.

[a]The differences between both small and medium jurisdictions and large jurisdictions are statistically significant.

[b]The differences between all categories of jurisdiction size are statistically significant.

[c]The difference between small jurisdictions and medium jurisdictions is statistically significant.

[d]The differences between small jurisdictions and both medium and large jurisdictions are statistically significant.

[e]The differences between small jurisdictions and both medium and large jurisdictions are statistically significant. The 95 percent confidence interval for small jurisdictions is +/- 7 percentage points.

[f]The 95 percent confidence interval for small jurisdictions is +/- 7 percentage points.

The estimated high satisfaction levels demonstrated across different voting system performance areas and jurisdiction sizes contrast with our lower estimates of the performance measures that were collected for the 2004 general election. Although the reasons for moderate collection levels for

performance measures are unclear, jurisdictions that may not have collected performance data or may have considered such information not applicable to their situation may lack sufficient insight into their system operations to adequately support their satisfaction in the variety of performance areas we surveyed.

Local election officials at most of the 28 jurisdictions we visited also expressed satisfaction with the performance of their voting systems or method. For example,

- Election officials in several jurisdictions using optical scan systems stated that they were pleased with their equipment because it produced a paper trail and permitted fast processing. Officials in 1 large jurisdiction in Florida added that their use of the same equipment over several elections made it easy for voters to use the equipment in both 2000 and 2004.

- Election officials in several other jurisdictions using DREs told us that their equipment was easy to use and provided results that were accurate and timely. Officials in 1 large jurisdiction in New Jersey reported that, in contrast to paper ballots, DREs do not require poll workers to interpret a voter's ballot.

- Election officials in a large Connecticut jurisdiction using lever machines said that voters were happy with the equipment and that it had worked well for over 60 years. They emphasized that the simplicity and transparency of the equipment's counting mechanisms gave voters confidence that their votes would be counted correctly.

- Election officials in a small New Hampshire jurisdiction using paper ballots reported that they had used the same hand-counted paper ballot system for decades and it has been very cost-effective for the small population of voters in the jurisdiction.

Overall, election officials in few of the 28 jurisdictions that we visited reported substantive performance issues, such as overvoting, undervoting, or equipment failure.

Although the estimated level of satisfaction with voting equipment performance in the 2004 general election was high overall, some dissatisfaction existed. On the basis of our local jurisdiction survey, we estimate that between 1 and 4 percent of jurisdictions were dissatisfied or

very dissatisfied with their voting systems in the 2004 general election for the six performance areas of our survey.

Our local jurisdiction survey provided additional insight into the role of voting equipment in jurisdictions' dissatisfaction ratings. Of almost 300 responses to our open-ended question about the issue or problem that occurred most frequently on Election Day, November 2004, fewer than 20 responses were specifically related to voting equipment. The most frequent reason for voting system dissatisfaction was voting equipment malfunction. Ballot errors related to voting equipment were much less frequently mentioned.

Although such problems were rarely mentioned by election officials during our visits to local jurisdictions, some did describe a few reasons for dissatisfaction with voting equipment, including

- the additional time required to count ballots using DREs versus the optical scan equipment previously used,
- the perceived lower reliability and greater failure rates of DREs over the voting equipment used in the past,
- accuracy problems with DRE computer programs, and
- difficulty in first-time poll worker operation and voter use of DREs.

Election officials in a few jurisdictions we visited noted situations that required considerable effort to resolve. For example, as mentioned in our discussion of vote counting in chapter 6, election officials in a North Carolina jurisdiction told us that 4,235 ballots were lost by one of the DREs used for early voting because the software manufacturer had not installed an upgrade that would have allowed the machine to record up to 10,000 ballots rather than its original limit of 3,500 ballots. The machine continued to show the number of people who voted on the machine after 3,500 ballots had been cast, but did not store the results of their ballots. As a result, the jurisdiction switched to hand-counted paper ballots for elections after the 2004 general election until its state can approve a new automated system for use. Given the real and potential impacts of situations where dissatisfaction was reported, systematic collection and analysis of performance information may help provide election officials with objective support for decisions to improve the operation and upgrade of these systems.

Attention to Voting System Security Management Continues to Vary amid Published Concerns and Federal Improvement Efforts

Having secure voting systems is essential to maintaining public confidence in the election process, and accomplishing this is a shared responsibility among federal, state, and local jurisdiction authorities. Among other things, voting system security involves ensuring that technical security controls embedded in voting equipment operate as intended, as well as ensuring that security policies and procedures governing the testing, operation, and use of the systems are properly defined and implemented by state and local election officials.

Our October 2001 report on election processes identified voting system security challenges facing local jurisdictions, such as consistent application of controls and adequacy of resources.[37] HAVA recognized some of these challenges by requiring specific system security controls and providing improved security management guidance. Nevertheless, while we estimate from our local survey that most jurisdictions have assigned responsibility for voting system security to individuals and implemented certain security controls, the nature and extent of their respective security efforts and activities varied widely. In particular, according to our state survey, estimates from our local jurisdiction survey, and visits to jurisdictions, there are differences across jurisdictions in the (1) adoption of system security standards, with some states requiring jurisdictions to use outdated standards for voting systems; (2) reported implementation of system security controls; and (3) testing performed to ensure that security controls are functioning properly. For instance, we estimate on the basis of our local jurisdiction survey that at least 19 percent of local jurisdictions nationwide (excluding jurisdictions that reported using paper ballots) did not conduct security testing for the systems they used in the November 2004 general election. In addition, 27 states reported in our state survey that they are requiring jurisdictions to apply federal standards to voting systems used for the first time in the November 2006 general election that are outdated, unspecified, or entail multiple versions. This variability in implementation and testing of controls is generally consistent with what we reported for the 2000 general election. Moreover, our September 2005 report on the security and reliability of electronic voting highlighted substantial security issues and concerns for more modern electronic voting systems and reinforced the importance of effective security management.[38]

[37]GAO-02-3.

[38]GAO-05-956.

HAVA Has Increased Focus on Voting System Security

HAVA recognized the importance of effective voting system security through two primary mechanisms. First, it required voting systems to produce a permanent paper record that provides a manual review capability and constitutes the official record for recounts by January 1, 2006.[39] The paper record can be compared with polling place records and voting system documentation to ensure that authorized ballots have been completely and accurately counted. Second, HAVA provided various means to assist states and localities in acquiring and operating secure voting systems. These include provisions for EAC to (1) update voting system standards for voting systems, including standards for security;[40] (2) establish processes for accrediting voting system testing laboratories and conducting tests of voting systems against the standards;[41] and (3) create a process for federal certification of voting systems that undergo the testing process.[42] In doing so, HAVA created tools and resources that states and local jurisdictions can leverage when, for example, acquiring systems from vendors, conducting system testing, and operating and auditing voting systems.

However, delays in establishing EAC and commission funding challenges resulted in the first update to the 2002 voluntary voting system standards, and its provisions for system security, not being approved until December 2005.[43] Further, commission efforts to establish processes for accrediting testing laboratories, conducting testing, and certifying systems are still under way.

[39]HAVA § 301(a)(2)(B) (codified at 42 U.S.C. § 15481(a)(2)(B)).

[40]HAVA § 221 (codified at 42 U.S.C. § 15361).

[41]HAVA § 231 (codified at 42 U.S.C. § 15371).

[42]HAVA § 231 (codified at 42 U.S.C. § 15371).

[43]EAC was to be appointed by March 2003, but the appointment of EAC commissioners did not occur until December 13, 2003. The $1.2 million in funding received for fiscal year 2004 supported limited activities. Significant startup funding was not received until fiscal year 2005, when its budget was increased to $13.8 million. The largest portion of EAC's 2005 budget (31 percent) was allocated to improving voting technology, including $2.8 million for National Institute of Standards and Technology support to develop the Voluntary Voting System Guidelines.

Efforts to Address System Security Continued to Vary Widely, and Jurisdictions Were Inconsistent in Following Common Security Practices

As was the case for the November 2000 general election, the nature and extent of voting system security efforts and activities during the 2004 election varied among jurisdictions. Moreover, these efforts and activities do not in all cases reflect the use of recommended system security management practices and current voting system security standards.

In our October 2001 report on election processes, we reported that jurisdictions had taken a number of steps to manage the security of their respective voting systems for the 2000 general election.[44] In particular, we estimated that 89 percent of the local jurisdictions assigned responsibility for performing security-related functions to one or more individuals, and implemented some type of controls to protect their equipment during the election. Examples of implemented security controls included such physical controls as locks and surveillance, and such embedded controls as access restrictions and firewalls. However, we also reported in 2001 that an estimated 40 percent of the jurisdictions had not assessed the security threats and risks on which their controls were based,[45] and 19 percent had not reviewed the sufficiency of their security controls. Moreover, the nature of established controls varied by type of system, and these controls were not uniformly followed across jurisdictions.[46]

For the November 2004 general election, jurisdictions addressed system security to varying degrees and through various means. At the foundation of these approaches, responsibilities for voting system and network security were distributed among local officials, the state, and third parties (e.g., independent consultants and vendors) in varying proportions. On the basis of our 2005 local jurisdiction survey, we estimate that 90 percent of all jurisdictions (excluding those that used only hand-counted paper ballots on Election Day) specifically assigned responsibility for voting system

[44]GAO-02-3.

[45]Threats and risks to voting systems include loss of electronic voting data, loss or theft of ballots, and unauthorized access to software.

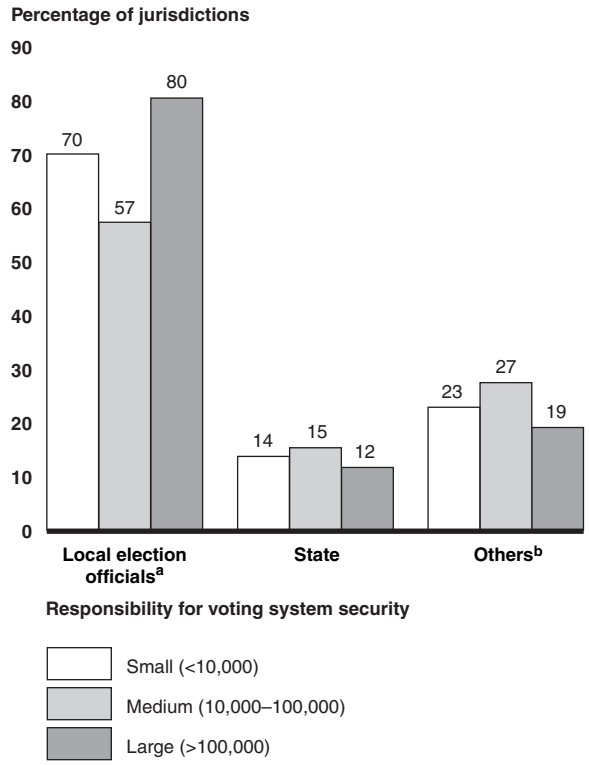
[46]Common security controls included (1) identification names and passwords to control access to voting equipment and software, (2) redundant storage media for recovery in the event of power or equipment failure, (3) encryption to ensure privacy of votes and confidentiality of election results, (4) audit trails to document the integrity of the voting process, and (5) hardware locks and seals to prevent unauthorized access to voting equipment components.

security in the 2004 general election.[47] We estimate that 67 percent of these local jurisdictions assigned responsibilities for voting system and network security to local election officials, 14 percent relied on state officials to perform these responsibilities, and 24 percent assigned them to third parties.[48] Moreover, this distribution varied somewhat according to jurisdiction size, with large jurisdictions depending on local officials the most and medium jurisdictions depending on local officials the least. Figure 70 shows how voting system and network security responsibilities were distributed among various parties for each size of jurisdiction.

[47]Jurisdictions that used only hand-counted paper ballots on Election Day were excluded from this survey question.

[48]Jurisdictions may have identified more than one group with assigned security responsibilities.

Figure 70: Estimated Percentages of Jurisdictions That Identified Security Responsibilities for the 2004 General Election, by Jurisdiction Size



Source: GAO 2005 survey of local election jurisdictions.

Note: Jurisdictions may have identified more than one group with assigned security responsibilities. Jurisdictions that used only hand-counted paper ballots on Election Day were excluded from this survey question.

[a]The difference between medium jurisdictions and large jurisdictions is statistically significant. The 95 percent confidence interval for small jurisdictions is +/- 7 percentage points.

[b]Others include third parties, such as independent consultants and vendors.

On the basis of our visits to local jurisdictions, the types of system security responsibilities and the groups that performed them further demonstrate the variation among security approaches and controls applied to voting systems. Specifically, election officials in these jurisdictions were typically responsible for implementing security controls, state officials were usually involved with developing security policy and guidance and monitoring local jurisdictions' implementation of security, and third parties performed tasks such as ensuring adequate security of voting equipment during transport or storage. Table 24 shows examples of security tasks and the parties that

performed them as reported to us by election officials in the jurisdictions that we visited.

Table 24: Voting System Security Tasks and Responsibilities for the 2004 General Election Reported by Election Officials in Jurisdictions Visited by GAO

Examples of voting system security tasks identified by local officials	Performing entity		
	Local officials	State	Third parties
Secure ballot programming	X		
Sealing of voted ballots	X		
Secure storage of voting equipment	X		X (e.g., schools)
Video surveillance of stored equipment or ballots	X		
Access control to stored election materials	X		
Protection of voting equipment and materials during transport	X		X (e.g., law enforcement officials)
Inventory management of voting equipment and ballots	X		
Monitoring vote tallying systems for unauthorized connections	X		
Impoundment of election materials after elections	X		
Monitoring or testing of equipment accuracy before, during, or after elections	X	X	X
Security awareness training for election personnel	X	X	X
Certification of voting equipment	X	X	
Development of security policies and guidance for local jurisdiction use	X	X	
Monitoring implementation of security policies	X	X	

Source: GAO analysis of documents provided by local jurisdictions we visited.

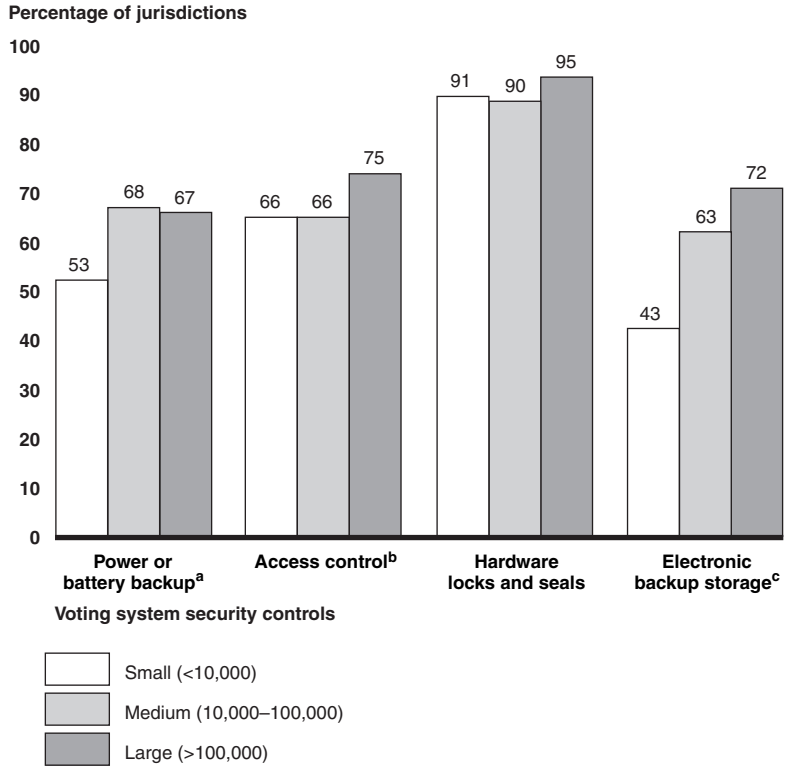
Responses to our state survey showed that both states and third parties participated in security responsibilities related to monitoring and evaluating security and privacy controls. Although the most frequently cited party responsible for this area was local officials (identified by 38 states), just less than one-half of the states (22 states and the District of Columbia) reported that they had some level of responsibility for security monitoring and evaluation as well. In addition, 22 states responded that third parties (e.g., independent consultants or vendors) were involved in monitoring and evaluating controls. Overall, security monitoring and evaluation was performed by two or more entities in 26 of the states.

The use of certain security controls was similarly varied. On the basis of our local jurisdiction survey, we estimate that 59 percent of jurisdictions used power or battery backup, 67 percent used system access controls, 91 percent used hardware locks and seals, and 52 percent used backup electronic storage for votes.[49] We further estimate that 95 percent of jurisdictions used at least one of these controls, with hardware locks and seals being most consistently used across the automated voting methods associated with this survey question.[50] Furthermore, we estimate that a lower percentage of small jurisdictions used power or battery backup and electronic backup storage of votes for their voting equipment than large or medium jurisdictions, and these differences are statistically significant in most cases. Figure 71 presents the use of various security controls by jurisdiction size.

[49]Jurisdictions that used only hand-counted paper ballots on Election Day were excluded from this survey question.

[50]We were unable to reliably estimate percentages for jurisdictions whose predominant voting methods were central count punch card or precinct count punch card voting methods for all but one of these security controls. We estimate that 95 percent of jurisdictions whose predominant voting method was central count punch card used hardware locks and seals.

Figure 71: Estimated Percentages of Jursidictions That Used Security Controls in the 2004 General Election, by Jurisdiction Size



Source: GAO 2005 survey of local election jurisdictions.

Note: More than one type of security control may have been identified.

[a]The difference between small jurisdictions and medium jurisdictions is statistically significant. The 95 percent confidence interval for small jurisdictions is +/- 8 percentage points.

[b]The 95 percent confidence interval for small jurisdictions is +/- 8 percentage points.

[c]The differences between small jurisdictions and both medium and large jurisdictions are statistically significant. The 95 percent confidence interval for small jurisdictions is +/- 8 percentage points.

We estimate that a small percentage of local jurisdictions (10 percent) provided remote access to their voting systems for one or more categories of personnel—local election officials, state election officials, vendors, or other parties.[51] Small jurisdictions, in particular, were less likely to provide remote access to their voting systems (estimated at 7 percent) than either medium jurisdictions (13 percent) or large jurisdictions (19 percent). The difference between small jurisdictions and large jurisdictions is statistically significant. For each category of personnel—local officials, state election officials, vendors, or other parties—7 to 8 percent of jurisdictions did not know if remote access was available to their systems, a situation that could increase the risk of unauthorized access to these systems. Some of the jurisdictions responding to this survey question described a variety of protections to mitigate the risk of unauthorized remote access, including locally controlled passwords, passwords that change for each access, and local control of communications connections.

Among the jurisdictions that we visited, election officials reported that various security measures were in use during the 2004 general election to safeguard voting equipment, ballots, and votes before, during, and after the election. However, the measures were not uniformly reported by officials in these jurisdictions, and officials in most jurisdictions reported that they did not have a security plan to document these measures or other aspects of their security program. The security controls most frequently cited by officials for the jurisdictions that we visited were locked storage of voting equipment and ballots, and monitoring of voting equipment. Other security measures mentioned during our visits included testing voting equipment before, during, or after the election to ensure that the equipment was accurately tallying votes; planning and conducting training on security issues and procedures for elections personnel; and video surveillance of stored ballots and voting equipment. Table 25 summarizes the types and frequency of security measures reported by election officials in the jurisdictions we visited.

[51]Jurisdictions that used only hand-counted paper ballots on Election Day were excluded from this survey question.

Table 25: Security Controls Reportedly Used in the 2004 General Election Reported by Election Officials in Jurisdictions Visited by GAO

Reported security control	Number of jurisdictions
Locked/sealed storage of voting equipment and ballots[a]	25
Monitoring of voting equipment [a]	14
Encrypted ballots or election results [a]	10
Security plans[a]	8
Testing of voting equipment [a]	7
Control of voting machine memory cards by precinct personnel during elections [a]	6
Video surveillance for voting equipment or ballots	5
Security training	4

Source: GAO analysis of interviews from local jurisdictions we visited.

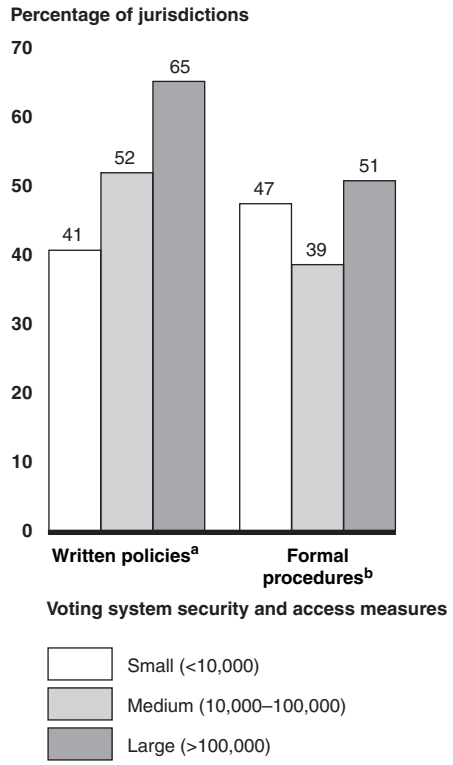
[a]One or more jurisdictions we visited indicated this security control was not applicable because of the voting method used.

Notwithstanding this range of reported security controls that were used in the 2004 general election by jurisdictions we visited, jurisdictions' activities and efforts for managing voting system security were not always in line with recommended system security practices. Our research of recommended practices shows that effective system security management involves having, among other things, (1) defined policies governing such system controls as authorized functions and access, and documented procedures for secure normal operations and incident management; (2) documented plans for implementing policies and procedures; (3) verified implementation of technical and procedural controls designed to reduce the risk of disruption, destruction, or unauthorized modification of systems and their information; and (4) clearly assigned roles and responsibilities for system security.

On the basis of our local jurisdiction survey, we estimate that 46 percent of election jurisdictions nationwide that used some type of automated voting method had written policies for voting system security and access in place for the November 2004 general election, while 45 percent had formal security procedures.[52] Written security policies were more prevalent among large jurisdictions, an estimated 65 percent, compared to an estimated 52 percent of medium jurisdictions and an estimated 41 percent of small jurisdictions. The difference between large and small jurisdictions is statistically significant. More large and small jurisdictions had formal security procedures (an estimated 51 percent and 47 percent, respectively) than medium jurisdictions (an estimated 39 percent), although these differences are not statistically significant. Figure 72 shows the estimated percentages of jurisdictions with written security policies and procedures by jurisdiction size.

[52]Jurisdictions that used only hand-counted paper ballots on Election Day were excluded from this survey question.

Figure 72: Estimated Percentages of Local Jurisdictions That Documented Security Policies or Procedures for Their Voting Systems in the 2004 General Election, by Jurisdiction Size



Source: GAO 2005 survey of local election jurisdictions.

Note: Percentages in each category of jurisdiction size may not add to 100 because of rounding. Jurisdictions that used only hand-counted paper ballots on Election Day were excluded from this survey question.

[a]The difference between small jurisdictions and large jurisdictions is statistically significant. The 95 percent confidence interval for small and medium jurisdictions is +/- 8 percentage points.

[b]The 95 percent confidence interval for small and large jurisdictions is +/- 8 percentage points.

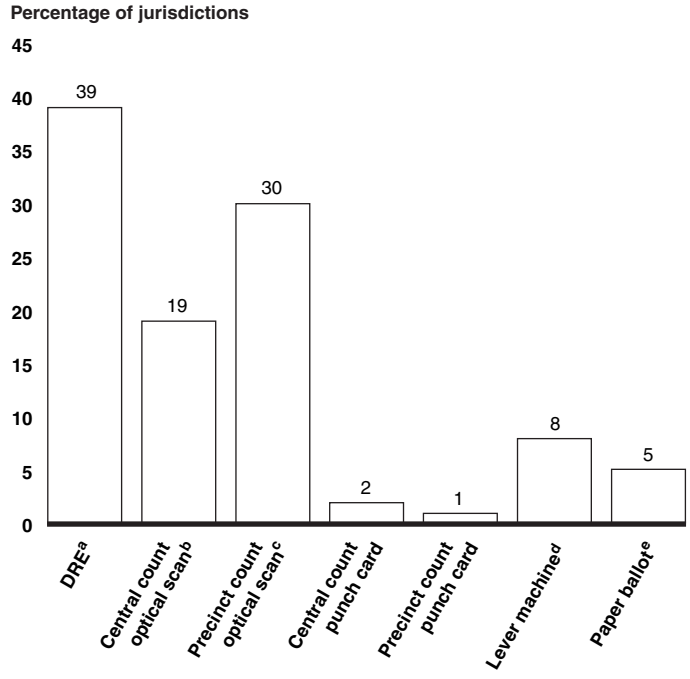
In our earlier discussion of local survey responses related to counting votes in chapter 6, we estimated that many jurisdictions had written policies and procedures for ballot security in the 2004 general election. However, we estimate that up to one-fifth of jurisdictions did not have written policies and procedures uniformly in place, including policies and procedures for transporting unvoted and voted ballots or electronic memory, storing unvoted and voted ballots, and electronic transmission of voted ballots. The disparity in written policies and procedures was observed for

electronic transmission of voted ballots for counting, where an estimated 18 percent of jurisdictions had such security management tools,[53] compared with between 66 and 76 percent of jurisdictions for each of the other four types of ballot controls—a difference that is statistically significant but which may be linked to the percentage of jurisdictions that used paper ballot and older technologies in the 2004 general election. Yet we also found that an estimated 17 percent of jurisdictions whose predominant method was DRE had no policies or procedures for electronic transmission of voted ballots for counting.[54] In addition, the differences in estimates of policies and procedures for electronic ballot transmission among jurisdictions whose predominant voting method was punch cards and those whose methods were DRE or optical scan are statistically significant. Figure 73 shows the variation in estimates of documented policies and procedures for electronically transmitting ballots among jurisdictions that used specific voting methods.

[53] An estimated 57 percent of respondents selected "not applicable" for written policies and procedures for electronic transmission of voted ballots for counting in their survey response.

[54]The 95 percent confidence interval for jurisdictions using DREs was +13 or -9 percentage points. An estimated 38 percent of respondents from jurisdictions whose predominant method was DRE selected "not applicable" in their survey response to written policies and procedures for electronic transmission of voted ballots for counting.

Figure 73: Estimated Percentages of Jurisdictions That Established Policies or Procedures for Electronic Transmission of Voted Ballots in the 2004 General Election, by Predominant Voting Method



Source: GAO 2005 survey of local election jurisdictions.

Note: Estimates of respondents who selected "not applicable" for this survey question ranged between 38 and 75 percent.

[a]The 95 percent confidence interval for DRE is +/- 14 percentage points.

[b]The 95 percent confidence interval for central count optical scan is +9 or -8 percentage points.

[c]The 95 percent confidence interval for precinct count optical scan is +/- 8 percentage points.

[d]The 95 percent confidence interval for lever machine is +11 or -6 percentage points.

[e]The 95 percent confidence interval for paper ballot is +6 or -4 percentage points.

Moreover, our visits to local jurisdictions found diverse approaches to documenting security policies and procedures. Election officials in 8 of the jurisdictions that we visited told us that they had written instructions for managing security aspects of their voting equipment and processes. However, some guidance we reviewed did not cover these topics. Election officials in some jurisdictions stated that their security measures were contained in the voting process documentation for the voting system or were covered in election worker training. For example, the hardware guide

for the voting system used by some jurisdictions described the verification and authentication functions that were built into the system to secure vote counts during transmission of the precinct results to the jurisdiction, including processes for ballot creation and vote tabulation that also included security procedures. In contrast, several other jurisdictions that we visited had published detailed security policies and procedures for their voting systems that included, for example, network security policies for election tabulation, procedures for securing and protecting election equipment and software, testing voting equipment to ensure accurate recording of votes, and disaster recovery plans, and they provided them to GAO. Officials in several jurisdictions also described their steps to ensure that election workers had access to, and were trained in, the contents of the policies and procedures for securing ballots and voting equipment.

Information system security plans typically identify the responsibilities, management approach, and key controls to be implemented for an information system, based on an assessment of identified risks to the information. Election officials in a few of the jurisdictions that we visited told us that they had security plans in place for the November 2004 general election (8 of 28). Officials at 4 of the jurisdictions that we visited stated that they had security plans or plan components that were approved at the state level, and officials in 1 large jurisdiction in Nevada reported having a state statutory requirement for a voting system security plan. However, jurisdictions that employed advanced security technologies, such as encryption, in their systems did not always have a plan that would document how the elections people, process, and technologies would work together to provide comprehensive protections. Moreover, the contents of plans we obtained from our visits to local jurisdictions varied widely. One of the jurisdiction security plans we examined covered most aspects of the voting process, from ballot preparation through recount, while another plan focused on the security of its vote-tallying system in a stand-alone environment. Two security plans covered several security topics including risk assessment, physical and personnel controls, and incident response. Table 26 shows the variation in topics covered in the security plans we reviewed.[55]

[55]Election officials in three of the jurisdictions that we visited reported having security plans but did not provide them for this study.

Table 26: Voting System Security Topics Addressed in Security Plans Submitted by Jurisdictions Visited by GAO

	Jurisdiction coverage of topic in security plans				
Security topic	**1**	**2**	**3**	**4**	**5**
Risk assessment		X	X		X
Awareness training		X	X		
Physical controls		X	X	X	
Personnel controls		X			
Access controls	X	X	X	X	
Security testing or audit					
Backup and recovery	X	X	X		
Incident response		X	X		

Source: GAO analysis of documents provided by local jurisdictions we visited.

Security testing is an important way to verify that system security controls have been implemented and are functioning properly. From our survey of state election officials, 17 states and the District of Columbia reported that they had conducted security testing of the voting systems used in the 2004 general election, and 7 other states reported that they required local jurisdictions to conduct such testing. The remaining 22 states said that they did not conduct or require system security testing. (Three states reported that security testing was not applicable for their voting systems.) Moreover, from our local jurisdiction survey, we estimate that at least 19 percent of local jurisdictions nationwide (excluding jurisdictions that reported that they used paper ballots) did not conduct security testing for the systems they used in the November 2004 general election. Although jurisdiction size was not a factor in whether security testing was performed, the percentage of jurisdictions performing security testing was notably higher when the predominant voting method was DRE (63 percent)[56] and lower for jurisdictions where the predominant method was central count optical scan (38 percent)[57] or precinct count optical scan (45 percent).[58] However,

[56]The 95 percent confidence interval for DRE is +14 or -15 percentage points.

[57]The 95 percent confidence interval for central count optical scan is +/- 10 percentage points.

[58]The 95 percent confidence interval for precinct count optical scan is +/- 9 percentage points.

the difference in the percentages of jurisdictions performing security testing on DRE or central count optical scan is not statistically significant.

Beyond jurisdictions' efforts to verify implementation of voting system security controls, some states required that their voting systems be nationally qualified against the federal voluntary voting system standards, which include a security component. In particular, from our state survey, most states that used a new voting system for the first time in the November 2004 general election said that they required the system to go through qualification testing. For example, all 26 states that used DREs for the first time in the 2004 general election, as well as the District of Columbia, required qualification testing and approval by the National Association of State Election Directors (NASED).[59] Similarly, of the 35 states and the District of Columbia that used optical scan systems for the first time in the 2004 general election, 31 reported that they required voting systems to be qualified. Nine of the 10 states that used new punch card systems for the first time in the 2004 general election also reported that they required voting systems to be qualified.

Security Standards Being Used Vary by State and Jurisdiction

States and jurisdictions are applying a variety of security standards to their voting systems, some of which are no longer current. Specifically, 44 states and the District of Columbia reported on our state survey that they were requiring local jurisdictions' voting systems being used for the first time in the November 2006 general election to comply with voluntary federal voting system standards, which include security standards. However, they are not all using the same version of the voluntary standards. This is troublesome because the 2002 standards are more stringent than the 1990 standards in various areas, including security. For instance, the 2002 standards establish security requirements and acceptable levels of performance for the telecommunications components of voting systems, while the 1990 standards do not include detailed requirements for this control measure.

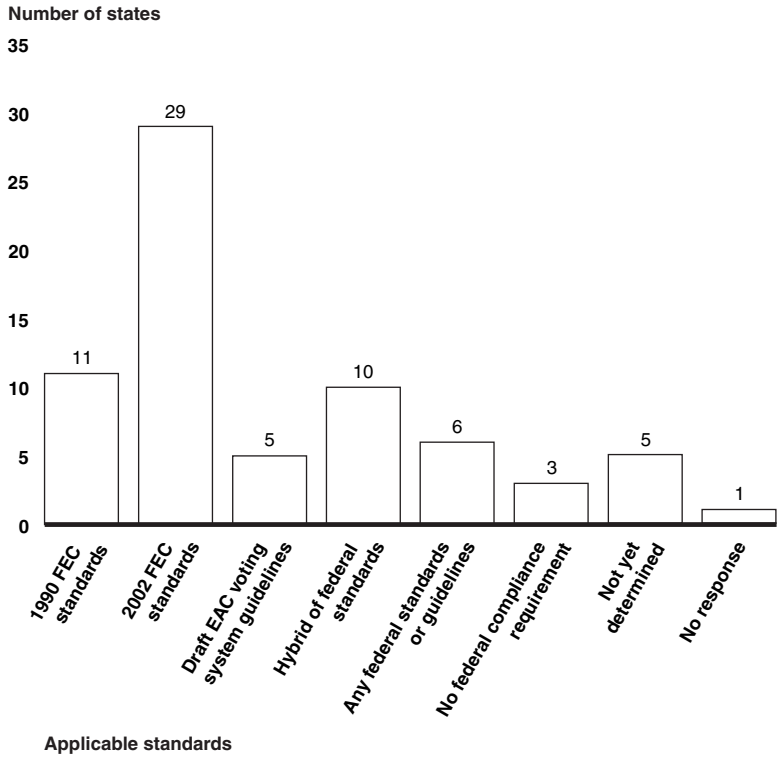
According to our analysis of responses states reported in our state survey, 17 of the 44 states and the District of Columbia reported that their voting systems must comply solely with the 2002 standards that were developed

[59]Prior to the November 2004 general election, NASED conducted the qualification program to test voting systems against the federal voluntary voting system standards. In 2005, EAC assumed this responsibility.

and approved by the Federal Election Commission and later adopted by EAC. However, 27 other states are requiring their jurisdictions to apply federal standards to their new voting systems that are outdated, unspecified, or entail multiple versions. In the case of 5 of these 27 states where multiple versions of voluntary federal standards will be applied, one of the versions is the *Voluntary Voting System Guidelines*, which was approved by the EAC in December 2005.[60] These guidelines promote security measures that address gaps in prior standards and are applicable to more modern technologies, such as controls for distributing software and wireless operations. Nevertheless, these same 5 states reported that they will also apply older federal standards to systems that are new to the 2006 election. Furthermore, 2 other states responded that they do not plan to require their voting systems to comply with any version of the voluntary federal standards, while 3 additional states reported that they had not yet made a decision on compliance with voluntary federal standards for 2006. (One state did not respond.) Figure 74 depicts the number of states that reported applying voluntary federal voting system standards to their new voting systems. Appendix X summarizes responses for all states and the District of Columbia regarding reported requirements for local jurisdictions' use of federal standards for their voting systems.

[60] After the *Voluntary Voting System Guidelines* become effective in December 2007, voting systems will no longer be tested by federally accredited laboratories to prior versions of the federal standards.

Figure 74: State-Reported Standards Required for Voting Systems



Source: GAO 2005 survey of state election officials.

Note: State respondents were allowed to select multiple items for this survey question.

Simultaneous use of multiple versions of voting system standards is not new for the 2006 election. Not all NASED-qualified voting systems that may have operated during the 2004 election were tested against a single version of security standards. For example, many systems that were qualified before the 2004 general election had been tested against the 1990 Federal Election Commission standards, rather than the more stringent 2002 standards.

The use of outdated system security standards increases the risk of system integrity, availability, and confidentiality problems for all voting methods, but it is of special concern for jurisdictions that use their systems in a networked environment or transmit election data using telecommunications capabilities. This is because the use of such connectivity introduces vulnerabilities and risks that the older versions of

the standards do not adequately address, as we have previously described in our September 2005 report on the security and reliability of electronic voting.[61]

Recent Studies and Analyses Have Raised Concerns about the Security Vulnerabilities and Weaknesses of Modern Voting Systems

After the 2000 general election, Congress, the media, and others cited numerous instances of problems with the election process. As the use of electronic voting systems expanded and the 2004 general election approached, the media and others continued to report problems with these systems that caused some to question whether they were secure and reliable. To clarify the wide range of concerns and issues raised and identify recommended practices for addressing them, our September 2005 report on the security and reliability of electronic voting analyzed over 80 recent and relevant studies related to the security and reliability of electronic voting systems.[62] We focused on systems and components associated with vote casting and counting, including those that define electronic ballots, transmit voting results among election locations, and manage groups of voting machines.

In summary, our September 2005 report stated that while electronic voting systems hold promise for a more accurate and efficient election process, numerous organizations and individuals have raised concerns about their security, citing instances of weak security controls, system design flaws, inadequate system version control, inadequate security testing, incorrect system configuration, poor security management, and vague or incomplete voting system standards, among other issues. For example, we reported that studies found (1) some electronic voting systems did not encrypt cast ballots or system records of ballots, and it was possible to alter both without being detected; (2) it was possible to alter the files that define how a ballot looks and works so that the votes for one candidate could be recorded for a different candidate; and (3) vendors installed uncertified versions of voting system software at the local level. We also reported that some of these concerns were said to have caused local problems during national elections—resulting in the loss or miscount of votes.[63] We added, however, that many of the reported concerns were drawn from specific

[61]GAO-05-956.

[62]GAO-05-956.

[63]Several of the problems included in our 2005 report on voting system security and reliability have been discussed in this report.

system makes and models or from a specific jurisdiction's election, and that there has been a lack of consensus among election officials and other experts on the pervasiveness of the concerns.

We also reported in September 2005 that federal organizations and nongovernmental groups have issued recommended practices and guidance for improving the election process, including electronic voting systems, as well as general practices for the security of information systems. For example, in mid-2004, EAC issued a collection of practices recommended by election experts, including state and local election officials.[64] This guidance includes approaches for making voting processes more secure and reliable through, for example, risk analysis of the voting process, poll worker security training, and chain of custody controls for Election Day operations, along with practices that are specific to ensuring the security and reliability of different types of electronic voting systems. As another example, in July 2004, the California Institute of Technology and the Massachusetts Institute of Technology issued a report containing recommendations pertaining to testing equipment, retaining records of ballots, and physically securing voting systems.[65] In addition to such election-specific practices, numerous recommended practices are available that are relevant to any information system. For instance, we, the National Institute for Standards and Technology (NIST), and others have issued guidance that emphasizes the importance of incorporating security and reliability into the life cycle of information systems through practices related to security planning and management, risk management, and procurement.[66] We noted that the recommended practices in these election-specific and information technology-focused documents provide valuable guidance that, if implemented effectively, should help improve the security of voting systems.

[64]EAC, *Best Practices Tool Kit* (July 2004), http://www.eac.gov/bp/docs/BestPracticesToolKit.doc.

[65]California Institute of Technology/Massachusetts Institute of Technology, *Immediate Steps to Avoid Lost Votes in the 2004 Presidential Elections: Recommendations for the Election Assistance Commission* (July 2004).

[66]For example, GAO, *Federal Information Systems Controls Audit Manual*, GAO/AIMD-12.19.6 (Washington, D.C.: January 1999); NIST, *Generally Accepted Principles and Practices for Securing Information Technology Systems*, SP 800-14 (September 1996) and *Security Considerations in the Information System Development Life Cycle*, SP 800-64, Revision 1 (June 2004); and International Systems Security Engineering Association, *Systems Security Engineering Capability Maturity Model*, ISO/IEC 21827, version 3.0 (June 2003).

Further, our September 2005 report stated that since the passage of HAVA, the federal government has begun a range of actions that are expected to improve the security and reliability of electronic voting systems. Specifically, after beginning operations in January 2004, EAC was leading efforts to (1) draft changes to the existing federal voluntary standards for voting systems, including provisions related to security;[67] (2) develop a process for certifying, decertifying, and recertifying voting systems; (3) establish a program to accredit the national independent testing laboratories that test electronic voting systems against the federal standards; and (4) develop a software library and clearinghouse for information on state and local elections and systems. However, we observed that these actions were unlikely to have a major effect in the 2006 federal election cycle because at the time of our report publication the changes to the standards had not yet been completed, the system certification and laboratory accreditation programs were still in development, and the software library had not been updated or improved since the 2004 elections. Further, we stated that EAC had not defined tasks, processes, and time frames for completing these activities, and we recognized that other organizations had actions under way that were intended to improve the security of electronic voting systems. These actions include developing and obtaining international acceptance for voting system standards, developing voting system software in an open source environment (i.e., not proprietary to any particular company), and cataloging and analyzing reported problems with electronic voting systems.

To improve the security and reliability of electronic voting systems, we made recommendations to EAC for establishing tasks, processes, and time frames for improving the federal voluntary voting system guidelines, testing capabilities, and management support available to state and local election officials. The EAC commissioners agreed with our recommendations and stated that actions to address each were either under way or intended, and the NIST director agreed with our conclusions.

[67]The Federal Election Commission used the general term "voting system standards" for its 2002 publication *Voting Systems Performance and Test Standards*. Consistent with HAVA terminology, EAC refers to its revision of these standards as *Voluntary Voting System Guidelines*. For this report, we refer to the contents of both of these documents as standards.

Certain Types of Tests and Evaluations Were Widely Performed on Voting Systems, while Others Were Less Common

To ensure that voting systems perform as intended during use, the systems must be effectively tested, both before they are accepted from the manufacturer and before each occasion that they are used. Further confidence in election results can be gained by conducting Election Day and postelection audits of voting systems. For the November 2004 general election, voting system testing was conducted for almost all voting systems, but the types and content of the testing performed varied considerably. Most states and local jurisdictions employed national and state certification testing and readiness testing to some extent, but the criteria used in this testing were highly dependent on the state or jurisdiction. Also, many, but not all, states and jurisdictions conducted acceptance testing of both newly acquired systems and those undergoing changes or upgrades. In contrast, relatively few states and jurisdictions conducted parallel testing during elections or audits of voting systems following elections.

To assist election officials in testing voting systems for the 2004 general election, most local jurisdictions documented policies and procedures related to some types of testing, according to estimates based on our survey of local jurisdictions. However, the testing approaches embodied in policies and procedures that the local jurisdictions we visited shared with us varied considerably. Furthermore, in jurisdictions we visited, few voting system problems were reported as a result of local testing, and correspondingly few changes were made to the systems or election processes. The variability in testing approaches among states and jurisdictions underscores our previously reported concerns from our September 2005 report about whether actual testing of voting systems is sufficient to ensure satisfaction of system requirements, including those associated with accuracy, reliability, and security.[68]

Voting system test and evaluation can be grouped into various types or stages: certification testing (national level), certification testing (state level), acceptance testing, readiness testing, parallel testing, and postelection voting system audits. Each of these tests has a specific purpose, and is conducted at the national, state, or local level at a particular time in the election cycle. Table 27 summarizes these types of tests.

[68]GAO-05-956.

Table 27: Types of Testing and Evaluation for Voting Systems, with Common Time Frames and Responsibilities

Test type	Purpose	When conducted	Responsibility
Certification (national)[a]	To verify compliance of voting equipment with federal standards	Prior to (or as a condition of) system acceptance	Federal authorities and independent laboratories[b]
Certification (state)	To validate compliance of voting equipment with state-specific requirements	Before election	State election authorities
Acceptance	To verify that voting equipment delivered by a vendor meets state or local requirements	Before election	State or local election authorities
Readiness (logic and accuracy)	To verify that voting equipment is functioning properly, usually by confirming that predictable outputs are produced from predefined inputs[c]	Before election	Local election authorities
Parallel	To verify accurate performance of voting equipment through random selection and systematic evaluation of operational equipment	During election	State or local election authorities
Audit	To review and reconcile election records to confirm correct conduct of an election or uncover evidence of problems with voting equipment or election processes	After election	State or local election authorities

Source: GAO analysis based on GAO-02-3 and GAO-05-956.

[a]With the enactment of HAVA in 2002, responsibility for overseeing national testing of voting systems and certifying those that met federal standards was assigned to EAC in HAVA § 231(a)(1) (codified at 42 U.S.C. § 15371(a)(1)). EAC assumed this responsibility in August 2005, when it was transferred from NASED. Under NASED, national testing against federal standards was called qualification testing.

[b]Refers to EAC and testing laboratories accredited by them as provided for in HAVA § 231 (codified at 42 U.S.C. § 15371).

[c]Readiness testing that is conducted to confirm the proper functioning of election equipment on Election Day just before the polls open is sometimes called verification testing.

Many states have laws or regulations that mandate specific types of testing for voting equipment and time frames for conducting those tests. Documented policies and procedures for testing and evaluation provide an important means for ensuring that testing is effectively planned and executed. Effective test and evaluation can greatly reduce the chances of unexpected or unknown equipment problems and errors. From our local jurisdiction survey for the 2004 election, we estimate that 85 percent of local jurisdictions had documented policies and procedures for some type of voting system testing, 6 percent of jurisdictions did not have policies and procedures for testing, and 9 percent did not know whether their

jurisdictions had them. Larger jurisdictions were more likely to have these management tools than smaller ones. An estimated 96 percent of large jurisdictions had documented testing policies and procedures, compared with 89 percent of medium and 82 percent of small jurisdictions.[69] The difference between large and small jurisdictions is statistically significant.

The testing policies and procedures of the local jurisdictions we visited presented a wide variety of approaches and details for the 2004 general election. For instance, election officials in 1 large jurisdiction in Connecticut told us that they did not conduct acceptance testing on their lever equipment, which had been in use for many years, and did not conduct either parallel testing or audit testing, stating that these tests were not applicable to its systems for 2004. However, officials said they did conduct readiness testing at the polling place prior to the election. Election officials in a large Ohio jurisdiction that used punch card voting equipment told us that readiness testing had been conducted by local officials. However, election officials stated that certification and acceptance testing were not performed for 2004 because this system had been used in prior elections. They also said that neither parallel testing nor audit testing of voting systems was performed. Officials in a large Colorado jurisdiction we visited that used central count optical scan equipment told us that they obtained state certification of the newly purchased equipment, conducted acceptance and readiness testing prior to the election, and executed another readiness test following the election. Election officials in a large Georgia jurisdiction that used DRE voting equipment reported that the state performed both certification and acceptance testing when the equipment was purchased and conducted a parallel test of the tabulation system during the election. Further, local officials reported that they conducted readiness testing prior to the election, but did not perform postelection audit testing. For the 5 local jurisdictions that provided us with copies of procedures for readiness testing, three sets of procedures were developed by the jurisdictions themselves and two sets were developed by the voting equipment vendors.

[69]The 95 percent confidence interval for small jurisdictions is +6 or -7 percentage points.

National Certification Testing Was Widely Performed, but Its Standards and Usage Varied

The enactment of HAVA in 2002 established federal responsibilities for the certification of voting systems to meet federal standards and provided the framework for a national testing program. The act charged EAC, supported by NIST, with instituting a federal program for the development and adoption of voluntary voting system guidelines against which voting systems can be evaluated, establishing processes and responsibilities for accrediting laboratories to test systems, and using the results of testing by the accredited labs to certify the voting systems. In 2005, EAC developed guidelines for the certification process and defined the steps needed for the process to transition from NASED to EAC. States and local jurisdictions are to decide whether and how to use the testing and certification results from the federal program in their elections processes.

Most states continued to require that voting systems be nationally tested and certified. In our October 2001 report on election processes, we reported that 38 states required that their voting systems meet federal standards for the November 2000 general election, which meant that the systems were tested by NASED. For voting systems being used for the first time in the 2004 general election, national certification testing was almost uniformly required. From our prior discussion of state survey responses in the context of voting system security, 26 of 27 states using DRE for the first time in this election, as well as the District of Columbia, required them to be nationally certified, while 9 of the 10 states using punch card equipment for the first time, and 30 of 35 states and the District of Columbia using optical scan equipment for the first time, said they had such requirements.

It is unclear whether the proportion of nationally certified systems changed between the 2000 and 2004 general elections. In our October 2001 report on election processes nationwide, we reported that an estimated 39 percent of jurisdictions used NASED-qualified voting equipment for the 2000 general election.[70] However, for the 2004 general election, we estimate that 68 percent of jurisdictions did not know whether the respective systems that they used were NASED-qualified. This uncertainty surrounding the national qualification status of a specific version of voting system at the local level underscores a concern we recently reported with respect to electronic voting security and reliability in our September 2005 report on this topic—that is, even though voting system software may have been

[70]GAO-02-3.

qualified and certified at the national or state levels, software changes and upgrades performed at the local level may not be qualified and certified.[71]

The upcoming 2006 general election can be viewed as a challenging transition period in the voting system capabilities, standards, and national certification, with several testing-related factors potentially increasing the difficulty of this transition. First, HAVA's requirements for voting system capabilities, such as voter error correction and manual audit, along with the attendant new guidelines, are likely to require additional testing at the national level to recertify previously fielded and certified systems that have been upgraded. Second, this increased workload is not likely to be met with added national testing capacity, since the process for accrediting new voting system testing laboratories is not expected to produce newly accredited labs in time for the 2006 election. Third, the complexity of the testing being performed is likely to increase because states report that they will collectively apply the full range of available standards—1990, 2002, and 2005 standards, as well as various combinations of these—to voting systems first used for the November 2006 election. As a result, a range of test protocols must be developed or maintained, and a variety of corresponding tests must be planned, executed, and analyzed to meet the variety of standards.

States Generally Required Certification of Voting Systems Using a Range of Criteria

Most states continue to certify voting systems to ensure that they meet minimum state election requirements. In our October 2001 report on election processes, we reported that 45 states and the District of Columbia had certification programs for their voting systems, 38 of which required that the systems be tested before they were certified for the 2000 general election.[72] In addition, we reported that an estimated 90 percent of local jurisdictions used state-certified voting equipment for the November 2000 general election. However, we also reported that state officials had expressed concerns with voting system changes that did not undergo recertification. Since then, we have reported that security experts and election officials have expressed similar concerns.[73]

[71]GAO-05-956.

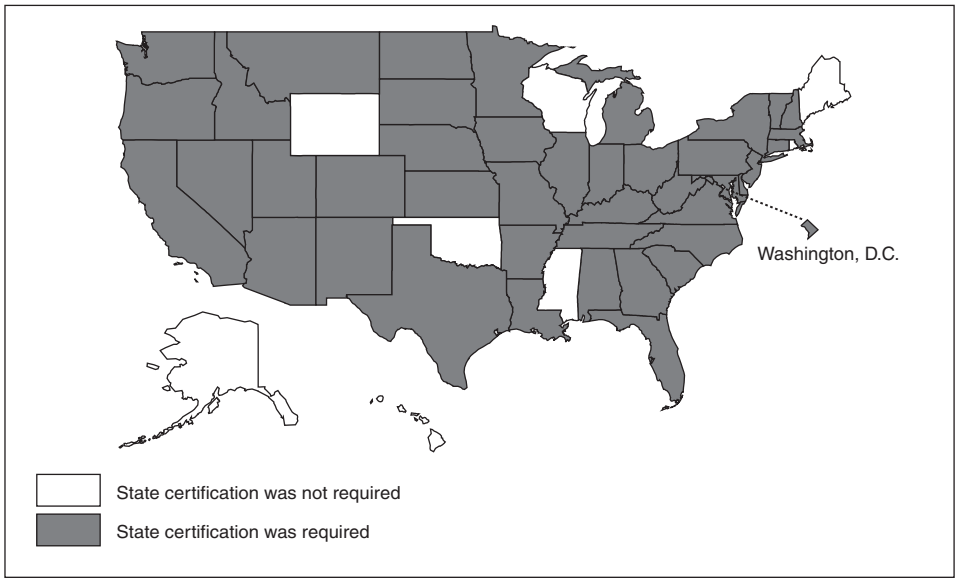
[72]GAO-02-3.

[73]GAO-05-956.

For the November 2004 general election, 42 states and the District of Columbia reported on our state survey that they required state certification of voting systems.[74] (See fig. 75.) Seven states required certification of the voting equipment purchased at the state level for local jurisdictions in the 2004 election. However, in 35 states and the District of Columbia, officials reported that responsibility for purchasing a state-certified system rested with the local jurisdiction. While state certification requirements often included NASED testing, as well as approval or confirmation of functionality for particular ballot conditions, some states also included additional requirements for features such as quality of construction, transportation safety, and documentation. Although the remaining 8 states did not require state certification, the officials we contacted described other mechanisms to address the compliance of voting equipment with state-specific requirements, such as a state approval process or acceptance of voting equipment based on federal certification. Figure 75 shows states' reported certification requirements for voting systems used in the 2004 general election.

[74]Initial state responses were obtained from our 2005 state survey; we later obtained clarifications by phone or electronic mail from 19 states.

Figure 75: State-Reported Voting System Certification Requirements for the 2004 General Election



Sources: GAO 2005 survey of state election officials and follow-up with selected states for clarification of responses (analysis), MapArt (map).

For the 2006 general election, 44 states reported that they will have requirements for certification of voting systems, 2 more states than for the 2004 general election. The District of Columbia reported that it will not require voting system certification for the 2006 general election. Of the 44, all but 1 expected to conduct the certification themselves; the 1 state reported that it would rely solely on a national independent testing authority to make its certification decision. Furthermore, of the 43 other states conducting certification themselves, 41 reported that they would include testing of system functions to obtain certification. In addition, 18 of the 43 states planned to involve a national testing laboratory in their certification process.

Acceptance Testing Continued to Be Commonly Performed, but Implemented Practices Varied Widely

As we reported previously in our October 2001 report on election processes, either states or local jurisdictions conducted acceptance tests prior to the 2000 general election.[75] However, the testing processes, test steps, and involvement of vendors in the testing performed varied by jurisdiction and by type of equipment. Also, we reported in our 2001 report that states and local jurisdictions sometimes relied heavily on vendors to design and conduct acceptance tests. With respect to vendor involvement in particular, we reported that vendors were sometimes heavily relied upon to design and conduct acceptance tests.

For the 2004 election, the extent and variety of acceptance testing was similar to those for the 2000 election. With regard to state roles and involvement in acceptance testing of new voting systems, 26 states and the District of Columbia reported responsibilities at some level of government. Specifically, 8 states and the District of Columbia reported on our survey that they had responsibility for performing acceptance testing, 15 states required local jurisdictions to perform such testing, and 3 states reported that requirements for acceptance testing existed at both the state and local levels. Twenty-two states either did not require such testing or did not believe that such testing was applicable to them. (Two states did not know their acceptance testing requirements for the 2004 election.) More states required that acceptance testing be performed for changes and upgrades to existing systems than they did for new systems—30 states in all and the District of Columbia. Specifically, 15 states and the District of Columbia were responsible for performing acceptance tests for changes and upgrades, 10 states required local jurisdictions to perform these tests, and 5 states required acceptance testing at both the state and local levels.

Election officials at a majority of the local jurisdictions that we visited told us that they conducted some type of acceptance testing for newly acquired voting equipment. As with the 2000 general election, these officials described a variety of approaches to acceptance testing for the 2004 general election. For example, the data used for testing could be vendor-supplied, developed by election officials, or both, and could include system initialization, logic and accuracy, and tamper resistance. Other steps, such as diagnostic tests, physical inspection of hardware, and software configuration checks, were also mentioned as testing activities by local election officials. Further, election officials from 3 jurisdictions that we

[75]GAO-02-3.

visited said that vendors were heavily involved in designing and executing the acceptance tests, while officials from another jurisdiction that we visited said that vendors contributed to a portion of their testing. In 2 jurisdictions in Georgia, officials said that acceptance tests were conducted at a university center for elections systems.

Readiness Testing Continued to Be Widely Performed Using Various Approaches

Most jurisdictions conducted readiness testing, also known as logic and accuracy testing, for both the 2000 and 2004 general elections. In addition, some states reported that they conducted readiness testing for the 2004 general election. The content and nature of these tests varied among jurisdictions.

According to our state survey, 49 states and the District of Columbia reported that they performed readiness testing of voting systems at the state level, the local level, or both (1 state did not require readiness testing). Most states required local jurisdictions to perform readiness testing (37 states in all). However, 7 states reported that they performed their own readiness testing of voting equipment for the 2004 general election in addition to local testing. Five states and the District of Columbia reported that they had no requirements for local jurisdictions to perform readiness testing but conducted this testing themselves. State laws or regulations in effect for the 2004 election typically had specific requirements for when readiness testing should be conducted and who was responsible for testing, sometimes including public demonstrations of voting system operations. For example, one state mandated that local jurisdictions conduct three readiness tests using all types of election ballots including audio ballots. One test took place before Election Day and two occurred on Election Day—before the official counting of ballots began and after the official counting had been completed. Another state required the Secretary of State to conduct testing using pre-audited ballots before Election Day, as well as on Election Day before ballots were counted.

On the basis of a subgroup of local election jurisdictions from our 2000 election survey, we estimate that 96 percent of jurisdictions nationwide conducted readiness testing before the 2000 general election.[76] For a

[76]These estimates include only county election jurisdiction subgroup comparisons between 2001 and 2005 surveys. See the scope and methodology in appendix V for further details about sampling differences.

comparable subgroup of jurisdictions in the 2004 general election, we estimate that 95 percent of local jurisdictions conducted readiness testing. The frequency with which readiness testing was conducted in 2004 was largely stable across all jurisdictions of various sizes that did not solely use hand-counted paper ballots, ranging between an estimated 90 percent (for small jurisdictions) to an estimated 96 percent (for large jurisdictions). Whenever the sample of jurisdictions permitted statistical comparison, there were also no significant differences between the percentages of jurisdictions that said they conducted readiness testing for various predominant voting methods.

The variety of readiness testing activities performed by jurisdictions for the 2000 general election was also evident for the 2004 general election. Election officials in all of the local jurisdictions we visited following the 2004 election reported that they conducted readiness testing on their voting equipment using one or more of the approaches we identified for the 2000 election, such as diagnostic tests, integration tests, mock elections, and sets of test votes. Election officials in many of these jurisdictions told us that they combined test approaches. For example, officials in 1 large jurisdiction in Florida told us that they conducted pre-election testing using complete ballots (not test decks) to determine the accuracy of the marks and to see if there were any errors in voting machine programming. They told us that logic and accuracy testing was performed for each machine using undervoted ballots and overvoted ballots, and that zero tapes were run for each voting machine before the election.[77] In addition, a diagnostic test was run before the election on each voting machine. According to the local officials, this was the test approach described in the manufacturer's preparation checklist. Election officials in another Florida jurisdiction stated that readiness testing included integration testing to demonstrate that the voting system is properly programmed; the election is correctly defined on the system; and all system inputs, outputs, and communication devices are in working order. In the case of these jurisdictions, the state requires logic and accuracy testing and submission of the test parameters to the state.

[77]Zero tapes record the vote counts stored in a piece of voting equipment for each of the contests prior to voter inputs, when all counts should be zero.

Parallel Testing Was Not Frequently Performed

Parallel testing was not widely performed by local jurisdictions in the 2004 general election, although 7 states reported on our state survey that they performed parallel testing of voting systems on Election Day, and another 6 states reported that this testing was required by local jurisdictions.[78] From our survey of local jurisdictions, we estimate that 2 percent of jurisdictions that did not solely use hand-counted paper ballots conducted parallel testing for the 2004 general election.[79] Large and medium jurisdictions primarily performed this type of testing (7 percent and 4 percent of jurisdictions, respectively). The percentage of small jurisdictions performing this type of testing was negligible (0 percent). The differences between both large and medium jurisdictions and small jurisdictions are statistically significant.

Our visits to local jurisdictions affirmed the limited use of parallel testing. Specifically, election officials in 2 of the 28 jurisdictions that we visited told us that they performed parallel testing. Officials in 1 large jurisdiction in Georgia told us that parallel testing was conducted by the state in conjunction with a university center for voting systems. In another case, officials in a large jurisdiction in Kansas told us that parallel testing was required by the local jurisdiction and was publicly conducted. In both cases, the tests were conducted on voting equipment for which security concerns had been raised in a voting equipment test report issued by the state of Maryland prior to the 2004 general election. Local officials who told us that parallel testing was not performed on their voting systems attributed this to the absence of parallel testing requirements, a lack of sufficient voting equipment to perform these tests, or the unnecessary nature of parallel testing because of the stand-alone operation of their systems.

Postelection Voting System Audit Requirements and Practices Were Diverse

According to our state survey, 22 states and the District of Columbia reported that they performed postelection voting system audits for the 2004 general election. Specifically, 4 states and the District of Columbia reported that they conducted postelection audits of voting systems themselves,

[78]Both EAC's *Best Practices Tool Kit* and the 2005 *Voluntary Voting System Guidelines* recommend development of parallel testing procedures for all types of automated voting equipment.

[79]We estimate that 91 percent of jurisdictions considered parallel testing to be not applicable.

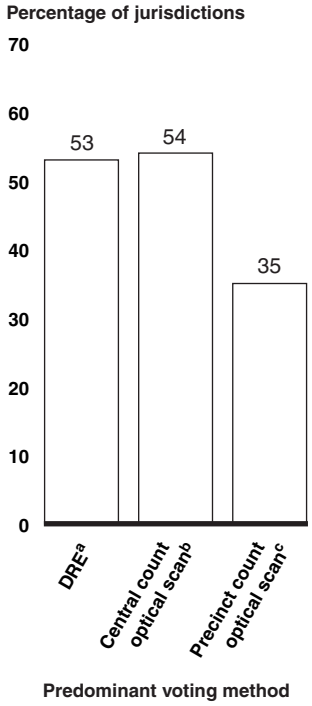
16 states required that audits of voting systems be conducted by local jurisdictions, and 2 states reported that audits of voting systems were performed at both the state and local levels. State laws or regulations in effect for the 2004 general election varied in when and how these audits were to be conducted. In addition, a variety of statutes cited by states for testing requirements did not mention postelection voting system audits, and the one that did lacked details on the scope or components of such audits.

According to our local jurisdiction survey, postelection voting system audits were conducted by an estimated 43 percent of local jurisdictions that did not solely use hand-counted paper ballots on Election Day. This practice was much more prevalent at large and medium jurisdictions (62 percent and 55 percent, respectively) than small jurisdictions (34 percent).[80] The differences between small jurisdictions and both medium and large jurisdictions are statistically significant. We further estimate that these voting system audits were conducted more frequently in jurisdictions with central count optical scan voting methods (54 percent) than they were in jurisdictions with precinct count optical scan voting methods (35 percent).[81] Figure 76 shows the estimated use of postelection audits for jurisdictions with different voting methods in the 2004 general election.

[80]The 95 percent confidence interval for large jurisdictions is +/- 8 percentage points. The 95 percent confidence interval for small jurisdictions is +/- 7 percentage points.

[81]Percentages for the other voting methods had confidence intervals greater than +/- 10 percent or were unreliable.

Figure 76: Estimated Percentages of Jurisdictions Conducting Postelection Voting System Audits for the 2004 General Election, by Predominant Voting Method



Source: GAO 2005 survey of local election jurisdictions.

[a]The 95 percent confidence interval for DRE is +/- 14 percentage points.

[b]The 95 percent confidence interval for central count optical scan is +/- 10 percentage points.

[c]The 95 percent confidence interval for precinct count optical scan is +/- 8 percentage points.

Election officials in 14 of 28 local jurisdictions that we visited told us that they conducted postelection voting system audits. However, the conditions and scope of voting system audits varied. Some were routine, while others were conducted only in the event of close races or challenges to results. Among the 14 jurisdictions, most of the officials we spoke with said that they focused on reconciling voting machine counts with known votes, and officials in 2 of these jurisdictions characterized the voting system audits largely as voting system logic and accuracy tests. However, officials with a few jurisdictions told us that they also reviewed voting machine logs, sampled results from random precincts, or employed independent auditors to repeat and verify vote counting. In 1 large jurisdiction in Nevada, an election official told us that paper results were compared to the tabulated

results of votes counted on 24 machines. In addition, every voting machine was activated and the same scripts used for pre-election testing were rerun through the machines. According to the election official, this level of testing was required by law.

Information on Jurisdictions' Election Technology Integration Is Limited, but Current and Emerging Technologies Offer Greater Opportunities

The number of jurisdictions that have integrated particular aspects of voting system components and technologies was limited for the 2004 general election for the areas of integration we examined, based on estimates from our local jurisdiction survey and visits to local jurisdictions. For the areas of integration we did examine, the scope and nature of this integration was diverse and included remote programming of electronic ballots, statewide tabulation of voting results, and end-to-end management of the election process. Nevertheless, the potential for greater integration in the future does exist as states and jurisdictions act on their earlier discussed plans to acquire the kind of voting equipment (e.g., optical scan and DRE products) that lends itself to integration. It is unclear if and when this migration to more technology-based voting methods will produce more integrated election system environments. However, suitable standards and guidance for these interconnected components and systems—some of which remain to be developed—could facilitate the development, testing, operational management, and maintenance of components and systems, thereby maximizing the benefits of current and emerging election technologies and achieving states' and local jurisdictions' goals for performance and security.

Reported Instances of Certain Election Systems Integration Approaches Have Been Inconsistent

Various voting systems, components, and technologies—some of which have been available since the 2000 general election—encompass a wide range of functional capabilities and system interactions. According to our local jurisdiction survey estimates and visits to election jurisdictions for the 2004 general election, officials reported various types of integration, but there were few instances. The areas in which integration was reported can be grouped into four categories: (1) electronic programming or setup of voting equipment from a centralized facility, (2) electronic aggregation and tabulation of voting results from multiple voting systems or locations, (3) add-on voting features and technologies, and (4) electronic management of voting equipment and operations.

Electronic Programming or Setup

Electronic programming or setup of voting equipment involves integration between an administrative system and voting equipment to initialize vote count totals, load ballot definitions, and authorize voter access. As we previously reported in our September 2005 report on the security and reliability of electronic voting, this type of integration has raised security concerns.[82] Election officials in 19 of the 28 jurisdictions that we visited used portable memory cartridges or cards for electronic programming or setup of their voting equipment. To accomplish programming or setup, officials at some of the local jurisdictions that we visited said that they used a computer to preload voting equipment with ballots or tabulation logic prior to transporting the equipment to polling locations. At 1 large New Jersey jurisdiction, officials stated that the administrative computer used a dedicated connection to the election server to electronically transmit the data and logic necessary to program and enable the units for the election. Election officials in some jurisdictions told us that an administrative system loaded ballot definitions onto portable electronic devices, such as memory cartridges or smart cards, which were then physically transported to the locations where the voting equipment was being prepared for the election—either at a storage facility or polling location (see fig. 77). The cartridges or cards were then inserted into individual voting units to prepare or activate them for the election. Some electronic ballot cards were provided directly to the voter to activate the voting equipment, then returned to election workers when the ballot has been cast.

[82]GAO-05-956.

Figure 77: Examples of Portable Memory Cards and Cartridges Used with Voting Equipment



Source: GAO.

Electronic Aggregation or Tabulation

Electronic aggregation or tabulation of cast ballots also requires integration between voting equipment and another computer system that is responsible for collecting and aggregating the votes. Figure 78 shows examples of computer systems used for vote tabulation.

Figure 78: Examples of Ballot Tabulation Equipment and Environments



Source: GAO.

Transfer of votes or election results between the voting equipment and the central tabulator may employ portable electronic media or telecommunication lines. Portable electronic media were the means that officials at 7 of the 28 jurisdictions that we visited said they used to electronically aggregate election results from multiple voting locations. For DRE equipment, memory cartridges that stored cast ballots from individual voting units were transferred to the election office, and the data they contained were uploaded and tallied by an electronic tabulation system.

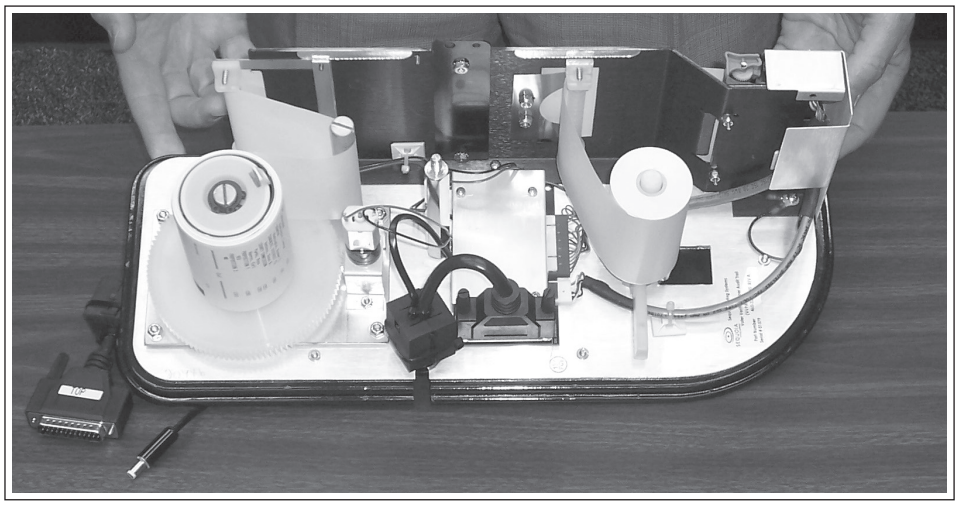
Some jurisdictions also used telecommunications services to transfer election data from polling locations or election coordination centers to tabulation facilities, although how these services were used varied. Officials at 4 jurisdictions that we visited told us that they employed dial-up connections to transmit local vote tallies for further tabulation. For instance, election officials in a large jurisdiction in Washington told us that after the polls were closed and all ballots were scanned and recorded by the optical scan machines at each polling place, the machines were taken to storage areas, where the results were transmitted to the central computer for tabulation using the jurisdiction's phone line. Officials at a large jurisdiction that we visited in Ohio said that they had election judges take voting machine memory cartridges from their polling locations to facilities where laptop computers would read the cartridges and transmit vote tallies over phone lines to a remote access server at the elections office. In a large jurisdiction that we visited in Illinois, election officials told us that they took their portable precinct ballot counters to 1 of 10 stations throughout the city, where vote totals from the counters were encrypted and transmitted to a remote access server via a cellular network.

Add-on Features and Technologies

Add-on features and technologies to ensure the accuracy of votes, provide easier access to persons with disabilities or special needs, and enhance security or privacy were also integrated into voting systems by a few states and jurisdictions for the 2004 general election. Officials at both large jurisdictions in Nevada that we visited told us that they had integrated a VVPT capability into their DREs to meet a state requirement for VVPT. Figure 79 shows one example of a VVPT voting system component. Overall, we estimate that about 8 percent of jurisdictions operating DRE voting equipment in the November 2004 general election produced VVPT.[83]

[83]The 95 percent confidence interval for this item is +9 or -6 percentage points.

Figure 79: Example of an Assembly for Producing a Voter-Verifiable Paper Audit Trail for DRE Voting Equipment



Source: GAO.

Audio features were also added to voting systems for the 2004 election. Officials at 6 of the jurisdictions that we visited reported that they had incorporated an audio ballot component into their DRE machines for voters with sight impairments. Election officials in 3 jurisdictions reported that they offered audio ballots in languages other than English.

Security and privacy capabilities, such as data encryption and virtual private networks, were also reportedly integrated into several jurisdictions' voting system environments for the 2004 general election to protect electronically transferred election data or to secure remote system access. Election officials at 6 of the 28 jurisdictions that we visited said they used encryption to protect ballots during electronic storage. Officials at both jurisdictions in Georgia explained that their state-selected DRE equipment used individual access cards for each voter, uniquely encrypted data on the card (including the voter's cast ballot) for each polling location, and a separately encrypted electronic key needed to access the voter's ballot. Officials at 7 jurisdictions said they applied encryption to the transmission of election results during the 2004 general election. Election officials in 1 large Colorado jurisdiction stated that they used a virtual private network to ensure the secrecy of data and authenticity of parties when transmitting election results from jurisdictions to the state.

Electronic Management

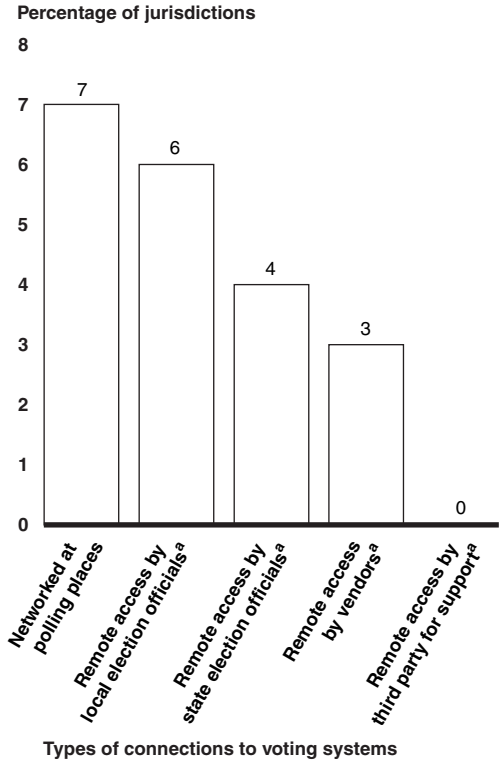
Electronic management of voting equipment and operations was another form of integration employed for the 2004 general election. Electronic management covers such functions as equipment testing, initializing, operational monitoring, diagnosis, troubleshooting, shutdown, and auditing. It also includes election operations that affect voting equipment, such as voter processing at the polling place and handling of absentee ballots. We previously reported that some of these capabilities were available during the 2000 general election in our October 2001 report on election processes.[84] For the 2004 general election, on the basis of our local jurisdiction survey, we estimate that 7 percent of jurisdictions that used voting methods other than paper ballots connected their voting equipment via a local network at their polling locations. The frequency with which remote access to voting systems was provided for the 2004 general election was similarly low (estimated at 10 percent of jurisdictions that used voting methods other than paper ballots) but was again affected by the size of jurisdictions. We estimate that a higher percentage of large jurisdictions used remote access to voting equipment (estimated at 19 percent) than medium jurisdictions (13 percent) or small jurisdictions (7 percent). The difference between large and small jurisdictions is statistically significant.[85] Furthermore, we estimate that remote access was primarily provided to local election officials (in 6 percent of jurisdictions) and to a lesser extent, state election officials, voting equipment vendors, and third parties. Figure 80 shows the estimated percentages of jurisdictions of various sizes that used networking or various types of remote access. These capabilities pose voting system security and reliability concerns as reported in our September 2005 report on the security and reliability of electronic voting.[86] From approximately 20 open-ended text responses to our survey of local jurisdictions that described steps taken to prevent unauthorized remote access to voting systems, four safeguards were identified: employing passwords for remote users, limiting operations to specific election activities, use of virtual private networks, and system monitoring.

[84]GAO-02-3.

[85]Percentages represent the aggregation of responses for all sources of remote access. Percentages exclude jurisdictions that use only hand-counted paper ballots.

[86]GAO-05-956.

Figure 80: Estimated Percentages of Jurisdictions That Used Networking or Remote Access for Voting Equipment in the 2004 General Election



Source: GAO 2005 survey of local election jurisdictions.

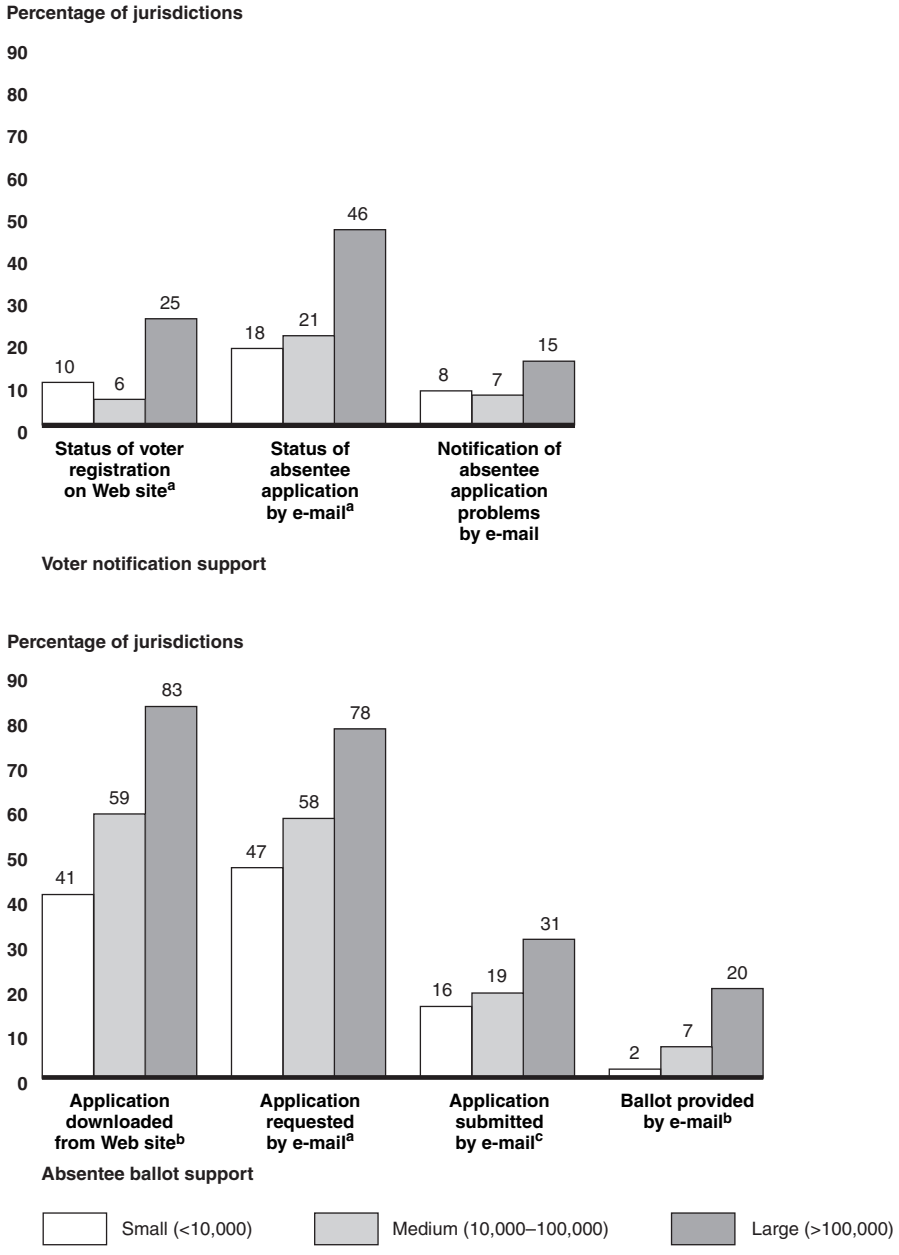
[a]Jurisdictions may have selected one or more types of remote access.

As we previously reported in our September 2001 report on voting assistance to military and overseas citizens, state and local election officials used technologies like electronic mail and faxing to better integrate activities during the 2000 general election and to improve communications with absentee voters.[87] According to our estimates from the local jurisdiction survey for the 2004 election, jurisdictions continued to use electronic mail to interact with voters and also relied on Web sites for a variety of election needs including voter registration status, the application and processing of absentee ballots, and the status of provisional ballots. For seven items in our survey where we asked about

[87] GAO-01-1026.

jurisdictions' use of e-mail and Web sites for voter services, we estimate that large jurisdictions generally used these technologies more frequently than both medium and small jurisdictions, and that differences in six of these items were statistically significant. Figure 81 shows the extent to which jurisdictions of different sizes employed e-mail and Web sites for selected voter services. In addition to using technology to support individual voters, election officials in 1 large jurisdiction we visited in New Mexico described their use of telecommunications technology to support early voting at multiple locations. This jurisdiction connected its registration database to its early voting locations with dedicated phone lines, thus making voter registration information electronically available at each location.

Figure 81: Estimated Percentages of Jurisdictions Using Automated Election Support for the 2004 General Election, by Jurisdiction Size



Source: GAO 2005 survey of local election jurisdictions.

Note: The 95 percent confidence interval for all jurisdiction sizes is +/- 8 percentage points or less.

[a]The differences between both small and medium jurisdictions and large jurisdictions are statistically significant.

[b]The differences between all categories of jurisdiction size are statistically significant.

[c]The difference between small jurisdictions and large jurisdictions is statistically significant.

Prospects for Expanded Use of Integrated Election Systems Are Unclear

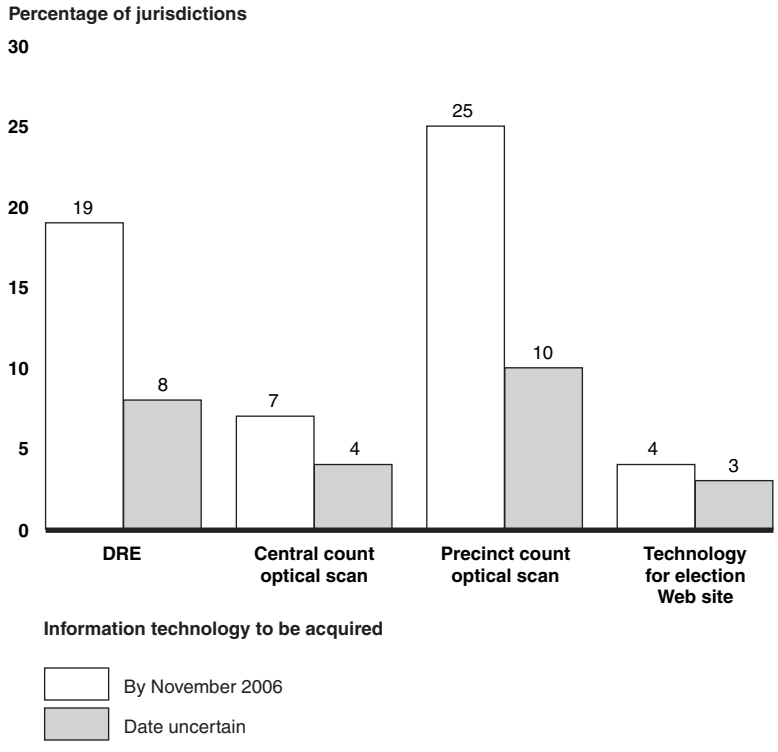
Relatively few local jurisdictions we visited reported having plans for integrating or further integrating their election-related systems and components for the 2006 general election, and in cases where they had plans, the scope and nature of the plans varied. At the same time, we estimate on the basis of our local jurisdiction survey that a relatively large proportion of jurisdictions expect to acquire DREs and optical scan systems, which will introduce greater integration opportunities. However, given the uncertainty surrounding the specific types of systems and features to be acquired, the extent and timing of greater integration of voting systems and components, as well as election-related systems, remains to be seen.

More specifically, officials in several jurisdictions that we visited told us about plans to integrate relatively modular add-on components to their systems, while officials with several other jurisdictions described plans for more complex end-to-end interactions among election systems and technologies. For example, officials at 5 jurisdictions that we visited reported plans to introduce a VVPT capability for future elections, and officials at 2 jurisdictions reported plans to integrate an audio component to comply with HAVA requirements. In another case, officials in 2 jurisdictions told us that their state is planning to purchase electronic poll books for its precincts to use during the 2006 elections to electronically link its voter registration system with its voting systems. Officials at another jurisdiction told us that they plan to obtain a new optical scanner that will be used to tabulate both DRE and optical scan election results.

The scope and magnitude of election system integration may be influenced, in part, by the jurisdictions' adoption of the optical scan and DRE voting methods and the corresponding products that support add-on automated features, such as languages and accessibility tools, and interactions among automated components of the election process, such as ballot generation and tabulation. As we discussed earlier in this chapter, one-fifth of local jurisdictions are planning to acquire new optical scan and DRE voting equipment in time for the 2006 general election. For instance, on the basis of our survey of local jurisdictions, we estimate that 25 percent of

jurisdictions plan to acquire precinct count optical scan voting equipment by the November 2006 general election. However, some jurisdictions had not yet finalized their time frame for acquiring voting equipment at the time of our survey. In addition, their acquisition plans also include technologies for their election Web sites. Figure 82 estimates the percentages of jurisdictions with acquisition plans for various technologies and their implementation time frames. While the advent of more technology-based voting methods provides greater opportunities for integration, the uncertainty around the timing and nature of their introduction makes the future extent of this integration unclear at this point.

Figure 82: Estimated Percentages of Local Jurisdictions with Plans to Acquire Voting Equipment



Source: GAO 2005 survey of local election jurisdictions.

It is important for voting system standards developers to recognize the opportunity and potential for greater integration of election systems. EAC recently adopted a new version of the voluntary voting system guidelines in

December 2005 that will become effective in December 2007. However, this version does not address some of the capabilities discussed above. For instance, the guidelines do not address the integration of registration systems with voting systems. Neither do they address commercial-off-the-shelf devices (such as card readers, printers, or personal computers) or software products (such as operating systems or database management systems) that are used in voting systems without modification. EAC has acknowledged that more work is needed to further develop the technical guidelines in areas such as voting accessibility, usability, and security features. Such efforts have the potential to assist states and local jurisdictions in maximizing the benefits of emerging election technologies.

Concluding Observations

The challenges confronting local jurisdictions in acquiring and operating voting technologies are not unlike those faced by any technology user—adoption and consistent application of standards for system capabilities and performance, reliable measures and objective data to determine whether the systems are performing as intended, rigorous and disciplined performance of security and testing activities, and successful management and integration of the people, process, and technology components of elections during system acquisition and operation. These challenges are heightened by other conditions common to both the national elections community and other information technology environments: the distribution of responsibilities among various organizations, technology changes, funding opportunities and constraints, emerging requirements and guidance, and public attention.

The extent to which states and local jurisdictions adopt and consistently apply up-to-date voting systems standards will directly affect the security and performance of voting systems. A substantial proportion of jurisdictions have yet to adopt the most current federal voting system standards or related performance measures. Even if this happens, however, other challenges loom because systems will need to be tested and recertified by many states (and by federal processes whenever states have adopted national standards) to meet any newly adopted voting standards and HAVA requirements for accuracy. Organizations involved with recertification—including federal, state, and local governments; testing authorities; and vendors—may need the capacity to assume the workloads associated with expected increases in the adoption of current standards and the use of new voting systems so that potential risks to near-term election processes are minimized.

Reliable measures and objective data are also considered essential management practices for determining whether the technology being used is meeting the needs of the jurisdiction's user communities (both the voters and the officials who administer the elections). Looking back to the November 2000 and 2004 general elections, we estimate that the vast majority of jurisdictions were satisfied with the performance of their respective technologies. However, considering that our local jurisdiction surveys for the 2000 and 2004 elections indicated limited collection of voting system performance data, we conclude that estimated levels of satisfaction with voting equipment found in our local surveys have been mostly based on a patchwork of operational indicators and, based on site visits to local jurisdictions, have involved anecdotal experiences of election officials. Although these impressions should not be discounted, informed decision making on voting system changes and investment would benefit from more objective data about how well existing equipment is meeting specific requirements, such as those governing system accuracy, reliability, efficiency, and security. No one voting method, or particular voting system make and model, will meet the needs of every jurisdiction. The challenge is thus to ensure that decisions about staying with an existing voting method or investing in new or upgraded voting equipment are made on the basis of reliable and relevant data about the operational performance of the existing method against requirements and standards, as well as the benefits to be derived versus the costs to be incurred with each choice.

Effective execution of well-planned security and testing activities provides opportunities to anticipate and address potential problems before they affect election results. This is important because even a few instances of election errors or disruptions can have a sizable impact if election results are close. We estimate that the vast majority of jurisdictions performed security and testing activities in one form or another for the 2004 general election. However, the nature and extent of these activities varied among jurisdictions—to some degree by jurisdiction size, voting method, or perceived applicability of the activities. These activities were also largely responsive to—and limited by—formal state and local directives. When appropriately defined and implemented, such directives can promote the effective execution of security and testing practices across all phases of the elections process. As voting technologies and requirements evolve, states and local jurisdictions face the challenge of regularly updating and consistently implementing the directives to meet the needs of their specific election environments.

As we noted for the 2000 general election, managing the three election components of people, process, and technology as interrelated and interdependent variables presents an important challenge in the acquisition or operation of a given voting method. Whether a state or jurisdiction is acquiring, testing, operating, or maintaining a new voting system or an existing one, how successfully the system actually performs throughout the election cycle will depend not only on how well the technology itself has been designed, but also on how well the people and processes associated with the system fulfill their roles for each stage. The technical potential of more extensive integration of voting equipment, components, and election systems also holds the prospect for even more interrelationships and interdependencies among the people, processes, and technologies, with all their attendant risks. In addition to establishing minimum functional and performance requirements and processes for voting system aspects of the election process, system standards can also be used to govern the integration of election systems; address the accuracy, reliability, privacy, and security of components and interfaces; and deliver needed support for the people and processes that will use the integrated election systems. Timely development of integration standards presents a challenge to the election community to keep pace with the advancement of election systems and technology.

Related GAO Products

Elections: Absentee Voting Assistance to Military and Overseas Citizens Increased for 2004 General Election, but Challenges Remain. GAO-06-521. Washington, D.C.: April 7, 2006.

Election Reform: Nine States' Experiences Implementing Federal Requirements for Computerized Statewide Voter Registration Lists. GAO-06-247. Washington, D.C.: February 7, 2006.

Elections: Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote. GAO-05-997. Washington, D.C.: September 27, 2005.

Elections: Federal Efforts to Improve Security and Reliability of Electronic Voting Systems Are Under Way, but Key Activities Need to Be Completed. GAO-05-956. Washington, D.C.: September 21, 2005.

Elections: Additional Data Could Help State and Local Elections Officials Maintain Accurate Voter Registration Lists. GAO-05-478. Washington, D.C.: June 10, 2005.

Department of Justice's Activities to Address Past Election-Related Voting Irregularities. GAO-04-1041R. Washington, D.C.: September 14, 2004.

Elections: Electronic Voting Offers Opportunities and Presents Challenges. GAO-04-975T. Washington, D.C.: July 20, 2004.

Elections: A Framework for Evaluating Reform Proposals. GAO-02-90. Washington, D.C.: October 15, 2001.

Elections: Perspectives on Activities and Challenges across the Nation. GAO-02-3. Washington, D.C.: October 15, 2001.

Elections: Statistical Analysis of Factors That Affected Uncounted Votes in the 2000 Presidential Election. GAO-02-122. Washington, D.C.: October 15, 2001.

Elections: Status and Use of Federal Voting Equipment Standards. GAO-02-52. Washington, D.C.: October 15, 2001.

Voters with Disabilities: Access to Polling Places and Alternative Voting Methods. GAO-02-107. Washington, D.C.: October 15, 2001.

Elections: Voting Assistance to Military and Overseas Citizens Should Be Improved. GAO-01-1026. Washington, D.C.: September 28, 2001.

Comparison of Voting Age Population to Registered Voters in the 40 Largest U.S. Counties. GAO-01-560R. Washington, D.C.: March 23, 2001.

Elections: The Scope of Congressional Authority in Election Administration. GAO-01-470. Washington, D.C.: March 13, 2001.

Bilingual Voting Assistance: Assistance Provided and Costs. GAO/GGD-97-81. Washington, D.C.: May 9, 1997.

Puerto Rico: Confusion over Applicability of the Electoral Law to Referendum Process. HRD-93-84. Washington, D.C.: May 28, 1993.

Voting: Some Procedural Changes and Informational Activities Could Increase Turnout. PEMD-91-1. Washington, D.C.: November 2, 1990.

Bilingual Voting Assistance: Costs of and Use during the November 1984 General Election. GGD-86-134BR. Washington, D.C.: September 15, 1986.

Justice Can Further Improve Its Monitoring of Changes in State/Local Voting Laws. GGD-84-9. Washington, D.C.: December 19, 1983.

2005 Survey of State Election Officials

2005 Survey of State Election Officials

U.S. Government Accountability Office

Introduction

Welcome to GAO's 2005 Survey of State Election Officials.

The U.S. Government Accountability Office (GAO), an agency of the U.S. Congress, is conducting a review of the election process across the country, building on work conducted in 2001 on the November 2000 general election. As part of this review, GAO is conducting a web-based survey of all states and the District of Columbia to collect information about changes in election administration since November 2000, including changes in election processes to implement certain provisions in the Help America Vote Act (HAVA) of 2002. We are also interested in challenges faced by election officials during the November 2004 general election and additional changes in looking ahead to the November 2006 general election.

We have tested this survey with officials in several states to help ensure appropriate questions, but we recognize that states all have different nuances and characteristics. We have provided a space at the end of the survey for any additional comments or explanations regarding any of your responses to questions. In addition, toward the end of the survey, we request certain legal citations related to the topics covered by the survey questions or when covered instead by executive action (including orders, directives, regulations, or policies), we request electronic copies when available. Thank you for your assistance!

Contact Information

If you have any questions or are experiencing difficulties responding to the survey, please contact either of the following individuals:

Michele Fejfar
Phone: (202)512-2637, 7:30 am - 4:00 pm (EDT)
E-mail: FejfarM@gao.gov

Linda Watson
Phone: (202)512-8685, 7:30 am - 4:00 pm (EDT)
E-mail: WatsonL@gao.gov

If you need to be reminded about these persons during later parts of this survey, Click on the "?" button at the bottom of the screen or click on the caption: "Contact Information" on the left menu. Either option will reveal these same persons.

However, only the "?" button will include an email hot link. Clicking on the hot link in most cases will automatically open up your email system and have the proper email in the "To:" address. Then you only need to fill in your question and send the message.

Indicating You Have Completed the Survey

The last question in the last section asks you to indicate if you have completed this survey. By clicking on "complete," this tells us that your answers are official and final.

Your answers will not be used unless you have done this. Please note we will not send follow up e-mails to those who have checked the "Complete" button.

Also, at the end of the survey, there will be a link that will enable you to view and print the entire survey and your responses.

Navigating and Exiting the Survey

Please do not use the "Enter" key on your keyboard to navigate through the survey.

To move from section to section: Use either the (1) "Next section" and "Previous section" buttons at the end of each section or (2) menu bar on the left side of the screen. Do not use the "Enter" key on your keyboard to navigate through the survey. Note: You cannot use your browser's Back button to backup and make changes. Use the previous section button or click on a side caption in the left margin instead. You can change your answers, even after logging off, by logging on again (see below).

To exit: Click on the "Exit" button at the end of each screen. **Always use the "Exit" button to close the survey. If you do not, you will lose the information you entered in that section.**

To restart your survey: Log on to the survey using your user name

and password. The survey will restart at the point where you exited.

To skip non applicable questions: If the response you wish to choose has a highlighted **(Go to Q#.)** next to it, instead of clicking on the circle, you should click on the highlighted **(Go to Q#.)**. When you do that the circle to the left of the response will be automatically filled in and you will be taken to the next applicable part of the survey.

Statewide Voter Registration List

1. **For the November 2004 general election, did your state have or not have a statewide registration list (whether or not it was HAVA compliant)?**

   (CHECK ONLY ONE ANSWER)

   1. ○ Had a statewide list
   2. ○ Did not have a statewide list
   3. ○ Don't know

2. **In preparation for the November 2004 general election, who had the authority to remove names from the voter registration lists in your state?**

   (CHECK ONLY ONE ANSWER)

   1. ○ Only state had authority
   2. ○ Only local jurisdictions had authority
   3. ○ Both state and local jurisdictions had authority
   4. ○ Don't know

3. **As set forth in HAVA, starting on January 1, 2006, all states are to have a statewide computerized, interactive voter registration list. Will your state's registration list be one database maintained by the state with information supplied by local jurisdictions (i.e., top down), or will local jurisdictions retain their own registration lists and transmit information to a separate statewide list that is compiled at regular intervals (i.e., bottom up)?**

   (CHECK ONLY ONE ANSWER)

   1. ○ Database maintained by state with information supplied by local jurisdictions (GO TO QUESTION 5.)
   2. ○ Local jurisdictions will retain own lists and transmit

information to a statewide list

3. ○ Hybrid of the first two options
4. ○ Not yet determined (GO TO QUESTION 5.)
5. ○ Not applicable (N/A) - no registration or a single voting jurisdiction (e.g., D.C.) (GO TO QUESTION 5.)

4. **How often will local jurisdictions transmit registration information to the state list?**

5. **Will your statewide registration list include or not include a function that can electronically perform a check for duplicates across the state?**

(CHECK ONLY ONE ANSWER)

1. ○ Will include
2. ○ Will not include
3. ○ Don't know

6. **Starting on January 1, 2006 who will have the authority to remove names from the statewide list?**

(CHECK ONLY ONE ANSWER)

1. ○ Only state will have authority
2. ○ Only local jurisdictions will have authority
3. ○ Both state and local jurisdictions will have authority
4. ○ Don't know

7. **By January 1, 2006, will state officials have (or do they currently have) immediate (real time) access to do each of the following?**

(*CHECK ONE IN EACH ROW*)

	Currently have	Will have by 1/1/06	Planned but will not have by 1/1/06	Not planned	Not yet determined
a. Enter new voter registration information	○	○	○	○	○
b. Update existing voter registration information	○	○	○	○	○
c. Query all state voter registration records	○	○	○	○	○

8. **By January 1, 2006, will all local jurisdiction election officials have (or do they currently have) immediate (real time) access to do each of the following?**
(*CHECK ONE IN EACH ROW*)

	Currently have	Will have by 1/1/06	Planned but will not have by 1/1/06	Not planned	Not yet determined
a. Enter new voter registration information **in their jurisdiction**	○	○	○	○	○
b. Update existing voter registration information **in their jurisdiction**	○	○	○	○	○
c. Query records **for their jurisdiction**	○	○	○	○	○
d. Query **all state** voter registration records	○	○	○	○	○

Statewide Voter Registration List (Cont'd)

9. **By January 1, 2006, will your state have (or does it currently have) the capability to perform electronic matching of voter registration information with state motor vehicle agency records for the purposes of verifying identity?**
(CHECK ONLY ONE ANSWER)
   1. ○ Will have or currently have capability to match **on a real time basis**
   2. ○ Will have or currently have capability to match **in batches**
   3. ○ Will not have capability to perform electronic matching (GO TO QUESTION 11.)
   4. ○ Don't know (GO TO QUESTION 11.)

10. **By January 1, 2006, within what timeframe will voter information in the voter registration list be compared against state motor vehicle agency records?**
(CHECK ONLY ONE ANSWER)
   1. ○ Immediately (real time)
   2. ○ Within 24 hours
   3. ○ Within a week

4. ○ Within a month
5. ○ Timeframe will vary *(describe below)*
6. ○ Other *(describe below)*
7. ○ Don't know

If timeframe will vary or have other timeframe, briefly describe timeframe:

11. **Although not required by HAVA, by January 1, 2006, will your state have (or does it currently have) the capability to perform electronic matching of voter registration information with any of the following records?**
(*CHECK ONE IN EACH ROW*)

	Currently have	Will have by 1/1/06	Planned but will not have by 1/1/06	Not planned	Not yet determined
a. State death records	○	○	○	○	○
b. State records for felony convictions	○	○	○	○	○
c. National change of address list (USPS)	○	○	○	○	○
d. SSA (through motor vehicle agency)	○	○	○	○	○

12. **By January 1, 2006, will your state have (or does it currently have) the capability to perform electronic matching of voter registration information with any other records?**
(CHECK ONLY ONE ANSWER)
1. ○ Yes *(describe below)*
2. ○ No
3. ○ Don't know

If applicable, briefly describe these records:

13. **Does your state consider any of the following to be significant**

challenges to matching or verifying voter registration information against other state records?

(*CHECK ONE IN EACH ROW*)

	Challenge	Not a challenge	Don't know
a. State provisions not in place to allow access to some records (such as criminal justice or court data)	○	○	○
b. Agreements regarding **security** policies and controls not in place between entities (such as offices of courts, corrections, or vital statistics) to allow access to some records	○	○	○
c. Agreements regarding **privacy** policies and controls not in place between entities (such as offices of courts, corrections, or vital statistics) to allow access to some records	○	○	○
d. Some other records have incomplete data	○	○	○
e. Some records not maintained electronically	○	○	○
f. Electronic record systems are not compatible	○	○	○

14. **In which of the following situations, if any, is your state currently sharing registration information routinely with other states?**

(CHECK ALL THAT APPLY)

1. ☐ Sharing with border or nearby states
2. ☐ Sharing with states known to be possible residences for part of the year (e.g., Florida)
3. ☐ Sharing information with states when new registrant indicates previous residence location
4. ☐ Not currently sharing with other states
5. ☐ Don't know

Statewide Voter Registration List (Cont'd)

15. **Has your state established, or will it establish by January 1, 2006, documented standards or guidance for computer and procedural controls to prevent unauthorized access to the computerized voter registration list?**

(CHECK ONLY ONE ANSWER)

1. ○ Currently have established standards or guidance
2. ○ Will have established standards or guidance by January 1, 2006
3. ○ Plan to establish standards or guidance after January 1, 2006
4. ○ No plans to establish standards or guidance (GO TO QUESTION 17.)
5. ○ Don't know (GO TO QUESTION 17.)

16. **Which of the following sources did you (or will you) use to establish standards or guidance?**

(CHECK ALL THAT APPLY)

1. ☐ National or international organization (e.g., National Institute of Standards and Technology; Information Systems Audit and Control Association)
2. ☐ State officials
3. ☐ Local jurisdiction officials
4. ☐ Consultant or vendor
5. ☐ Other source *(describe below)*
6. ☐ Don't Know

If applicable, briefly describe other source:

17. **The management of registration information is increasingly complex and can involve many types of expertise. Who performs (or will perform as of January 1, 2006) each of the following possible functions for your statewide computerized voter registration list, if at all?**

(*CHECK ALL THAT APPLY IN EACH ROW*)

	State officials	Local jurisdiction officials	Other (independent consultants, vendors, etc.)	Not performed	Don't know
a. Identify voter registration system requirements	☐	☐	☐	☐	☐
b. Acquire systems, components, and services	☐	☐	☐	☐	☐
c. Establish policies and plans for operating the system	☐	☐	☐	☐	☐

d. Design and develop applications, data files, and other system components	☐	☐	☐	☐	☐
e. Test systems and components to ensure compliance with requirements	☐	☐	☐	☐	☐
f. Manage system operations	☐	☐	☐	☐	☐
g. Provide technical support, repair, and service for operational equipment	☐	☐	☐	☐	☐
h. Monitor and evaluate security and privacy controls	☐	☐	☐	☐	☐

18. **Regarding implementation of the HAVA requirement for a statewide voter registration list, does your state have any concerns regarding each of the following?**
(*CHECK ONE IN EACH ROW*)

	Have major concern about	Have minor concern about	Don't have concern about	Don't know	N/A
a. Whether your state's system will be sufficiently developed for the January 1, 2006 deadline (e.g., fully interactive and operational in all localities)	○	○	○	○	○
b. Whether your state's system will address all of the verification requirements by January 1, 2006 (e.g., capability to match with SSA, DMV, or other state records)	○	○	○	○	○
c. Whether your state's system will have adequate system capabilities for controlling access to registration lists	○	○	○	○	○
d. Whether your state's system will be sufficiently protected against fraud, misuse, disruption, or disruption of services	○	○	○	○	○
e. Whether your state's system will have adequate system capabilities to maintain privacy of voter information	○	○	○	○	○
f. Whether your state's system will have sufficient interoperability with other election and public records systems	○	○	○	○	○

	Have major concern about	Have minor concern about	Don't have concern about	Don't know	N/A
g. Whether your state's system will be adequately tested to identify all potential operational problems	○	○	○	○	○
h. Whether your staff will be adequately prepared to operate the system	○	○	○	○	○
i. Whether state action needed to implement certain provisions of HAVA (such as motor vehicle agency and SSA matching) will become effective by the January 1, 2006 deadline	○	○	○	○	○
j. Whether SSA will be able to return responses to verification requests in a timely manner	○	○	○	○	○
k. Whether local jurisdictions will be able to resolve nonmatches resulting from SSA verification checks	○	○	○	○	○

19. **Have you taken action or do you plan to take action on each of the following possible activities as they affect your statewide voter registration system?**
(*CHECK ONE IN EACH ROW*)

	Action taken as of 8/1/05	Action to be taken by 1/1/06	Action to be taken after 1/1/06	Action planned but date uncertain	No action currently planned	Don't know
a. Installing or activating mechanisms to detect or track unauthorized actions	○	○	○	○	○	○
b. Installing or activating mechanisms to protect voter privacy (to the extent defined by state or federal law)	○	○	○	○	○	○
c. Electronic exchange of voter registration information with at least one other state	○	○	○	○	○	○
d. Upgrading system processing speed or records capacity	○	○	○	○	○	○
e. Other major activity *(specify below)*	○	○	○	○	○	○

If applicable, briefly describe other major activity:

Other Voter Registration Issues

20. **Information provided by your state in 2001 indicated that in November 2000 the state deadline to submit a registration application was: #H1.**

If this information is incorrect, please provide correct information for what was in place in November 2000:

20a. **Did your state's deadline for submitting a registration application remain the same or change for November 2004?**
(CHECK ONLY ONE ANSWER)

1. ○ Remained the same
2. ○ Changed *(describe below)*
3. ○ Don't know

If changed, please indicate your state's deadline for submitting a registration application that was applicable in November 2004:

21. **During calendar year 2004, were prospective voters able to find out the status of their registration application in each of the following ways?**
(*CHECK ONE IN EACH ROW.*)

	Yes	No	Don't know
a. Could telephone state or local jurisdiction office	○	○	○
b. Could telephone a hotline or toll-free number	○	○	○
c. Could e-mail state or local jurisdiction office	○	○	○
d. Could check a website	○	○	○

e. Notified by state or local jurisdiction if application rejected	○	○	○
f. Other *(please specify below)*	○	○	○

If applicable, describe other ways a prospective voter could find out the status of their registration application:

22. **Which of the following best describes your state's position on voter registration drives that involve payment per application? (CHECK ONLY ONE ANSWER)**
    1. ○ These drives are allowed by state law
    2. ○ These drives are allowed by executive action (including orders, directives, regulations, or policies)
    3. ○ These drives are prohibited by state law
    4. ○ These drives are prohibited by executive action
    5. ○ State laws and executive action are silent on these drives (left up to each local jurisdiction)
    6. ○ Don't know

Absentee and Early Voting Definitions

We recognize that states and local jurisdictions may establish many alternatives to in-person, election day voting, including absentee and early voting. For the purposes of this survey, we define absentee and early voting as follows:

Absentee voting: Generally by mail in advance of election day (although ballots may often be returned up through election day and dropped off in person)

Early voting: Generally in-person voting in advance of election day at specific polling locations, separate from absentee voting

Absentee Voting

23. **For the November 2004 general election, did your state establish or not establish specific conditions or circumstances that must be met to qualify to vote absentee?**
(CHECK ONLY ONE ANSWER)

1. ○ Established
2. ○ Not established (no excuse necessary)
3. ○ Don't know

24. **For the November 2004 general election, did your state allow any of the following options to request an absentee ballot application?**
(*CHECK ONE IN EACH ROW.*)

	Yes	No	Don't know
a. Request an application by mail	○	○	○
b. Request an application in person	○	○	○
c. Request an application by telephone	○	○	○
d. Request an application by e-mail	○	○	○
e. Request an application thru website	○	○	○
f. Request an application by FAX	○	○	○
g. Download application from website	○	○	○

25. **For the November 2004 general election, did your state allow any of the following options for people inside and outside the U.S. to return/submit an absentee ballot application?**
(*CHECK ALL THAT APPLY IN EACH ROW*)

	Yes, inside U.S.	Yes, outside U.S.	No	Don't know
a. Return an application in person	☐	☐	☐	☐
b. Return an application by mail	☐	☐	☐	☐
c. Return an application by e-mail	☐	☐	☐	☐
d. Return an application by FAX	☐	☐	☐	☐
e. Apply and submit on line thru website	☐	☐	☐	☐

26. **For the November 2004 general election, what was your state's deadline (or deadlines) for receipt of the completed absentee ballot application (i.e., number of days before the election)?**

27. **For the November 2004 general election, were prospective voters able to find out the status of their absentee ballot application in each of the following ways?**
(*CHECK ONE IN EACH ROW.*)

	Yes	No	Don't know
a. Could telephone state or local jurisdiction office	○	○	○
b. Could telephone a hotline or toll-free number	○	○	○
c. Could e-mail state or local jurisdiction office	○	○	○
d. Could check a website	○	○	○
e. Voter received ballot if application approved	○	○	○
f. Notified by state or local jurisdiction if application rejected	○	○	○
g. Other *(please specify below)*	○	○	○

If applicable, describe other ways a prospective voter could find out the status of their absentee ballot application:

28. **Information provided by your state in 2001 indicated that the deadline for returning an absentee ballot from inside the U.S. in November 2000 was: #H2.**

If this information is incorrect, please provide correct information for what was in place in November 2000:

28a. **Did your state's deadline for returning an absentee ballot from inside the U.S. remain the same or change for November 2004?**
(CHECK ONLY ONE ANSWER)

1. ○ Remained the same
2. ○ Changed *(describe below)*

3. ◯ Don't know

If changed, please indicate your state's deadline to return an absentee ballot from inside the U.S. that was applicable in November 2004:

29. **For November 2004, was your state's deadline to return an absentee ballot from outside the U.S. the same as or different than for a ballot returned from inside the U.S.?**

(CHECK ONLY ONE ANSWER)

1. ◯ Same as inside the U.S.
2. ◯ Different than inside the U.S. *(please specify deadline below)*
3. ◯ Don't know

If different than inside the U.S., deadline to return absentee ballot from outside the U.S.:

30. **Information provided by your state in 2001 indicated that in November 2000 a notary or witness for a voter's signature on an absentee ballot was: #H3.**

If this information is incorrect, please provide correct information for what was in place in November 2000:

30a. **Did your state's requirement for a notary or witness for a voter's signature on an absentee ballot remain the same or change for November 2004?**

(CHECK ONLY ONE ANSWER)

1. ◯ Remained the same
2. ◯ Changed *(describe below)*
3. ◯ Don't know

If changed, please indicate your state's requirement for a notary or witness for a voter's signature on an absentee ballot that was applicable in November 2004:

31. **For the November 2004 general election, were absentee voters able to find out the status of their submitted absentee ballot (i.e., whether or not it was counted) in each of the following ways?**
(*CHECK ONE IN EACH ROW.*)

	Yes	No	Don't know
a. Could telephone state or local jurisdiction office	○	○	○
b. Could telephone a hotline or toll-free number	○	○	○
c. Could e-mail state or local jurisdiction office	○	○	○
d. Could check a website	○	○	○
e. Notified by state or local jurisdiction if ballot was not counted	○	○	○
f. Other *(please specify below)*	○	○	○

If applicable, describe other ways a prospective voter could find out the status of their submitted absentee ballot:

32. **Does your state currently specify or not specify how local jurisdictions are to determine eligibility of absentee ballots?**
(CHECK ONLY ONE ANSWER)
1. ○ Specified
2. ○ Not specified
3. ○ Don't know

33. **Information provided by your state in 2001 indicated that in November 2000 permanent absentee status was: #H4.**

If this information is incorrect, please provide correct information for what was in place in November 2000:

33a. **Did your state's requirement for permanent absentee status remain the same or change for November 2004?**

(CHECK ONLY ONE ANSWER)

1. ◯ Remained the same
2. ◯ Changed *(describe below)*
3. ◯ Don't know

If changed, please indicate your state's requirement for permanent absentee status that was applicable in November 2004:

Early Voting

As mentioned earlier, for the purposes of this survey, early voting generally refers to in-person voting in advance of election day at specific polling locations, separate from absentee voting.

34. **For the November 2004 general election, did your state allow (or require) early voting?**

(CHECK ONLY ONE ANSWER)

1. ◯ State allowed or required early voting (GO TO QUESTION 36.)
2. ◯ State has not provided for early voting
3. ◯ Don't know

35. **Since November 2004, has your state taken any action (e.g., enacting or pending legislation, executive action) to allow or require early voting?**

(CHECK ONLY ONE ANSWER)

1. ◯ Yes, action taken (e.g., legislation enacted or executive action) (GO TO QUESTION 38.)
2. ◯ Yes, either legislation is pending or was considered in legislative session but not enacted, or executive action is pending or was considered (GO TO QUESTION 38.)
3. ◯ No action taken (and nothing pending) (GO TO QUESTION 38.)
4. ◯ Don't know (GO TO QUESTION 38.)

36. **For the November 2004 general election, did your state have any requirements for local jurisdictions regarding the number and/or distribution of early voting locations?**
(CHECK ONLY ONE ANSWER)

1. ○ Yes
2. ○ No
3. ○ Don't know

37. **For the November 2004 general election, did your state have any requirements for local jurisdictions regarding the number of voting machines for each early voting location (e.g., the ratio or number of voting machines per number of registrants/voters)?**
(CHECK ONLY ONE ANSWER)

1. ○ Yes
2. ○ No
3. ○ Don't know
4. ○ N/A - no machines used at early voting locations

Election Day Preparation and Activities

38. **For the November 2004 general election, did your state have training requirements or provide guidance for each of the following groups of election workers?**
(*CHECK ALL THAT APPLY IN EACH ROW*)

	Requirements	Guidance	No requirements or guidance	Don't know	N/A
a. Local jurisdiction election officials (i.e., registrar, election administrator, clerk, etc.)	☐	☐	☐	☐	☐
b. Chief poll worker at a precinct or polling place (i.e., precinct captains, election judges, inspectors, wardens, etc.)	☐	☐	☐	☐	☐
c. Poll workers	☐	☐	☐	☐	☐

39. **As of the November 2004 general election, how often did your state require training for each of the following groups of election workers?**
(*CHECK ONE IN EACH ROW*)

	Prior to every election	Prior to every general election	On a scheduled basis (e.g., yearly or every two years)	At least once but not prior to every general election	Frequency not specified	Don't know	N/A
a. Local jurisdiction election officials (i.e., registrar, election administrator, clerk, etc.)	○	○	○	○	○	○	○
b. Chief poll worker at a precinct or polling place (i.e., precinct captains, election judges, inspectors, wardens, etc.)	○	○	○	○	○	○	○
c. Poll workers	○	○	○	○	○	○	○

40. **For the November 2004 general election, did your state have requirements for testing or certification for each of the following groups of election workers?**
(*CHECK ONE IN EACH ROW*)

	Yes	No	Don't know	N/A
a. Local jurisdiction election officials (i.e., registrar, election administrator, clerk, etc.)	○	○	○	○
b. Chief poll worker at a precinct or polling place (i.e., precinct captains, election judges, inspectors, wardens, etc.)	○	○	○	○
c. Poll workers	○	○	○	○

41. **For the November 2004 general election, how was your state involved in the design of ballots?**
(CHECK ONLY ONE ANSWER)

1. ○ State designed ballot(s)
2. ○ State had requirements for local jurisdictions regarding ballot design (e.g., layout, candidate order, or paper stock)
3. ○ State approval for ballot design required
4. ○ Local jurisdictions designed the ballots without involvement from the state
5. ○ Don't know

42. **For the November 2004 general election, did your state allow or not allow precincts to be co-located in a polling place on election day (e.g., two precincts voting in same building)?**
(CHECK ONLY ONE ANSWER)

1. ○ Allowed co-location
2. ○ Allowed co-location only under specific conditions *(please specify below)*
3. ○ Did not allow co-location (GO TO QUESTION 44.)
4. ○ Don't know (GO TO QUESTION 44.)
5. ○ N/A (GO TO QUESTION 44.)

If applicable, describe conditions under which co-location allowed:

43. **For the November 2004 general election, did your state have limitations or not on the number of precincts that could be co-located in a polling place on election day?**
(CHECK ONLY ONE ANSWER)

1. ○ Had limitations
2. ○ Did not have limitations
3. ○ Don't know

44. **For the November 2004 general election, did your state do each of the following (through law or executive action, including orders, directives, regulations, or policies)?**
(*CHECK ONE IN EACH ROW*)

	Yes	No	Don't know	N/A
a. Specify a maximum number of registrants or expected voters per precinct in planning for number and distribution of precincts on election day	○	○	○	○
b. Have requirements for local jurisdictions regarding the number of voting machines for each precinct or polling place on election day (e.g., the ratio or number of voting machines per number of registrants/voters)	○	○	○	○
c. Allow election day workers under the age of 18	○	○	○	○
d. Designate election day as a state holiday (in which state employees	○	○	○	○

received the day off)

45. **For the November 2004 general election, did your state have or not have a requirement for all prospective voters to show identification (as defined by the state) for in-person election day voting?**

(CHECK ONLY ONE ANSWER)

1. ○ Had requirement (GO TO QUESTION 48.)
2. ○ Had requirement but allowed alternative if did not have identification (e.g., signing an affidavit) (GO TO QUESTION 48.)
3. ○ Did not have requirement
4. ○ Don't know
5. ○ N/A (GO TO QUESTION 48.)

46. **Since November 2004, has your state taken any action (e.g., enacting or pending legislation, executive action) to require everyone to show identification for in-person election day voting?**

(CHECK ONLY ONE ANSWER)

1. ○ Yes, action taken (e.g., legislation enacted or executive action)
2. ○ Yes, either legislation is pending or was considered in legislative session but not enacted, or executive action is pending or was considered
3. ○ No action taken (and nothing pending)
4. ○ Don't know
5. ○ N/A

47. **For the November 2004 general election, did your state have or not have a requirement for all provisional voters to show identification (whether or not the votes were counted)?**

(CHECK ONLY ONE ANSWER)

1. ○ Had requirement
2. ○ Had requirement but allowed alternative if did not have identification
3. ○ Did not have requirement
4. ○ Don't know
5. ○ N/A

48. **For the November 2004 general election, did your state**

require, allow, or not allow each of the following possible provisions concerning accessibility and accommodations for individuals with disabilities (under state law or executive action, including orders, directives, regulations, or policies)?
(*CHECK ONE IN EACH ROW*)

	Required	Allowed	Not allowed	Not addressed	Don't know	N/A
a. Provision of ballot or methods of voting in Braille	○	○	○	○	○	○
b. Provision of ballots with larger type	○	○	○	○	○	○
c. Provision of magnifying instruments	○	○	○	○	○	○
d. Curbside voting available on Election Day	○	○	○	○	○	○
e. Ballot taken to voter's residence on or before Election Day	○	○	○	○	○	○
f. Polling place accessibility standards	○	○	○	○	○	○
g. Inspections of polling place accessibility	○	○	○	○	○	○
h. Reporting by local jurisdictions to the state on polling place accessibility	○	○	○	○	○	○
i. Accommodation of wheelchairs in voting areas	○	○	○	○	○	○
j. Notification of voters of any inaccessible polling places	○	○	○	○	○	○

Voting Methods and Equipment for the November 2004 General Election

49. **For the November 2004 general election, how was your state involved, if at all, in local jurisdictions' selection of voting method (e.g., paper, lever, punchcard, DRE, optical scan)?**
(CHECK ONLY ONE ANSWER)

1. ○ State required local jurisdictions to use one specific voting method
2. ○ State provided list of voting methods from which local jurisdictions were required to choose
3. ○ State required method chosen by local jurisdiction to be approved by the state
4. ○ State was not involved in method selection
5. ○ Don't know

50. **For the November 2004 general election, how was your state involved, if at all, in local jurisdictions' selection of specific voting equipment (i.e., manufacturer/make/model)?**
(CHECK ONLY ONE ANSWER)

1. ○ State required local jurisdictions to use specific equipment
2. ○ State provided list of equipment from which local jurisdictions were required to choose
3. ○ State required equipment chosen by local jurisdiction to be approved by the state
4. ○ State was not involved in equipment selection
5. ○ Don't know

51. **For the November 2004 general election, if local jurisdictions used any of the following systems for the first time, did your state require or not require that the voting system be qualified by the National Association of State Election Directors (NASED)?**
(*CHECK ONE IN EACH ROW*)

	Required	Not required	Don't know	N/A
a. Punchcard	○	○	○	○
b. Optical scan	○	○	○	○
c. Direct Recording Electronic (DRE)	○	○	○	○

52. **For the November 2004 general election, did your state purchase voting systems to be used by local jurisdictions or require that jurisdictions' voting systems be certified by the state?**
(CHECK ONLY ONE ANSWER)

1. ○ Purchased voting systems to be used by local jurisdictions
2. ○ Required local jurisdictions' voting systems to be certified by the state (GO TO QUESTION 54.)
3. ○ Neither of the above (GO TO QUESTION 54.)
4. ○ Don't know (GO TO QUESTION 54.)

53. **Did any of the following factors influence your state's decision when determining the types of voting system to purchase?**
(*CHECK ONE IN EACH ROW*)

	Yes	No	Don't know
a. HAVA requirements (e.g.,			

accessibility of voting equipment for individuals with disabilities)	○	○	○
b. HAVA funding	○	○	○
c. State requirements	○	○	○
d. Consultation with other states or local jurisdictions regarding system or vendor performance	○	○	○
e. Vendor demonstrations	○	○	○
f. Perception of a success or failure in another state or local jurisdiction	○	○	○
g. Costs effectiveness and performance of former system	○	○	○
h. Affordability	○	○	○
i. Voters' ease of use	○	○	○
j. Other factor *(specify below)*	○	○	○

If applicable, briefly describe other factors:

54. **For the voting system used for the November 2004 general election, did the state perform or were local jurisdictions required to perform each of the following types of testing?**
(*CHECK ALL THAT APPLY IN EACH ROW*)

	State performed	State required of locals	Not required	Don't know	N/A
a. **Logic and accuracy (or readiness) testing** to determine whether voting equipment was functioning properly (for instance, correct ballot installation, tallying, and transmission)	☐	☐	☐	☐	☐
b. **Security testing**, for example, identification of system vulnerabilities, review of required controls, and attempts to overcome system protections	☐	☐	☐	☐	☐
c. **Election day parallel testing** (DRE equipment only) on election day by randomly selecting a voting machine, pulling it from operational use, and running predefined votes cast with known results, then comparing the	☐	☐	☐	☐	☐

actual and expected results

d. **Post-election auditing** of voting equipment to determine whether election results were reliable	☐	☐	☐	☐	☐
e. **System acceptance testing upon system delivery** from the vendor	☐	☐	☐	☐	☐
f. **System acceptance testing on changes and upgrades**	☐	☐	☐	☐	☐

55. **For the voting system used for the November 2004 general election, did your state require or not require local jurisdictions to perform any other types of testing on their voting equipment?**

(CHECK ONLY ONE ANSWER)

1. ◯ Required *(describe below)*
2. ◯ Did not require
3. ◯ Don't know

If other types required, please describe:

56. **The management of elections is increasingly complex and can involve many types of expertise. For the voting system used for the November 2004 general election, who performed each of the following possible functions, if at all?**

(*CHECK ALL THAT APPLY IN EACH ROW*)

	State officials	Local jurisdiction officials	Other (independent consultants, vendors, etc.)	Not performed	Don't know
a. Identified voting system requirements	☐	☐	☐	☐	☐
b. Acquired systems, components, and services	☐	☐	☐	☐	☐
c. Established policies and plans for operating systems and equipment	☐	☐	☐	☐	☐
d. Designed and developed applications, data files (including any ballot definition files), and other system components	☐	☐	☐	☐	☐
e. Tested systems and components to					

ensure compliance with requirements	☐	☐	☐	☐	☐
f. Managed system operations	☐	☐	☐	☐	☐
g. Provided technical support, repair, and service for operational equipment	☐	☐	☐	☐	☐
h. Monitored and evaluated security and privacy controls	☐	☐	☐	☐	☐

Voting Methods and Equipment for 2006

57. **For the November 2006 general election, how will your state be involved, if at all, in local jurisdictions' selection of voting method (e.g., paper, lever, punchcard, DRE, optical scan)?**

(CHECK ONLY ONE ANSWER)

1. ○ State will require local jurisdictions to use one specific voting method
2. ○ State will provide list of voting methods from which local jurisdictions are required to choose
3. ○ State will require method chosen by local jurisdiction to be approved by the state
4. ○ State will not be involved in method selection
5. ○ Don't know

58. **For the November 2006 general election, how will your state be involved, if at all, in local jurisdictions' selection of specific voting equipment (i.e., manufacturer/make/model)?**

(CHECK ONLY ONE ANSWER)

1. ○ State will require local jurisdictions to use specific equipment
2. ○ State will provide list of equipment from which local jurisdictions are required to choose
3. ○ State will require equipment chosen by local jurisdiction to be approved by the state
4. ○ State will not be involved in equipment selection
5. ○ Don't know

59. **For voting systems first used for the November 2006 general election, with which of the following federal standards or guidelines, if any, will your state require its local jurisdictions to comply?**

(CHECK ALL THAT APPLY)

1. ☐ 1990 Federal Election Commission Voluntary Voting System Standards
2. ☐ 2002 Federal Election Commission Voluntary Voting System Standards
3. ☐ Draft Election Assistance Commission Voting System Guidelines
4. ☐ Specified hybrid of more than one of the above standards or guidelines
5. ☐ Any federal standards or guidelines (no specified version)
6. ☐ State will have no requirements for compliance with federal standards or guidelines
7. ☐ Not yet determined

60. **For the November 2006 general election, will your state require or not require that local jurisdictions' voting systems be certified by the state?**

(CHECK ONLY ONE ANSWER)

1. ○ State certification will be required
2. ○ State certification will not be required (GO TO QUESTION 63.)
3. ○ Don't know (GO TO QUESTION 63.)

61. **Who will conduct the certification?**

(CHECK ALL THAT APPLY)

1. ☐ State
2. ☐ Local jurisdictions
3. ☐ National independent testing authority
4. ☐ Other
5. ☐ Don't know

62. **Will testing of required system functions be required or not required for certification?**

(CHECK ONLY ONE ANSWER)

1. ○ Required
2. ○ Not required
3. ○ Don't know

63. **Does (or did) your state need to purchase, replace, or modify any voting equipment to meet the January 1, 2006 HAVA requirements for error correction by voters?**

(CHECK ONLY ONE ANSWER)

1. ◯ Yes
2. ◯ No
3. ◯ Don't know

64. **Does (or did) your state need to purchase, replace, or modify any voting equipment to meet the January 1, 2006 HAVA requirements for production of a permanent paper record with manual audit capacity?**

(CHECK ONLY ONE ANSWER)

1. ◯ Yes
2. ◯ No
3. ◯ Don't know

Other Voting System Changes

65. **Did your state use lever or punch card systems for the November 2000 general election?**

(CHECK ONLY ONE ANSWER)

1. ◯ Yes
2. ◯ No (GO TO QUESTION 68.)
3. ◯ Don't know (GO TO QUESTION 68.)

66. **Have all of the lever or punch card systems in the state been replaced or not replaced?**

(CHECK ONLY ONE ANSWER)

1. ◯ All replacements completed before November 2004 general election (GO TO QUESTION 68.)
2. ◯ All replacements completed after November 2004 general election (GO TO QUESTION 68.)
3. ◯ All have not been replaced
4. ◯ Don't know (GO TO QUESTION 68.)

67. **Are there plans to replace all of the lever or punch card systems before the November 2006 general election?**

(CHECK ONLY ONE ANSWER)

1. ◯ Plans to replace all by then
2. ◯ Plans to replace some by then
3. ◯ No plans to replace any by then
4. ◯ Don't know

68. **As of August 1, 2005, does your state have or not have any laws or executive actions to provide each polling location with at least one DRE voting system or other voting system equipped for individuals with disabilities?**
(CHECK ONLY ONE ANSWER)

1. ○ State has laws or executive actions (GO TO QUESTION 70.)
2. ○ State has no such laws or executive actions
3. ○ State has no in-person polling locations *(please specify any alternative accommodations below)*
4. ○ Don't know
5. ○ No response

If no in-person polling locations, specify any accommodations for individuals with disabilities *(then go to 70)*:

69. **Does your state plan or not plan to promulgate state law or executive action to provide each polling location with at least one DRE voting system or other voting system equipped for individuals with disabilities by January 1, 2006?**
(CHECK ONLY ONE ANSWER)

1. ○ We plan to do this
2. ○ We do not plan to do this *(please explain why below)*
3. ○ Don't know

If applicable, briefly describe reason not planning to promulgate law or executive action:

Vote Counting

70. **For the November 2004 general election, did your state specify a time period following election day for certification of the election results of federal and statewide elections?**
(CHECK ONLY ONE ANSWER)

1. ◯ Specified time period (*please fill in number of days below.*)
2. ◯ Did not specify time period
3. ◯ Don't know

Number of days specified for certification of the election results:

71. **For the November 2004 general election, did your state have or not have requirements or guidance for determining how or whether to count a machine unreadable ballot?**
(CHECK ONLY ONE ANSWER)
1. ◯ State had such requirements or guidance
2. ◯ State did not have such requirements or guidance
3. ◯ Don't know
4. ◯ N/A - did not have optical scan or punchcard system

72. **For the November 2004 general election, did your state have or not have requirements or guidance for determining voter intent?**
(CHECK ONLY ONE ANSWER)
1. ◯ State had such requirements or guidance
2. ◯ State did not have such requirements or guidance
3. ◯ Don't know
4. ◯ N/A - did not have paper, optical scan, or punchcard system

73. **For the November 2004 general election, did your state require or not require that local jurisdictions count or keep track of ballots that were unused, spoiled, rejected, or issued but not returned?**
(CHECK ONLY ONE ANSWER)
1. ◯ State required
2. ◯ State did not require
3. ◯ Don't know
4. ◯ N/A - did not have paper, optical scan, or punchcard system

74. **For the November 2004 general election, did your state require or allow local jurisdictions to conduct audits of vote counts?** (Note: Audit would be an automatic recount in full or in

part regardless of the election outcome.)

(CHECK ONLY ONE ANSWER)

1. ○ State required for all local jurisdictions (GO TO QUESTION 76.)
2. ○ State required for some local jurisdictions (GO TO QUESTION 76.)
3. ○ State allowed
4. ○ State did not require or allow
5. ○ Don't know

75. **Since November 2004, has your state taken any action (e.g., enacting or pending legislation, executive action) to require audits of vote counts?**

(CHECK ONLY ONE ANSWER)

1. ○ Yes, action taken (e.g., legislation enacted or executive action)
2. ○ Yes, either legislation is pending or was considered in legislative session but not enacted, or executive action is pending or was considered
3. ○ No action taken (and nothing pending)
4. ○ Don't know

76. **For the state certification of the November 2004 general election, what challenges did you encounter, if any?**

77. **For the primary and general elections in calendar year 2004, did your state have any recounts for federal or statewide offices?**

(CHECK ONLY ONE ANSWER)

1. ○ Yes, for both federal and statewide offices
2. ○ Yes, for only federal offices
3. ○ Yes, for only statewide offices
4. ○ No, did not have recounts for federal or statewide offices
5. ○ Don't know

78. **Information provided by your state in 2001 indicated that in November 2000 a mandatory recount (with respect to elections**

for elective office) was required when: #H5.

If this information is incorrect, please provide correct information for what was in place in November 2000:

78a. **Did your state's criteria for these mandatory recounts remain the same or change for November 2004?**
(CHECK ONLY ONE ANSWER)

1. ◯ Remained the same
2. ◯ Changed *(describe below)*
3. ◯ Don't know

If changed, please indicate your state's criteria for these mandatory recounts that were applicable in November 2004:

79. **Information provided by your state in 2001 indicated that in November 2000 a recount could be requested by: #H6.**

If this information is incorrect, please provide correct information for what was in place in November 2000:

79a. **Did the state guidance/requirement for who could request a recount remain the same or change for November 2004?**
(CHECK ONLY ONE ANSWER)

1. ◯ Remained the same
2. ◯ Changed *(describe below)*
3. ◯ Don't know

If changed, please indicate your state's guidance/requirement related to who could request a recount that was applicable in November 2004:

80. **Information provided by your state in 2001 indicated that in**

November 2000 the entity responsible for the recount process was: #H7.

If this information is incorrect, please provide correct information for what was in place in November 2000:

80a. **Did your state's guidance/requirement for the entity responsible for the recount process remain the same or change for November 2004?**

(CHECK ONLY ONE ANSWER)

1. ○ Remained the same
2. ○ Changed *(describe below)*
3. ○ Don't know

If changed, please indicate your state's guidance/requirement related to the entity responsible for the recount process that was applicable in November 2004:

Implementation of HAVA Provisions

81. **How did your state establish the identification requirements in HAVA for first time voters who did not provide identification when submitting their voter registration applications by mail and whose identification could not be verified by checking other sources prior to election day?**

(CHECK ALL THAT APPLY)

1. ☐ Already covered by existing legislation
2. ☐ Already covered by existing executive action (including orders, directives, regulations, or policies)
3. ☐ Enacted legislation
4. ☐ Took executive action (including orders, directives, regulations, or policies)
5. ☐ Don't know

82. **How did your state implement HAVA provisions relating to alternative language accessibility of your voting systems?**

(CHECK ALL THAT APPLY)

1. ☐ Already covered by existing legislation
2. ☐ Already covered by existing executive action (including orders, directives, regulations, or policies)
3. ☐ Enacted legislation
4. ☐ Took executive action (including orders, directives, regulations, or policies)
5. ☐ Don't know
6. ☐ N/A - state not subject to alternative language accessibility provisions

83. **How did your state establish the provisional voting requirements set forth in HAVA?**

(CHECK ALL THAT APPLY)

1. ☐ Already covered by existing legislation
2. ☐ Already covered by existing executive action (including orders, directives, regulations, or policies)
3. ☐ Enacted legislation
4. ☐ Took executive action (including orders, directives, regulations, or policies)
5. ☐ Don't know
6. ☐ N/A - exempt from these requirements because, for federal elections, state had either - (1) no voter registration requirements or (2) polling place registration on Election Day - in effect on and after August 1, 1994

84. **For the November 2004 general election, where did a provisional voter need to cast their vote in order for it to be counted?**

(CHECK ONLY ONE ANSWER)

1. ○ Voter had to be in specific precinct in which voter registered
2. ○ Voter could have been anywhere within the county (city, parish, township) in which they reside
3. ○ Don't know
4. ○ N/A - did not have provisional voting

85. **By November 2006, do you anticipate that your state will change or not change where a provisional voter must cast their vote in order for it to be counted?**

(CHECK ONLY ONE ANSWER)

1. ○ Anticipate this will change
2. ○ Anticipate this will not change

3. ○ Don't know
4. ○ N/A - will not have provisional voting

86. **As of August 1, 2005, has your state spent or obligated HAVA funding for any of the following HAVA-required activities?**
(*CHECK ONE IN EACH ROW*)

	Yes	No	Don't know
a. Provisional voting	○	○	○
b. Voting information posted at polling places such as sample ballots, voter instructions	○	○	○
c. Computerized voter registration list requirements	○	○	○
d. Requirements for voters who register by mail	○	○	○
e. Development of the HAVA plan	○	○	○
f. Improving the administration of elections for federal offices	○	○	○
g. Voter education	○	○	○
h. Training election officials	○	○	○
i. Improving, acquiring, leasing, modifying, or replacing voting systems and technology	○	○	○

	Yes	No	Don't know
j. Improving the accessibility of polling places, including providing physical access for individuals with disabilities and providing nonvisual access for individuals with visual impairments	○	○	○
k. Providing assistance to Native Americans, Alaska Native Citizens, and to individuals with limited proficiency in the English language	○	○	○
l. Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information, or to access detailed automated information on their own voter regist ation status, specific polling place locations, and other relevant information	○	○	○

m. Replacement of punch card or lever voting machines	○	○	○
n. Department of Health and Human Services (HHS) protection and advocacy systems for individuals with disabilities	○	○	○
o. State-based administrative complaint procedures process	○	○	○

Changes Since 2004

87. **Since November 2004, has your state made any changes, such as new legislation or executive action (including orders, directives, regulations, or policies), in the following areas?**
(*CHECK ONE IN EACH ROW*)

	Yes	No	Don't know
a. Deadline for registration	○	○	○
b. Permanent absentee status	○	○	○
c. Notary or witness requirements for voter signature on absentee ballots	○	○	○
d. Deadlines for returning absentee ballots	○	○	○
e. Conditions for mandatory recount	○	○	○
f. Who may request recount	○	○	○
g. Entity responsible for recount process	○	○	○
h. Polling place accessibility (including accessible parking and path from outside polling location into voting room)	○	○	○
i. Accommodation of voting booth areas (e.g., for wheelchairs)	○	○	○
j. Aides for visually impaired voters	○	○	○
k. Alternative voting methods or accommodations	○	○	○

Citations

88. **Please provide legal citations, where applicable, for each of the following areas, specifying which were applicable for the November 2004 general election and which address any changes since 2004. If these areas are covered instead by executive action (including orders, directives, regulations, or policies), please provide by e-mail to WatsonL@gao.gov if available electronically.**

(*CLICK IN THE BOXES BELOW AND THEN ENTER CITATION*)

a. Registration application deadline	
b. Identification requirements for election day voting (including first time voters)	
c. Provisions related to paid voter registration drives (including drives that involve payment per application)	
d. Deadline for receipt of completed absentee ballot application (from both inside and outside the U.S.)	
e. Deadline for returning absentee ballot (from both inside the U.S. and outside the U.S.)	
f. Requirement for notaries or witnesses of voter signatures on absentee ballots	
g. Provision for permanent absentee status	
h. Condition or circumstances to qualify for absentee voting	
i. Provisions for processing and qualifying absentee ballots	
j. Early voting	
k. Requirements for local jurisdictions regarding the number and/or distribution of polling places	
l. Requirements for local jurisdictions regarding the number of voting machines for each precinct or polling place	
m. Election worker requirements for training	
n. Election worker requirements for testing or certification	
o. Requirements for local jurisdictions	

to use specific voting method (e.g., paper, lever, punchcard, DRE, optical scan)	
p. Requirements for local jurisdictions to use specific voting equipment (i.e., manufacturer/make/model)	
q. Requirements for voting system qualification by NASED	
r. Requirements for voting system certification by the state	
s. Requirements for testing of voting system	
t. Requirements for provisional voters to show identification	
u. Requirements regarding where a provisional voter needed to cast their vote in order for it to be counted	
v. Time period for certifying election results of federal and statewide elections	
w. Requirements regarding determining voter intent when counting the vote	
x. Requirements regarding how and whether to count machine unreadable ballots	
y. Requirements regarding tracking ballots that were unused, spoiled, rejected, or issued but not returned	
z. Requirements for local jurisdictions to conduct audits of vote counts	
aa. Circumstances when mandatory recount required (with respect to elections for elective office)	
bb. Person or entity allowed to request recounts	
cc. Entity responsible for recount process	

Comments

89. **Please provide any other comments, including additional**

explanations for question responses, you feel are important about Election Day processes, including registration, early and absentee voting, voting systems and equipment, and vote counting, and about the process to implement HAVA provisions.

Completed

90. **Please check one of the options below. Clicking on "Completed" indicates that your answers are official and final. To send the completed survey to us, please click on the "Exit" button, the black box at the bottom of your screen. Thank you.**

Your answers will not be used unless you have done this.
(CHECK ONLY ONE ANSWER)

1. ○ Completed
2. ◉ Not completed

Print and Exit

Before you click the Exit button below to log out, you may view and print a summary of all the responses you made by clicking on the link below.

View response summary

Thank you for participating in this survey.

Print
Submit
Cancel

Questionnaire Programming Language - Version 5.0
U.S. Government Accountability Office

2005 Survey of Local Election Jurisdictions

United States Government Accountability Office

2005 Survey of Local Election Jurisdictions

The U.S. Government Accountability Office (GAO), an agency of the U.S. Congress, is conducting a review of election administration challenges related to the November 2004 election and changes since the November 2000 general election, including steps taken to implement the Help America Vote Act (HAVA). GAO is surveying a representative nationwide sample of local election jurisdictions about their experiences, and your jurisdiction has been randomly selected to participate. Your jurisdiction's participation is important! Results from this survey will help GAO inform the Congress about the health of America's elections and the changes made in our country's election administration since the November 2000 general election.

This questionnaire should be completed by the person(s) most knowledgeable about how your jurisdiction conducted all phases of the November 2004 general election. We recognize that other organizations may have requested your input on questionnaires, and we appreciate your time and consideration in providing us information about your experiences. Several of your colleagues have reviewed this questionnaire to help ensure that the questions appropriately seek information in a manner consistent with election processes. In our report, your responses will be presented only after they have been aggregated with responses from other responding jurisdictions. Our report will not identify any individual jurisdiction or its survey responses. We encourage you to provide whatever additional comments you think appropriate at the end of the questionnaire.

Please complete this questionnaire and return it within 2 weeks of receipt. A pre-addressed postage-paid envelope has been included to return this questionnaire. If you have any questions about the contents of this questionnaire, please contact:

Linda Watson		Ronald La Due Lake
Phone: (202) 512-8685	OR	Phone: (202) 512-2760
e-mail: watsonl@gao.gov		e-mail: laduelaker@gao.gov

If the return envelope is misplaced, the return address is:

U.S. Government Accountability Office
World Trade Center
350 South Figueroa St., Suite 1010
Los Angeles, CA 90071

Attn: Orin Atwater

1

Throughout this questionnaire, the term "your jurisdiction" means your local election jurisdiction.

1. What is the name, title, and telephone number of the primary person completing this questionnaire so that we may contact someone if we need to clarify any responses?

Name:	
Title:	
Telephone number:	( )
How many precincts did your jurisdiction have for the November 2004 general election?	

Voter Registration

2. In preparation for the November 2004 general election, what activities did your jurisdiction follow when entering completed registration applications into the official voter registration list? *[Mark all that apply]*

- Provided training to data entry staff about the processing and inputting of registration applications ☐
- Employed a system of edit checks in the voter registration database to identify duplicates ☐
- Employed a system of edit checks in the voter registration database to identify ineligibles based on age ☐
- Employed a system of edit checks in the voter registration database to identify ineligibles based on residence ☐
- Verified input of data by the same or a different individual to confirm initial input accuracy ☐
- Tracked incoming registration applications for total number received, number entered into registration list, and number not processed because of an omission or error on application ☐

3. Does your jurisdiction have its own voter registration application that is separate from your state's registration application? *[Mark one]*

- Yes, jurisdiction has separate application ☐ ➡ ***Continue to 4.***
- No, jurisdiction does not ☐ ➡ ***Skip to 5.***

4. (If Yes to 3.) Does your jurisdiction's voter registration application have a space to indicate whether the applicant: *[Mark one for each row]*

	Yes ▼	No ▼
a. Was registered previously in another election jurisdiction in the state?	☐	☐
b. Was registered previously in another state?	☐	☐

5. For the November 2004 general election, did your jurisdiction experience any of the following in relation to entering voter registration applications in a timely manner for preparation of the final voter registration rolls? *[Mark one for each row]*

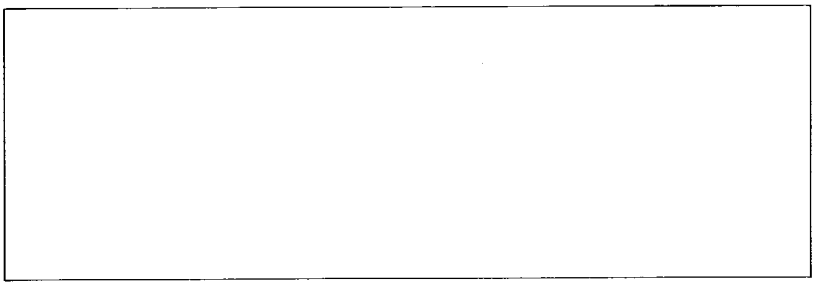
	Yes ▼	No ▼
a. The numbers of applications received just prior to the registration deadline posed problems in entering them prior to election day	☐	☐
b. The time between registration deadline and the election posed problems in entering all names in the registration rolls prior to election day	☐	☐
c. Insufficient number of election workers (include full-time, part-time, and temporary) to input registration applications	☐	☐
d. Insufficient election equipment to input registration applications	☐	☐

6. Was your jurisdiction able to add all eligible registration applicants to the registration list for the November 2004 general election? *[Mark one]*

Yes, we were able to add ☐ ➡ ***Skip to 8.***

No, we were not ☐ ➡ ***Continue to 7.***

7. (If No to 6) What were the reasons?



3

8. Prior to the November 2004 general election, were you aware or not of any registration drives that paid persons or groups per application for registering voters in your jurisdiction? *[Mark one]*

Yes ☐ ➡ ***Continue to 9.***

No ☐ ➡ ***Skip to 10.***

9. Did your jurisdiction take any of the following actions or not to deter paid registration drives from submitting fraudulent registration applications? *[Mark one for each row]*

	Yes ▼	No ▼
a. Provided training or guidance on how to accurately complete an application	☐	☐
b. Notified any of the persons or groups who engaged in paid registration drives that they submitted incomplete, inaccurate, or fraudulent applications	☐	☐
c. Helped prevent submission of incomplete, inaccurate, or fraudulent applications by working with persons or groups who engaged in paid registration drives	☐	☐
d. Other *[Please specify]*	☐	☐

10. For the November 2004 general election, did your jurisdiction have any names on voter registration applications that appeared to be fraudulent? *[Mark one]*

Yes ☐ ➡ ***Continue to 11.***

No ☐ ➡ ***Skip to 12.***

11. (If Yes to 10) About how many voter registration applications appeared to have fraudulent names?

☐ voter registration applications with fraudulent names

Don't Know ☐

4

12. Did your jurisdiction provide training or guidance to any of the following entities regarding procedures for distributing and collecting voter registration applications? *[Mark one for each row]*

	Yes	No	Not applicable	Don't know
a. Motor vehicle agency offices	☐	☐	☐	☐
b. National Voter Registration Act agencies	☐	☐	☐	☐
c. Groups from volunteer organizations	☐	☐	☐	☐
d. Groups from organizations that paid staff to collect and submit registration applications	☐	☐	☐	☐
e. Other *[Please specify]*	☐	☐	☐	☐

13. During 2004, were any names removed from the voter registration list because:

a. The registrant failed to respond to a notice from the registrar and had not voted or had not appeared to vote in the most recent two federal elections?

No ☐ ➡ ***Skip to 13b.***
Yes ☐

(If Yes) Which of the following actions, if any, were taken to help ensure that names of eligible registrants were not inadvertently removed? *[Mark all that apply]*

☐ Sent follow-up notice(s) to voter notifying of removal but received no response
☐ Attempted to reach voter by phone to notify of removal
☐ Other ➡ *[Please specify]*

☐ None

(13. Continued) During 2004, were any names removed from the voter registration list because:

b. Change-of-address information received from the U.S. Postal Service showed that the registrant(s) had moved outside of the jurisdiction where registered?

No.... ☐ ➡
Yes .. ☐

Were any names removed due to change-of-address information received between 2000 and 2003? ➡

No .... ☐ ➡ ***Skip to 13c.***
Yes ... ☐ ➡ ***Skip to 13c.***

(If Yes) Which of the following actions, if any, were taken to help ensure that names of eligible registrants were not inadvertently removed?
[Mark all that apply]

☐ Matched registrant's identifying information (e.g., name, address) contained in voter registration records with U.S. Postal Service listing to confirm it was the same person

☐ Sent notice to registrant of removal

☐ Attempted to reach registrant by phone to confirm moved outside jurisdiction

☐ Other ➡ *[Please specify]*

☐ None

c. Registrant(s) requested that their name be removed from the voter registration list? (e.g., moved out of jurisdiction or other reason)?

No..... ☐ ➡ ***Skip to 13d.***
Yes ..... ☐

(If Yes) Which of the following actions, if any, were taken to help ensure that names of eligible registrants were not inadvertently removed?
[Mark all that apply]

☐ Sent letter or postcard to registrant to confirm they wanted name removed from list

☐ Attempted to reach registrant by phone to confirm they wanted name removed from list

☐ Other ➡ *[Please specify]*

☐ None

6

(13. Continued) During 2004, were any names removed from the voter registration list because:

d. Felony records received from federal/state/local governmental entities identified registrant as ineligible to vote and/or register to vote due to a felony conviction?

No..... ☐ ➡ ***Skip to 13e.***
Yes ..... ☐
(If Yes) Which of the following actions, if any, were taken to help ensure that names of eligible registrants were not inadvertently removed?
[Mark all that apply]

- ☐ Matched registrant's identifying information (e.g., name, date of birth (DOB), Social Security number (SSN), address) contained in voter registration records with felony records to confirm it was the same person
- ☐ Sent letter to registrant notifying of removal based on felony conviction
- ☐ Sent letter to registrant seeking additional information prior to removal
- ☐ Attempted to reach registrant by phone to notify of removal
- ☐ Other ➡ *[Please specify]*

- ☐ None

e. Information received from federal/state/local courts indicating that registrant had been judged to be mentally incompetent?

No..... ☐ ➡ ***Skip to 13f.***
Yes ..... ☐
(If Yes) Which of the following actions, if any, were taken to help ensure that names of eligible registrants were not inadvertently removed?
[Mark all that apply]

- ☐ Matched registrant's identifying information (e.g., name, DOB, SSN, address) contained in voter registration records with documentation received on voter's mental competency to confirm it was the same person
- ☐ Sent letter to registrant notifying of removal
- ☐ Attempted to reach registrant by phone to notify of removal
- ☐ Other ➡ *[Please specify]*

- ☐ None

7

(13. Continued) During 2004, were any names removed from the voter registration list because:

f. Information received from state/county vital statistics offices identified registrant as deceased?

No..... ☐ ➡ ***Skip to 13g.***
Yes ..... ☐
(If Yes) Which of the following actions, if any, were taken to help ensure that names of eligible registrants were not inadvertently removed?
[Mark all that apply]

- ☐ Matched registrant's identifying information (e.g., name, DOB, SSN, address) contained in voter registration records with death records to confirm same person
- ☐ Sent letter to deceased registrant's next of kin notifying of removal and asking for confirmation
- ☐ Attempted to reach deceased registrant's next of kin by phone to notify of removal and asking for confirmation of voter's death
- ☐ Other ➡ *[Please specify]*

- ☐ None

g. Newspaper obituaries identified registrant as deceased?

No..... ☐ ➡ ***Skip to 13h.***
Yes ..... ☐
(If Yes) Which of the following actions, if any, were taken to help ensure that names of eligible registrants were not inadvertently removed?
[Mark all that apply]

- ☐ Sent letter to deceased registrant's next of kin notifying of removal and asking for confirmation
- ☐ Attempted to reach deceased registrant's next of kin by phone to notify of removal and asking for confirmation of registrant's death
- ☐ Contacted funeral home to obtain deceased registrant's identifying information (e.g., name, DOB, address)
- ☐ Matched information from obituary with information from state/county vital statistics offices
- ☐ Other ➡ *[Please specify]*

- ☐ None

8

(13. Continued) During 2004, were any names removed from the voter registration list because:

h. Registrant(s) name appeared to be a duplicate?

No..... ☐ ➡ ***Skip to 13i.***
Yes ..... ☐

(If Yes) Which of the following actions, if any, were taken to help ensure that names of eligible registrants were not inadvertently removed?
[Mark all that apply]

- ☐ Sent letter or postcard to registrant to notify him or her that their name was removed from the voter registration list because it appeared to be a duplicate
- ☐ Attempted to reach registrant by phone to notify the registrant that his/her name was removed because it appeared to be a duplicate
- ☐ Called neighboring jurisdiction if appeared to be registered in both jurisdictions
- ☐ Other ➡ *[Please specify]*

☐ None

i. During 2004, were any names removed from the voter registration list for <u>other</u> reasons?

No..... ☐ ➡ ***Skip to 14.***
Yes ..... ☐

(If Yes) What were the other reasons?

What actions, if any, were taken to help ensure that names of eligible registrants were not inadvertently removed?

9

14. During 2004, were any names placed on an inactive list for a period of time? *[Mark one]*

Yes, names were placed on inactive list ☐
No, names were not ☐

Absentee Voting

We recognize that states and jurisdictions may establish many alternatives to in person, election day voting, including absentee and early voting. For the purposes of this survey, we define absentee and early voting as follows:

Absentee voting:	Generally by mail in advance of election day (although ballots may often be returned up through election day and dropped off in person).
Early voting:	Generally in person voting in advance of election day at specific polling locations, separate from absentee voting.

15. When your jurisdiction received absentee ballot applications that could not be processed for any reason, what methods were used, if any, to inform the applicant of the status of their application? *[Mark all that apply]*

Telephoned the applicant(s) ☐
Contacted applicant(s) by mail ☐
Contacted applicant(s) by email ☐
Other *[Please specify]* ☐

Did not inform any applicants ☐

16. Did your jurisdiction encounter any of the following problems in processing absentee applications (not including the Federal Post Card Application)? *[Mark one for each row]*

	Yes	No	Not applicable	Don't know
a. Missing or inadequate voting residence address	☐	☐	☐	☐
b. Missing or inadequate voting mailing address	☐	☐	☐	☐
c. Missing or illegible signature	☐	☐	☐	☐
d. Applied to wrong jurisdiction	☐	☐	☐	☐
e. Applicant not registered to vote	☐	☐	☐	☐
f. Applicant did not meet "excuse" required by state law	☐	☐	☐	☐
g. Application received too late	☐	☐	☐	☐
h. Other *[Please specify]*	☐	☐	☐	☐

17. Of the problems your jurisdiction encountered, which one occurred most frequently? *[Write the letter of the problem from 16 or mark "Don't Know"]*

Don't Know ☐

11

18. Did your jurisdiction encounter any of the following problems in processing absentee applications when the applicant used the Federal Post Card Application (FPCA)? *[Mark one for each row]*

	Yes	No	Not applicable	Don't know
a. Missing or inadequate voting residence address	☐	☐	☐	☐
b. Missing or inadequate voting mailing address	☐	☐	☐	☐
c. Missing or illegible signature	☐	☐	☐	☐
d. Applied to wrong jurisdiction	☐	☐	☐	☐
e. Applicant not registered to vote	☐	☐	☐	☐
f. Applicant did not meet "excuse" required by state law	☐	☐	☐	☐
g. Application not witnessed, attested, or notarized	☐	☐	☐	☐
h. Application received too late to vote in federal elections	☐	☐	☐	☐
i. Other *[Please specify]*	☐	☐	☐	☐

19. Of the problems your jurisdiction encountered, which one occurred most frequently? *[Write the letter of the problem from 18 or mark "Don't Know"]*

Don't Know ☐

20. Did your jurisdiction provide any of the following alternatives for requesting or submitting an absentee ballot application? *[Mark one for each row]*

	Yes	No
a. Request an application by telephone	☐	☐
b. Download an application from the website	☐	☐
c. Request an application by email	☐	☐
d. Submit an application by email	☐	☐
e. Request an application by Fax	☐	☐
f. Submit an application by Fax	☐	☐

12

21. Did your jurisdiction provide or not provide any absentee ballots to voters by email and/or fax? *[Mark one for each row]*

	Yes	No
Provided absentee ballots by email	☐	☐
Provided absentee ballots by fax	☐	☐

22. Did your jurisdiction encounter any of the following problems in processing submitted absentee ballots? *[Mark one for each row]*

	Yes	No	Not applicable	Don't know
a. Outer envelope not signed	☐	☐	☐	☐
b. Inside envelope not signed	☐	☐	☐	☐
c. Improperly or not at all notarized	☐	☐	☐	☐
d. Missing or incomplete witness signature or information	☐	☐	☐	☐
e. Signature on outer or inside envelope did not match to application or digitized signature on file	☐	☐	☐	☐
f. Ballot received too late	☐	☐	☐	☐
g. Voter identification marks had been made on the outside of the inner envelope or on the ballot itself	☐	☐	☐	☐
h. Voter ID number not included	☐	☐	☐	☐
i. Other *[Please specify]*	☐	☐	☐	☐

23. Of the problems your jurisdiction encountered in processing submitted absentee ballots, which one occurred most frequently? *[Write the letter of the problem from 22 or mark "Don't Know"]*

Don't Know ☐

24. When your jurisdiction received absentee ballots that you were unable to process for any reason, what methods did you use, if any, to inform the voter? *[Mark all that apply]*

- Telephoned the voter(s) ☐
- Contacted voter(s) by mail ☐
- Contacted voter(s) by email ☐
- Other *[Please specify]* ☐

Did not receive absentee ballots that could not be processed ☐

Did not inform any absentee voters ☐

Early Voting

For the purposes of this survey, we define early voting generally to be in person voting in advance of election day at specific polling locations, separate from absentee voting.

25. For the November 2004 election, did your state allow (or require) early voting? *[Mark one]*

- Yes, state allowed or required ☐ ➡ ***Continue with 26.***
- No, state did not allow or require ☐ ➡ ***Skip to 32 on page 17.***

26. (If Yes to 25) How does your state distinguish between early and absentee voting?

27. For the November 2004 general election, when was early voting available in your jurisdiction? *[Mark all that apply]*

- Weekdays during regular business hours (for instance, from 8-AM until 4-PM) ☐
- Weekday evenings (after 4 or 5 PM until 7-9 PM) ☐
- Weekdays during limited daytime hours (for instance, 9-11 AM or 1-3 PM) ☐
- Saturdays all day (for instance, from 8-9 AM until 4-5 PM) ☐
- Saturday evenings (after 4 or 5 PM until 7-9 PM) ☐
- Sundays, any hours ☐
- Other *[Please specify]* ☐

28. For the November 2004 general election, how many days prior to Election Day did your jurisdiction first make early voting available to voters?

_____ days

29. When the early voting polls for the November 2004 general election closed, how did your jurisdiction determine the last person allowed to vote? *[Mark one]*

- The last person who checked in with the election official at the time the polls closed was the last person to vote ☐
- The last person in line at the time the polls closed was the last person to vote ☐
- Other *[Please specify]* ☐

30. For the November 2004 general election, who worked at the early voting polling places? *[Mark all that apply]*

- Permanent election jurisdiction staff ☐
- Temporary full-time election jurisdiction staff ☐
- Temporary part-time election jurisdiction staff ☐
- Poll workers ☐
- Other *[Please specify]* ☐

31. For the November 2004 general election, were staff trained for early voting in the following ways? *[Mark one for each row]*

	Yes ▼	No ▼
a. Classroom training	☐	☐
b. Written guidance for self-study or reference	☐	☐
c. Checklist of procedures	☐	☐
d. Quick reference materials for troubleshooting	☐	☐
e. Viewing of training video	☐	☐
f. Other *[Please describe]*	☐	☐

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Poll Workers

32. Did your jurisdiction recruit poll workers from any of the following sources for the November 2004 general election? *[Mark one for each row]*

		Yes ▼	No ▼
a.	Lists or rosters of poll workers from past elections	☐	☐
b.	Referrals from poll workers	☐	☐
c.	High school(s)	☐	☐
d.	College(s)	☐	☐
e.	City/county government offices, excluding school districts	☐	☐
f.	Local school districts	☐	☐
g.	Political parties	☐	☐
h.	Private firms (for instance, through 'adopt a polling place' programs)	☐	☐
i.	Civic, cultural, or religious organizations	☐	☐
j.	Public announcements or information posted on jurisdiction's website	☐	☐
k.	Other *[Please specify]*	☐	☐

33. Which three sources that you checked "Yes" above provided the most poll workers? *[Please write in the letter of the reasons checked above as shown]*

	Provided the most number of poll workers
	Provided the second most
	Provided the third most

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34. How difficult or easy was it for your jurisdiction to: *[Mark one for each row]*

	Very difficult ▼	Difficult ▼	Neither difficult nor easy ▼	Easy ▼	Very easy ▼	Not applicable ▼
a. Obtain a sufficient number of poll workers for the November 2004 general election?	☐	☐	☐	☐	☐	☐
b. Recruit enough Democratic and/or Republican poll workers?	☐	☐	☐	☐	☐	☐
c. Recruit enough poll workers fluent in the languages covered under the federal Voting Rights Act for your jurisdiction?	☐	☐	☐	☐	☐	☐
d. Recruit poll workers with appropriate information technology skills or computer literacy?	☐	☐	☐	☐	☐	☐
e. Other *[Please specify]*	☐	☐	☐	☐	☐	☐

35. As of the November 2004 election, how often did your jurisdiction require training for the following election workers? *[Mark one for each row]*

	Prior to every general election	On a scheduled basis (yearly or every two years)	At least once but not prior to every general election	Not applicable	Don't know
a. Chief poll worker at a precinct or polling place (precinct captains, election judges, inspectors, wardens, etc.)	☐	☐	☐	☐	☐
b. Poll workers	☐	☐	☐	☐	☐

36. In terms of poll workers' performance for the November 2004 general election, did your jurisdiction encounter any of the following? *[Mark one for each row]*

	Yes ▼	No ▼
a. Failing to show up	☐	☐
b. Failing to follow procedures related to voter identification requirements	☐	☐
c. Failing to follow procedures for provisional voting	☐	☐
d. Failing to follow procedures for voting machine operation	☐	☐
e. Failing to follow procedures for handling 'spoiled' ballots	☐	☐
f. Failing to follow procedures to provide adequate accessibility assistance to special-needs voters at the polling place	☐	☐
g. Failing to follow procedures for counting ballots	☐	☐
h. Errors in tracking and accounting for ballots	☐	☐
i. Inconsistent enforcement of voting rules and procedures	☐	☐
j. Failing to provide correct instructions to voters	☐	☐
k. Other *[Please specify]*	☐	☐

Polling Places

37. For the November 2004 general election, how did your jurisdiction determine the accessibility requirements of polling places for individuals with disabilities? *[Mark all that apply]*

- ☐ U.S. Department of Justice ADA Checklist for polling locations
- ☐ State statute/regulation/policy specifying accessibility requirements for polling places
- ☐ Other *[Please specify]*

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38. How difficult or easy was it for your jurisdiction to: *[Mark one for each row]*

	Very difficult ▼	Difficult ▼	Neither difficult nor easy ▼	Easy ▼	Very easy ▼	Not applicable ▼
a. Obtain a sufficient number of polling places for the November 2004 general election?	☐	☐	☐	☐	☐	☐
b. Obtain enough polling places that were accessible to voters with disabilities?	☐	☐	☐	☐	☐	☐
c. Obtain polling places with adequate parking?	☐	☐	☐	☐	☐	☐
d. Obtain polling places with adequate phone lines?	☐	☐	☐	☐	☐	☐
e. Obtain enough polling places that allowed acceptable travel times for voters?	☐	☐	☐	☐	☐	☐
f. Other *[Please specify]*	☐	☐	☐	☐	☐	☐

39. For the responses above where you indicated "Difficult" or "Very Difficult," which one was the most difficult? *(Enter the letter of the problem listed above)*

40. For the November 2004 general election, did your jurisdiction have multiple precincts located in the same polling location? (For example, a combined location or consolidation.) *[Mark one]*

Yes, we had multiple precincts in the same polling location ☐ ➡ ***Continue to 41.***

No, none with multiple precincts ☐ ➡ ***Skip to 42.***

41. (If Yes to 40) In those polling locations with multiple precincts, did your jurisdiction experience any challenges in terms of voters locating their correct precinct for the November 2004 general election? *[Mark one]*

Yes, experienced challenges with voters locating correct precinct ☐

No, did not experience challenges ☐

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Voter Education

42. Which of the following steps, if any, did your jurisdiction take to educate the public prior to the November 2004 general election? *[Mark one for each row]*

	Yes ▼	No ▼
a. Provided sample ballots, either in mail or by printing in newspaper	☐	☐
b. Mailed vote casting instructions on using the jurisdiction's voting system to registered voters	☐	☐
c. Mailed vote casting instructions on using the jurisdiction's voting system to local media, such as newspapers, radios, or television stations	☐	☐
d. Conducted outreach with local organizations, such as political parties, charitable or social groups	☐	☐
e. Placed public service ads on local media, such as TV, radio, and/or newspapers	☐	☐
f. Provided information to voters about their specific polling place location	☐	☐
g. Placed polling place locations on internet website	☐	☐
h. Demonstrations of voting equipment (at county fairs, registrar's office, public events)	☐	☐
i. Other *[Please specify]*	☐	☐

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43. Does your jurisdiction have a website? *[Mark one]*

Yes, jurisdiction has a website ☐ ➡ ***Continue to 44.***

No, jurisdiction doesn't have a website ☐ ➡ ***Skip to 45.***

44. Does your jurisdiction's website provide or not provide any of the following types of information? *[Mark one for each row]*

	Provides ▼	Link to state website that provides ▼	Does not provide ▼
a. Status of voter registration	☐	☐	☐
b. General information on locations of polling places	☐	☐	☐
c. Maps or directions to specific polling places	☐	☐	☐
d. Instructions or a demonstration of how to cast a ballot	☐	☐	☐
e. Information on provisional voting	☐	☐	☐
f. Information on identification requirements	☐	☐	☐
g. Absentee or early voting instructions and information	☐	☐	☐
h. Downloadable voter registration or absentee ballot applications	☐	☐	☐

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45. On Election Day in November 2004, were any of the following measures used or not to minimize voter error at polling places in your jurisdiction? *[Mark one for each row]*

	Used ▼	Not used ▼	Not applicable ▼
a. Written instructions for casting a ballot were available for voters to review before voting	☐	☐	☐
b. Demonstrations (e.g., video, in-person) of how to vote	☐	☐	☐
c. Written instructions were listed on the ballot, voting equipment, and/or inside the voting booth	☐	☐	☐
d. Poll workers were instructed to ask voters if they had any questions about operating the voting equipment or casting their vote before voting	☐	☐	☐
e. As time permitted, poll workers explained how to use the equipment	☐	☐	☐
f. Voters were informed about any overvotes	☐	☐	☐
g. Voters were informed about any undervotes	☐	☐	☐
h. Voters were permitted to correct a ballot or given an opportunity to exchange a spoiled ballot for a new ballot	☐	☐	☐
i. Other *[Please specify]*	☐	☐	☐

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Voting Methods and Systems

46. For the November 2004 general election, for which types of voting were the following voting methods used? *[Mark all that apply]*

	System not used ▼	General Election Day ▼	Absentee ▼	Provisional ▼	Early ▼
Electronic (Direct Recording Electronic-DRE)	☐	☐	☐	☐	☐
Central Count Optical Scan	☐	☐	☐	☐	☐
Precinct Count Optical Scan	☐	☐	☐	☐	☐
Lever machine	☐	☐	☐	☐	☐
Central Count Punch Card ballot	☐	☐	☐	☐	☐
Precinct Count Punch Card ballot	☐	☐	☐	☐	☐
Paper (hand-counted) ballot	☐	☐	☐	☐	☐

47. (If you marked DRE in any part of 46) What type of paper record, if any, did your jurisdiction's Direct Recording Electronic (DRE) voting equipment produce for the November 2004 general election? *[Mark all that apply]*

- Voter-verifiable paper trail (VVPT) ☐
- Internal printer paper record (not voter-verifiable) ☐
- Paper record produced from ballot images ☐
- None ☐

- Don't know ☐

48. For the November 2004 general election, what was your jurisdiction's predominant voting method used to process the largest number of ballots? *[Mark one]*

- Electronic (Direct Recording Electronic-DRE) ☐
- Central Count Optical Scan ☐
- Precinct Count Optical Scan ☐
- Lever machine ☐
- Central Count Punch Card ballot ☐
- Precinct Count Punch Card ballot ☐

➔ ***Continue with 49.***

- Paper (hand-counted) Ballot ☐ ➔ ***Skip to 50.***
- Other *[Please specify]* ☐

[ ] ➔ ***Skip to 50.***

- Don't know ☐ ➔ ***Skip to 50.***

49. What is the name of the manufacturer, model, and software version for the predominant voting system your jurisdiction used in the November 2004 general election?

Manufacturer	Model	Software version *[if applicable]*

50. For the November 2000 general election, what was your jurisdiction's predominant voting method used to process the largest number of ballots? *[Mark one]*

- Electronic (Direct Recording Electronic-DRE) ☐
- Central Count Optical Scan ☐
- Precinct Count Optical Scan ☐
- Lever machine ☐
- Central Count Punch Card ballot ☐
- Precinct Count Punch Card ballot ☐
- Paper (hand-counted) ballot ☐
- Other *[Please specify]* ☐

[ ]

- Don't know ☐

51. Did your state buy or lease new voting equipment for your jurisdiction since the November 2000 general election? *[Mark one]*

Yes, state bought or leased ☐
No, state did not buy or lease ☐

52. Did your jurisdiction buy or lease new voting equipment since the November 2000 general election? *[Mark one]*

Yes, jurisdiction bought or leased ☐ ➡ ***Continue with 53.***
No, jurisdiction did not buy or lease ☐ ➡ ***Skip to 55 on page 27.***

53. Did any of the following factors influence your jurisdiction's decision when determining the types of voting equipment to buy or lease? *[Mark one for each row]*

	Yes ▼	No ▼
a. HAVA requirements (e.g., accessibility of voting equipment for individuals with disabilities)	☐	☐
b. HAVA funding	☐	☐
c. State requirements or certification	☐	☐
d. State funding	☐	☐
e. Local requirements	☐	☐
f. Consultation with other jurisdictions regarding system or vendor performance	☐	☐
g. Vendor demonstrations	☐	☐
h. Perception of a success or failure in a nearby jurisdiction	☐	☐
i. Cost effectiveness and performance of former system	☐	☐
j. Affordability	☐	☐
k. Voters' ease of use	☐	☐
l. Other *[Please specify]*	☐	☐

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54. When the voting equipment was delivered by the vendor, what steps, if any, did your jurisdiction take to be sure the equipment operated properly? *[If no steps were taken please write "None"]*

55. Does your jurisdiction have plans or not to acquire any of the following voting systems or components in time for the November 2006 general election? *[Mark one for each row]*

	Acquired since Nov. 2004 ▼	Will acquire by Nov. 2006 ▼	Planning to acquire, date not certain ▼	Will not acquire ▼	Don't know ▼
a. Electronic (Direct Recording Electronic-DRE) Voting Equipment	☐	☐	☐	☐	☐
b. Central Count Optical Scan Voting Equipment	☐	☐	☐	☐	☐
c. Precinct Count Optical Scan Voting Equipment	☐	☐	☐	☐	☐
d. New computer hardware or software for Voter Registration	☐	☐	☐	☐	☐
e. Computer hardware, software, networks, or telecommunications for voter registration	☐	☐	☐	☐	☐
f. Computer hardware, software, networks, or telecommunications for your jurisdiction's election website	☐	☐	☐	☐	☐

56. Did your jurisdiction measure any of the following aspects of the November 2004 general election? *[Mark one for each row]*

	Measured	Did not measure	Not applicable	Don't know
a. Number of pieces of equipment that failed	☐	☐	☐	☐
b. Down time for equipment	☐	☐	☐	☐
c. Speed of counting votes	☐	☐	☐	☐
d. Accuracy of counting votes	☐	☐	☐	☐
e. Time for election workers to set up equipment	☐	☐	☐	☐
f. Number of spoiled or ruined ballots	☐	☐	☐	☐

57. Did your jurisdiction collect information on the number of overvotes (i.e., more than one vote for an individual office) cast in the November 2004 general election? *[Mark one]*

- Yes ☐
- No ☐
- Don't know ☐
- Not applicable, had lever or DRE system ☐

58. Did your jurisdiction collect information on the number of undervotes (i.e., no vote for an individual office) cast in the November 2004 general election? *[Mark one]*

- Yes ☐
- No ☐
- Don't know ☐

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59. Did your jurisdiction collect information on the accuracy of your voting equipment in the November 2004 general election? *[Mark one]*

- Yes ☐
- No ☐
- Don't know ☐
- Not applicable ☐

60. Did your jurisdiction collect information on the number of vote counting machines/readers that failed in the November 2004 general election? *[Mark one]*

- Yes ☐
- No ☐
- Don't know ☐
- Did not use vote counting machines/readers ☐

61. Did your jurisdiction collect information on the average amount of time it took voters to vote on Election Day in the November 2004 general election? *[Mark one]*

- Yes ☐
- No ☐
- Don't know ☐

62. How satisfied or dissatisfied were you with the performance of your jurisdiction's voting system on Election Day in the November 2004 general election?
[Mark one for each row]

	Very satisfied ▼	Satisfied ▼	Neither dissatisfied nor satisfied ▼	Dissatisfied ▼	Very dissatisfied ▼	Not applicable ▼
a. Number of pieces of equipment that failed	☐	☐	☐	☐	☐	☐
b. Down time for equipment	☐	☐	☐	☐	☐	☐
c. Speed of counting votes	☐	☐	☐	☐	☐	☐
d. Accuracy of counting votes	☐	☐	☐	☐	☐	☐
e. Time for election workers to set up equipment	☐	☐	☐	☐	☐	☐
f. Number of spoiled or ruined ballots	☐	☐	☐	☐	☐	☐

If your jurisdiction used only paper hand-counted ballots on Election Day, November 2004, then please ➡ ***Skip to 76 on page 35.***

63. For the November 2004 general election, was the voting equipment in your jurisdiction networked at the polling places? *[Mark one]*

Yes ☐ ➡ ***Continue to 64.***
No ☐ ➡ ***Skip to 65.***

Not applicable ☐ ➡ ***Skip to 65.***

64. (If Yes to 63) Did any voting system at your jurisdiction's polling places electronically submit election results to a separate location for counting? *[Mark one]*

Yes ☐
No ☐

Not applicable ☐

65. Did your jurisdiction have enough voting equipment available to accommodate voters in a timely manner for each type of voting in the November 2004 general election? *[Mark one for each row]*

	Enough equipment	Not enough	Does not apply
a. General election day voting	☐	☐	☐
b. Absentee voting	☐	☐	☐
c. Provisional voting	☐	☐	☐
d. Early voting	☐	☐	☐

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66. For the November 2004 general election, how did your jurisdiction establish written standards or requirements for the performance of your voting equipment? *[Mark all that apply]*

- We adopted state standards or requirements ☐
- We developed our own standards or requirements ☐
- We adopted guidance from another source (e.g., another jurisdiction, standards organization, consultant) for our own standards or requirements ☐
- Other approach *[Please specify]* ☐

[ ]

- Don't know ☐

67. Did your jurisdiction have documented policies and procedures for testing voting system(s) in place or not for the November 2004 general election? *[Mark one]*

- Yes, documented policies and procedures ☐
- No, no documented policies and procedures ☐

- Don't know ☐

68. Did your jurisdiction conduct or not conduct any of the following types of testing of your vote casting and tallying equipment for the specific requirements of the November 2004 general election? *[Mark one for each row]*

	Yes	No	Not applicable	Don't know
a. Logic and accuracy (or readiness) testing to determine whether voting equipment was functioning properly (for instance, correct ballot installation, tallying, and transmission)	☐	☐	☐	☐
b. Security testing, for example, identification of system vulnerabilities, review of required controls, or authorized attempts to overcome system protections	☐	☐	☐	☐
c. Election day parallel testing (DRE equipment only) on election day by randomly selecting a voting machine, pulling it from operational use, and running predefined votes cast with known results, then comparing the actual and expected results	☐	☐	☐	☐
d. Post-election auditing of voting equipment to determine whether election results were reliable	☐	☐	☐	☐

69. The National Association of State Election Directors (NASED) has established a process for independent testing and approval of voting systems to meet federal voluntary standards. For the November 2004 general election, were your jurisdiction's voting systems qualified or not by NASED? *[Mark one]*

- Yes, all qualified by NASED ☐ ➡ ***Continue with 70.***
- Yes, some qualified by NASED ☐ ➡ ***Continue with 70.***
- No, none qualified by NASED ☐
- Not applicable ☐ ***Skip to 71.***
- Don't know ☐

70. For the November 2004 general election, to which standards were your systems qualified? *[Mark all that apply]*

- FEC 1990 Voting System Standards ☐
- FEC 2002 Voting System Standards ☐
- Don't know ☐

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71. The management of elections is increasingly complex and can involve many types of expertise. For the November 2004 general election, how were responsibilities distributed for the following aspects of elections in your jurisdiction? *[Mark all that apply]*

	Local election officials (counties, cities, townships, etc.)	State	Other (independent consultants, vendors, etc.)
a. Ballot programming or creation	☐	☐	☐
b. Voting system setup	☐	☐	☐
c. Voting system testing	☐	☐	☐
d. Voting system and network security	☐	☐	☐
e. Voting system troubleshooting	☐	☐	☐
f. Voting system performance monitoring or reporting	☐	☐	☐
g. Voting equipment repair or replacement	☐	☐	☐
h. Vote tallying, tabulation, or recount	☐	☐	☐
i. Voting system maintenance	☐	☐	☐

72. For the November 2004 general election, did your jurisdiction's predominant voting system use or not use the following security features? *[Mark one for each row]*

	Used	Did not Use	Don't Know
a. Power or battery backup	☐	☐	☐
b. Mechanisms to control access to voting system	☐	☐	☐
c. Hardware locks and seals	☐	☐	☐
d. Electronic back-up storage of votes	☐	☐	☐

73. Did your jurisdiction have or not have written policies and/or formal procedures for security and access for voting systems in place for the November 2004 general election? *[Mark all that apply]*

- Yes, had written policies ☐
- Yes, had formal procedures ☐
- No, had neither ☐
- Don't know ☐

74. For the November 2004 general election, did any of the following people have remote system access (for example, dial-in troubleshooting or ballot downloads) or not to the voting system (such as voting equipment, election management system, or central count equipment) in your jurisdiction? *[Mark one for each row]*

	Had remote access	No remote access	Don't know
a. Voting system vendors	☐	☐	☐
b. State election officials	☐	☐	☐
c. Local election officials	☐	☐	☐
d. Third party (other than equipment vendors) systems support	☐	☐	☐

75. If anyone had remote access to the voting system, what steps did you take, if any, to prevent unauthorized access?

76. Did your jurisdiction have written policies and procedures in place in the November 2004 general election for the following items related to securing ballots (including paper and electronically-stored ballots)? *[Mark one for each row]*

	Yes	No	Not applicable	Don't know
a. Transporting unvoted ballots to polling places	☐	☐	☐	☐
b. Transporting voted ballots or e-memory to locations for counting	☐	☐	☐	☐
c. Security for rooms and/or building where unvoted ballots are stored	☐	☐	☐	☐
d. Security for rooms and/or building where voted ballots are stored	☐	☐	☐	☐
e. Electronic transmission of voted ballots for counting	☐	☐	☐	☐

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Election Day Activities

77. On Election Day, November 2004, were the following procedures in place or not to resolve voter eligibility problems? *[Mark one for each row]*

	Yes	No	Not applicable
a. Eligibility was verified by calling the election office/registrar	☐	☐	☐
b. Entire voter registration list was accessed by computer at polling locations	☐	☐	☐
c. Hard copy of voter registration list was available at polling locations	☐	☐	☐
d. Provisional ballot was given and eligibility was verified later	☐	☐	☐
e. Challenged ballot was given and eligibility was verified later	☐	☐	☐
f. Voters who were at locations other than their designated polling place were provided information about their appropriate polling place and told they should go there	☐	☐	☐
g. Other *[Please specify]*	☐	☐	☐

78. On Election Day, November 2004, how were voters' identities checked in your jurisdiction? *[Mark all that apply]*

- Voters had to verbally state name and confirm address ☐
- Voters showed a valid voter registration card ☐
- Voters provided ID or documentation ☐
- Voters' signatures were compared to signatures from the registration application ☐
- Other *[Please specify]* ☐

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79. Did your jurisdiction have written guidelines or instructions at the polling place for poll workers for any of the following events on Election Day, November 2004? *[Mark one for each row]*

	Yes	No	Not applicable
a. Voting equipment failure	☐	☐	☐
b. Problems with the polling place building, such as power or phone line outages/failures	☐	☐	☐
c. Voter makes a mistake/error while voting on machine	☐	☐	☐
d. Voter name not on poll list	☐	☐	☐
e. Identification requirements for first-time voters who registered by mail and did not provide identification	☐	☐	☐
f. Provisional ballot processes	☐	☐	☐
g. Assisting voters with disabilities	☐	☐	☐
h. Assisting voters who spoke a language other than English	☐	☐	☐
i. Other *[Please specify]*	☐	☐	☐

80. For the November 2004 general election, what was the primary means of communication between polling places and the central office for your jurisdiction? *[Mark one]*

- Telephones installed at polling places ☐
- Personal cell phones ☐
- Cell phones provided by the jurisdiction ☐
- Fax machines ☐
- Computers connected via the internet ☐
- Other *[Please specify]* ☐

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81. In terms of your communication system used at polling places for the November 2004 general election, which of the following, if any, did your jurisdiction encounter? *[Mark all that apply]*

- Overloaded phone system due to volume of calls ☐
- Problems using cell phones because of weak or overloaded signals ☐
- Computer network crashed ☐
- Other *[Please specify]* ☐

No major problems were encountered ☐

82. Did your jurisdiction have a shortage of any of the following ballots for the November 2004 general election? *[Mark one for each row]*

	Yes ▼	No ▼	Not applicable ▼
a. Regular general election ballots	☐	☐	☐
b. Provisional ballots	☐	☐	☐
c. Special ballots (for instance, challenge)	☐	☐	☐
d. Ballots in large font for the visually impaired	☐	☐	☐
e. Ballots in languages other than English	☐	☐	☐
f. Absentee ballots	☐	☐	☐
g. Early voting ballots	☐	☐	☐

If you checked "Yes" for any items, what was the reason for the shortage?

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83. Did your jurisdiction provide any of the following accommodations or alternative voting methods in the November 2004 general election to ensure that individuals with disabilities had access to voting? *[Mark one for each row]*

	Provided	Not provided	Not applicable
a. Early voting	☐	☐	☐
b. Permanent absentee voting (for instance, absentee voting status for a time period or number of elections)	☐	☐	☐
c. Absentee voting (no excuse or an allowable excuse)	☐	☐	☐
d. Curbside voting	☐	☐	☐
e. Accessible voting machines (for instance, DRE with privacy and secrecy) were located at each polling place	☐	☐	☐
f. Accessible voting machines (for instance, DRE with privacy and secrecy) were located in some accessible polling places to which individuals with disabilities are (re)assigned	☐	☐	☐
g. Braille ballots or voting methods	☐	☐	☐
h. Large-font ballots and/or instructions	☐	☐	☐
i. Audio or visual aids to assist voters with disabilities (magnifying lens)	☐	☐	☐

84. Did your jurisdiction provide ballots in languages other than English for the November 2004 general election? *[Mark one]*

Yes, provided ballots in other languages ☐ ➡ ***Continue with 85.***

No, only provided ballots in English ☐ ➡ ***Skip to 86.***

85. (If "Yes" to 84) In which of the following languages were ballots provided for the November 2004 general election? *[Mark all that apply]*

- Spanish ☐
- Chinese ☐
- Russian ☐
- Polish ☐
- Italian ☐
- Japanese ☐
- Korean ☐
- Tagalog ☐
- Vietnamese ☐
- Armenian ☐
- Cambodian ☐
- Native American and Alaskan Native languages ☐
- Other *[Please specify]* ☐

86. What accommodations, if any, were made to assist non-English speaking voters in the November 2004 general election? *[Mark all that apply]*

- Election materials (registration or notice forms, instructions, information on the voting process, signs at polling places) provided in languages other than English ☐
- Assistance by bilingual election officials ☐
- Assistance on election day by bilingual poll workers or translators ☐
- Website information or links (or other media) with voter education information in languages other than English ☐
- Information exchanged with cultural organizations or groups to assist with translation or outreach in informing members ☐
- Oral transmission of ballot for Native American languages or other languages ☐
- Other *[Please specify]* ☐

- Not applicable ☐

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87. For the November 2004 general election, did your jurisdiction maintain a written record to keep track of issues or problems that occurred on election day? *[Mark one]*

Yes, kept a written record of issues ☐ ➡ ***Continue to 88.***

No, did not keep a written record ☐ ➡ ***Skip to 89.***

88. (If Yes to 87) For the November 2004 general election, what issue or problem occurred most frequently on election day?

89. When the election day voting polls for the November 2004 general election closed, how did your jurisdiction determine the last person allowed to vote? *[Mark one]*

The last person who checked in with the election official at the time the polls closed was the last person to vote ☐

The last person in line at the time the polls closed was the last person to vote ☐

Other *[Please specify]* ☐

If your jurisdiction is in ***North Dakota, Idaho, Maine, Minnesota, or New Hampshire****, then please* ➡ ***Skip to 99 on page 46.***

Provisional Voting

90. For the November 2004 general election, what type of ballot option did your jurisdiction provide for each of the following scenarios? *[Mark all that apply]*

	Provisional ▼	Challenge ▼	Other ▼	Not applicable ▼
a. Individuals who registered by mail (without providing identification), voted for the first time, and did not bring proper identification with them to the polling place	☐	☐	☐	☐
b. Individuals who claimed they were at the correct polling place but were not on the voter registration list at the polling place	☐	☐	☐	☐
c. Individuals who were challenged by an election official as ineligible to vote	☐	☐	☐	☐
d. Individuals who voted after the polling place closing times when the polling place was kept open late because of a federal court, state court or other order extending the polling place hours	☐	☐	☐	☐
e. Individuals who said they had requested an absentee ballot but that the ballot never arrived	☐	☐	☐	☐

91. For purposes of counting provisional ballots within your local election administration area (i.e. county, city, township, or village) for the November 2004 general election, which one of the following statements best describes how "jurisdiction" was defined? *[Mark one]*

- State official or state statute defined jurisdiction to mean that a voter who cast a provisional ballot had to be a qualified voter in the precinct for his/her vote to count ☐
- State official or state statute defined jurisdiction to mean that a voter who cast a provisional ballot had to be a qualified voter in the election area (i.e. county, city, township, or village) but could vote in any precinct within the election administration area for his/her vote to count for selected races (e.g., federal or statewide) ☐
- Local election official defined jurisdiction to mean that a voter who cast a provisional ballot had to be a qualified voter in the precinct for his/her vote to count ☐
- Local election official defined jurisdiction to mean that a voter who cast a provisional ballot had to be a qualified voter in the election area (i.e. county, city, township, or village) but could vote in any precinct within that area for his/her vote to count for selected races (e.g., federal or statewide) ☐
- Other *[Please specify]* ☐

☐

- Not applicable ☐
- Don't know ☐

92. Were any provisional ballots cast in your jurisdiction for the November 2004 general election? *[Mark one]*

- Yes, provisional ballots were cast ☐ ➡ ***Continue with 93.***
- No, none were cast ☐ ➡ ***Skip to 99 on page 46.***

93. Were the following mechanisms made available to inform voters who cast provisional ballots in the November 2004 general election how to find out whether their vote counted? *[Mark one for each row]*

	Yes ▼	No ▼
a. Toll free telephone number	☐	☐
b. Internet website address	☐	☐
c. Local election office telephone number	☐	☐
d. State election office telephone number	☐	☐
e. Letter informing voters of the outcome of their provisional ballot	☐	☐
f. E-mail informing voters of the outcome of their provisional ballot	☐	☐
g. Other *[Please specify]*	☐	☐

94. How soon after Election Day, November 2004, was information on the outcome of provisional ballots made available to voters? *[Enter when outcome was made available below or check "Don't know."]*

Don't Know ☐

95. How many individuals cast a provisional ballot in your jurisdiction in the November 2004 general election? *[Enter the number below or check "Don't know."]*

provisional ballots cast

Don't Know ☐

96. How many of the provisional ballots were counted in your jurisdiction? *[Enter the number below or check "Don't know."]*

provisional ballots counted

Don't Know ☐

97. For the November 2004 general election, did your jurisdiction encounter any of the following problems in counting provisional ballots? *[Mark one for each row]*

	Yes ▼	No ▼
a. Voters did not meet residency eligibility requirements for the precinct or jurisdiction	☐	☐
b. Insufficient evidence that individuals had registered or tried to register directly with the elections office	☐	☐
c. Insufficient evidence that individuals had submitted voter registration applications at motor vehicle agency offices	☐	☐
d. Insufficient evidence that individuals had submitted voter registration applications at National Voter Registration Act agencies other than motor vehicle agency offices	☐	☐
e. Voters did not provide identification as specified by HAVA for registrants who registered by mail and were voting for the first time in the precinct or jurisdiction	☐	☐
f. Envelope and/or ballot was incomplete and/or illegible	☐	☐
g. Voters did not sign a sworn statement that they met the qualifications to be eligible to vote in the precinct or jurisdiction	☐	☐
h. Registration applications received by registrar very close to or after the registration deadline	☐	☐
i. Other *[Please specify]*	☐	☐

98. Of the problems your jurisdiction encountered, which one occurred most frequently? *[Write the letter of the problem from 97 or mark "Don't Know"]*

Don't Know ☐

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Counting the Vote

99. What steps were taken, either by election officials or through system edit checks, to ensure that an absentee voter did not vote more than once in the November 2004 general election? *[Mark all that apply]*

- Applications or voter registration system checked to determine whether voter had already applied for an absentee ballot ☐
- Election day poll book/log/list checked to determine whether voter had been sent an absentee ballot ☐
- Election day poll book/log/list checked to determine whether voter had completed an absentee ballot ☐
- Election day poll book/log/list checked against absentee ballots prior to counting absentee ballots ☐
- Other *[Please specify]* ☐

100. What procedures were in place to ensure that absentee ballots were actually completed by the person requesting the ballot? *[Mark all that apply]*

- Signature accompanying the absentee ballot had to be compared to signature on the absentee ballot application ☐
- Signature accompanying the absentee ballot had to be compared to signature on the voter registration application ☐
- Signature had to be notarized (except for individuals with disabilities) ☐
- Signature had to be witnessed ☐
- Other *[Please specify]* ☐

101. For the November 2004 general election, did your jurisdiction include or exclude valid absentee ballots from the certified vote counts if they did not affect the election outcome? *[Do not consider early voting ballots in answering this question.]*

- Included valid absentee ballots in certified vote count ☐
- Excluded valid absentee ballots when no effect ☐

102. For the November 2004 general election, were provisional ballots transferred or not from the polling place to a central location for counting?

- Yes, provisional ballots transferred for counting ☐
- No, provisional ballots not transferred for counting ☐
- Not applicable ☐

103. Was your jurisdiction required or not required by the state to conduct an audit of the election results as part of the certification process for the November 2004 general election? (Note: Audit would be an automatic recount in full or in part regardless of the election outcome.) *[Mark one]*

- Yes, state required audit for certification ☐
- No, state did not require audit ☐

104. Did your jurisdiction conduct a recount or not of federal or statewide office election results for the November 2004 general election? *[Mark one]*

- Yes, conducted a recount ☐
- No, did not conduct a recount ☐

105. Contested elections can occur when a party alleges misconduct or fraud on the part of the candidate, the election officials, or the voters. For primary and general elections for federal and statewide offices from the 2001 elections to the 2004 elections, has your jurisdiction had any contested elections? *[Mark one]*

- Yes ☐ ➡ ***Continue with 106.***
- No ☐
- Don't know ☐
- Not applicable, state law does not allow election results to be contested ☐

➡ ***Skip to 109.***

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106. How many contested federal elections have there been since 2001? *[Enter the number below or check "Don't know."]*

☐ contested federal elections

Don't Know ..... ☐

107. Did the outcome of the election(s) change or not change as a result of the contested election from 2001 to the 2004 election? *[Mark one]*

Outcome of election(s) changed ..... ☐ ➡ ***Continue with 108.***

No outcome of any election(s) changed ..... ☐ ➡ ***Skip to 109.***

108. What elected office(s) changed as a result of the contested election?

Other Comments

109. Do you have any other comments you feel are important about Election Day processes; absentee, early, or provisional voting; voting equipment and security; or recounts?

Summary of Local Election Jurisdictions GAO Visited

Local election jurisdictions, such as counties, cities, townships, and villages, conduct elections—including federal and state contests. We visited 28 local election jurisdictions to collect information about the election administration process and their experiences during the November 2004 general election. In addition to information such as population size, number of precincts, and type of voting system used in the November 2004 general election,[1] we include information about whether these jurisdictions provided bilingual voting materials. Under section 203 of the Voting Rights Act,[2] the Census Bureau Director is to make determinations[3] based upon the most recent Census data as to which jurisdictions must provide voting materials[4] in specified minority languages as well as in the English language. In our summaries we identify, pursuant to the Census Bureau Director's determinations under the Voting Rights Act, whether or not each of the 28 jurisdictions we visited is currently (e.g., for purposes of this appendix, as of the November 2004 election) required to provide bilingual voting materials to any particular group of language minority voters.

Following is a brief summary of these 28 local jurisdictions, as reported to us by election officials we met with. The summaries, except where another source is specifically identified, are based upon information provided to us by local election officials and provide a general description of the environment in which the local election jurisdictions operate. The statements in this appendix that are based upon information from local election officials were not independently verified by us.

[1]We asked election officials about the number of precincts in their jurisdiction for the November 2004 general election. Some officials indicated whether the total number included absentee ballot precincts, while others did not. In most jurisdictions we visited, the number of precincts was not the same as the number of polling places operating on Election Day.

[2]42 U.S.C. § 1973aa-1a.

[3]Determinations made by the Census Bureau Director are to be based upon a prescribed statutory formula. The most recent determinations made as to which jurisdictions are to be covered were published on July 26, 2002, at 67 Fed. Reg. 48,871 (2002).

[4]In this context, the term "voting materials" means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots.

Larimer County, Colorado

The County Clerk and Recorder is responsible for overseeing election administration in Larimer County, from registration through recounts. At the time of our visit, Larimer County had 10 full-time employees and 1 part-time employee working on election administration activities. The 2000 Census showed that Larimer County had a population of about 251,000. During our site visit, Larimer County election officials told us that for the 2004 election, the county had about 200,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Larimer County is not currently required to provide bilingual voting materials to any particular group of language minority voters. As a result, the county provides voting materials in English only. For the November 2004 election, the county had 144 precincts. However, Larimer County used 31 "vote centers" as polling places. On Election Day, any registered voter could go to any of the 31 vote centers to cast a ballot. The county also offered its registered voters the opportunity to vote early at designated early voting locations prior to Election Day. For the November 2004 general election, the county used optical scan ballots for early, absentee, provisional, and Election Day voting. For early and Election Day voting, the ballots were counted at the early voting sites and vote centers. Absentee and provisional ballots were counted centrally using optical scan counters. This county was included in our site visits to local jurisdictions for our October 2001 comprehensive report on election processes nationwide.[5]

El Paso County, Colorado

The County Clerk and Recorder is responsible for overseeing election administration in El Paso County, from registration through recounts. At the time of our visit, El Paso County had nine full-time staff working on election administration activities. The 2000 Census showed that El Paso County had a population of about 517,000. During our site visit, El Paso County election officials told us that for the 2004 election, the county had about 354,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, El Paso County is not currently required to provide bilingual voting materials to any particular group of language minority voters. As a result, the county provides voting materials in English only. For the November 2004 general election, the county had 378 precincts. The county also offered its registered voters the opportunity to vote early at designated locations prior to Election Day. For the

[5]For more information, see GAO, *Elections: Perspectives on Activities and Challenges across the Nation*, GAO-02-3 (Washington, D.C.: Oct. 15, 2001).

November 2004 general election, the county used direct recording electronic (DRE) voting systems for early voting. Optical scan ballots were used to record absentee, provisional, and Election Day votes. Ballots cast on Election Day were counted using optical scan counters located in precincts. Absentee and provisional ballots were counted centrally.

City of New Haven, Connecticut

Responsibility for election administration for the City of New Haven is divided between two entities—the Registrars of Voters and the City Clerk's Office. The Registrars of Voters have responsibility for voter registration, Election Day activities, provisional voting, vote counting and recounts, voting equipment, and voter education. The City Clerk is responsible for designing and disseminating absentee ballots, printing paper ballot strips for the lever machines, and providing sample ballots to polling places. At the time of our visit, there were six full-time staff in the Registrars of Voters Office and three full-time staff in the City Clerk's Office working on election administration activities. The 2000 Census showed that the City of New Haven had a population of about 124,000. During our site visit, New Haven election officials told us that for the 2004 general election, the city had about 58,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, the City of New Haven is currently required to provide bilingual voting materials to a particular group of language minority voters. As a result, the city provides voting materials in English and Spanish. For the November 2004 general election, the city had 42 precincts operating on Election Day and used lever machines for Election Day voting. Paper ballots were used to record absentee and provisional votes and were hand-counted in a central location. In addition, the city provided presidential ballots to Connecticut residents that were not registered to vote, and former Connecticut residents who had moved to another state within 30 days of the election. These ballots could be used only to vote for presidential and vice presidential candidates.

City of Hartford, Connecticut

Responsibility for election administration for the City of Hartford is divided between two entities—the Registrars of Voters and the City Clerk's Office. The Registrars of Voters have the responsibility for voter registration, Election Day activities, provisional voting, vote counting and recounts, voting equipment, and voter education. The City Clerk is responsible for designing and disseminating absentee ballots, printing paper ballot strips for the lever machines, and providing sample ballots to polling places. At

the time of our visit, there were nine full-time staff in the Registrars of Voters and three full-time staff in the City Clerk's Office working on election administration activities. The 2000 Census showed that the City of Hartford had a population of about 122,000. According to the Secretary of State's Web site, at the time of the 2004 general election, the city had about 58,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, the city of Hartford is currently required to provide bilingual voting materials to a particular group of language minority voters. As a result, the city provides voting materials in English and Spanish. For the November 2004 general election, the city had 23 precincts operating on Election Day and used lever machines for Election Day voting. Paper ballots were used to record absentee and provisional votes and were hand-counted in a central location. In addition, the city provided presidential ballots to Connecticut residents who were not registered to vote, and former Connecticut residents who had moved to another state within 30 days of the election. These ballots could be used only to vote for presidential and vice presidential candidates.

Broward County, Florida

The County Supervisor of Elections is responsible for overseeing election administration in Broward County, from registration through recounts. At the time of our visit, Broward County had 72 full-time staff working on election administration activities. The 2000 Census showed that Broward County had a population of about 1.6 million. During our site visit, Broward County election officials told us that for the November 2004 general election, the county had about 1 million registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Broward County is currently required to provide bilingual voting materials to a particular group of language minority voters. As a result, the county provides voting materials in English and Spanish. County officials told us that they were unable to provide voting materials in Seminole, a Native American language, because the language is phonetic and cannot be written. In addition, county officials told us that they provided some voter education materials in English, Spanish, Portuguese, and Creole. For the November 2004 general election, the county had 793 precincts operating on Election Day. The county also offered its registered voters the opportunity to vote early at designated locations prior to Election Day. For the November 2004 general election, the county used DRE voting systems on Election Day and for early voting. Paper ballots were used to record absentee and provisional votes and were counted centrally using optical scan counters.

Leon County, Florida

The County Supervisor of Elections is responsible for overseeing election administration in Leon County, from registration through recounts. At the time of our visit, Leon County had 16 full-time staff working on election administration activities. The 2000 Census showed that Leon County had a population of about 239,000. During our site visit, Leon County election officials told us that for the November 2004 general election, the county had about 171,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Leon County is not currently required to provide bilingual voting materials to any particular group of language minority voters. As a result, the county provides voting materials in English only. Additionally, for the November 2004 general election, the county provided ballots in Braille for the blind. The county had 179 precincts operating on Election Day for the November 2004 general election. The county also offered its registered voters the opportunity to vote early at the Supervisor of Elections' office building prior to Election Day. For the November 2004 general election, the county used paper ballots to record absentee, early, provisional, and Election Day votes. Election Day and early voting ballots were counted using precinct optical scan counters, and absentee and provisional ballots were counted centrally using optical scan counters.

Dougherty County, Georgia

The Supervisor of Elections is responsible for overseeing election administration in Dougherty County, from registration through recounts. At the time of our visit, Dougherty County had three full-time staff working on election administration activities. The 2000 Census showed that Dougherty County had a population of about 96,000. During our site visit, Dougherty County election officials told us that for the 2004 general election, the county had about 46,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Dougherty County is not currently required to provide bilingual voting materials and assistance to any particular group of language minority voters. As a result, the county provides voting materials in English only. For the November 2004 general election, the county had 31 precincts operating on Election Day. The county also offered its registered voters the opportunity to vote early in the election office prior to Election Day. For the November 2004 general election, the county used DRE voting systems for Election Day, early, and in-person absentee voting. Paper ballots were used to record provisional and mail-in absentee votes and were counted centrally using optical scan

counters. This county was included in our site visits to local jurisdictions for our October 2001 report on election processes.[6]

Muscogee County, Georgia

The Director of Elections, appointed by the City Council, is responsible for overseeing election administration in Muscogee County, from registration through recounts. At the time of our visit, Muscogee County had five full-time staff working on election administration activities. The 2000 Census showed that Muscogee County had a population of about 186,000. During our site visit, Muscogee County election officials told us that for the 2004 general election, the county had about 106,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Muscogee County is not currently required to provide bilingual voting materials to any particular group of language minority voters. As a result, the county provides voting materials in English only. For the November 2004 general election, the county had 49 precincts, with 1 absentee voting precinct for purposes of counting ballots, operating on Election Day. The county also offered its registered voters the opportunity to vote early at the election office prior to Election Day. For the November 2004 general election, the county used DRE voting systems for Election Day and early voting. Paper ballots were used to record absentee and provisional ballots and were counted centrally using optical scan counters.

Champaign County, Illinois

The County Clerk is responsible for overseeing election administration in Champaign County, from registration through recounts. At the time of our visit, Champaign County had 16 full-time staff working on election administration activities. The 2000 Census showed that Champaign County had a population of about 180,000. During our site visit, Champaign County election officials told us that for the 2004 general election, the county had about 123,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Champaign County is not currently required to provide bilingual voting materials to any particular group of language minority voters. As a result, the county provides voting materials in English only. For the November 2004 general election, the county had 117 precincts operating on Election Day. The county used punch card ballots to record Election Day, absentee, and provisional votes. These ballots were counted centrally using punch card counter machines.

[6]See GAO-02-3.

This county was included in our site visits to local jurisdictions for our October 2001 report on election processes.[7]

City of Chicago, Illinois

The Executive Director of the Board of Elections is responsible for overseeing election administration in the City of Chicago, from registration through recounts. At the time of our visit, the City of Chicago had 300 full-time staff on the Board of Elections working on election administration activities. The 2000 Census showed that the City of Chicago had a population of about 2.9 million. During our site visit, Chicago election officials told us that for the 2004 general election, the city had about 1.4 million registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Cook County, in which the City of Chicago is located, is currently required to provide bilingual voting materials to particular groups of language minority voters. As a result, the city provides voting materials in English, Spanish, and Chinese (including Mandarin and Cantonese). In addition, election officials told us that they provide voter registration information and other materials in 15 languages, including Croatian, Korean, Russian, and Tagalog. For the November 2004 general election, the city had 2,709 precincts operating on Election Day. The city used punch card ballots to record Election Day, absentee, and provisional votes. Election Day and absentee ballots were counted in each precinct using punch card counters. Provisional ballots were counted centrally using punch card counters.

Wyandotte County, Kansas

The County Election Commissioner is responsible for overseeing election administration in Wyandotte County, from registration through recounts. At the time of our visit, Wyandotte County had six full-time staff working on election administration activities. The 2000 Census showed that Wyandotte County had a population of about 158,000. During our site visit, Wyandotte County election officials told us that for the November 2004 general election, the county had about 89,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Wyandotte County is not currently required to provide bilingual voting materials to any particular group of language minority voters. As a result, the county provides voting materials in English only. For the November 2004 general election, the county had 159 precincts operating on Election

[7]See GAO-02-3.

Day. The county also offered its registered voters the opportunity to vote early at the headquarters office prior to Election Day. For the November 2004 general election, the county used paper optical scan ballots to record Election Day, absentee, early, and provisional votes. Election Day ballots were counted at the precincts using optical scan counters, and early ballots were counted at the early voting location using optical scan counters. Absentee and provisional ballots were counted using optical scan counters in a central location.

Johnson County, Kansas

The County Election Commissioner is responsible for overseeing election administration in Johnson County, from registration through recounts. At the time of our visit, Johnson County's Election Office had 16 full-time staff working on election administration activities. The 2000 Census showed that Johnson County had a population of about 451,000. During our site visit, Johnson County election officials told us that for the November 2004 general election, the county had about 349,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Johnson County is not currently required to provide bilingual voting materials to any particular group of language minority voters. As a result, the county provides voting materials in English only. For the November 2004 general election, the county had 415 precincts operating on Election Day. The county also offered its registered voters the opportunity to vote early at designated early voting locations prior to Election Day. For the November 2004 general election, the county used DRE voting systems for Election Day voting. Paper optical scan ballots were used to record early, absentee, and provisional votes and were counted in a central location using optical scan counters.

City of Manchester, New Hampshire

The City Clerk is responsible for overseeing election administration for the City of Manchester, from registration through recounts. At the time of our visit, the City Clerk's Office had 14 full-time staff working on election administration activities. The 2000 Census showed that the City of Manchester had a population of about 107,000. During our site visit, Manchester's City Clerk told us that for the November 2004 general election, the city had about 57,000 registered voters. In terms of population, the City of Manchester is the largest city in New Hampshire and is located in the largest county. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, the City of Manchester is not currently required to provide bilingual voting materials to any particular

group of language minority voters. As a result, the city provides voting materials in English only. For the November 2004 general election, the county had 12 precincts operating on Election Day. The city used paper optical scan ballots to record Election Day and absentee votes, which were counted in each precinct using optical scan counters.

Town of Madbury, New Hampshire

The Town Clerk is responsible for overseeing election administration for the Town of Madbury, from registration through recounts. At the time of our visit, the town had no full-time staff working on election administration activities, but had nine part-time workers, including the Town Clerk, assigned to administer elections. The 2000 Census showed that the Town of Madbury had a population of about 1,500. During our site visit, Madbury election officials told us that for the November 2004 general election, the town had about 1,200 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, the Town of Madbury is not currently required to provide bilingual voting materials to any particular group of language minority voters. As a result, the town provides voting materials in English only. For the November 2004 general election, the town had one precinct operating on Election Day. The town used hand-counted paper ballots to record Election Day and absentee votes.

Middlesex County, New Jersey

Responsibility for election administration for the County of Middlesex is divided between two entities—the County Clerk's Office and the Board of Elections. The County Clerk's Office is responsible for sending out absentee ballots, designing ballots, and certifying elections to the state. The Board of Elections has responsibility for voter registration, poll workers, polling places, vote counting and recounting, and voting equipment. At the time of our visit, the Board of Elections had 21 full-time staff and 4 part-time commissioners working on election administration activities. The 2000 Census showed that Middlesex County had a population of about 750,000. During our site visit, election officials told us that about 427,000 residents of the county are registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Middlesex County is currently required to provide bilingual voting materials to a particular group of language minority voters. As a result, the county provides voting materials in English and Spanish. For the November 2004 general election, the county had 597 precincts operating on Election Day. The county used DRE voting systems on Election Day. Paper ballots

were used to record absentee and provisional votes, and were counted centrally using optical scan counters. In addition, paper ballots were used to record emergency votes, and were hand counted in a central location. This county was included in our site visits to local jurisdictions for our October 2001 report on election processes.[8]

Passaic County, New Jersey

Responsibility for election administration for Passaic County is divided among three entities—the Board of Elections, the County Clerk's Office, and the Superintendent of Elections Office. The Board of Elections has responsibility for poll workers, polling places, vote counting, and recounts. The County Clerk's Office has responsibility for ballot design, accepting absentee ballot applications and sending out ballots, and certifying the election to the state. The Superintendent of Elections has responsibility for voter registration and voting equipment. At the time of our visit, there were 5 full-time staff in the Board of Elections Office, 3 full-time staff in the County Clerk's Office, and 25 full-time staff in the Superintendent of Elections Office working on election administration activities. The 2000 Census showed that Passaic County had a population of about 490,000. During our site visit, Passaic County election officials told us that for the 2004 general election, the county had about 255,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Passaic County is currently required to provide bilingual voting materials to a particular group of language minority voters. As a result, the county provides voting materials in English and Spanish. For the November 2004 general election, the county had 288 precincts operating on Election Day. The county used DRE voting systems on Election Day. Paper ballots were used to record absentee and provisional votes, and were counted centrally using optical scan machines. In addition, emergency ballots were available for "emergency" situations, such as DRE malfunction or power loss, and were hand-counted in the precinct.

[8]See GAO-02-03.

Clark County, Nevada

The Registrar of Voters, appointed by the County Manager, is responsible for overseeing election administration in Clark County, from registration through recounts. At the time of our visit, Clark County had 38 full-time staff working on election administration activities. The 2000 Census showed that Clark County had a population of about 1.4 million. During our site visit, Clark County election officials told us that for the 2004 general election, the county had about 684,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Clark County is currently required to provide bilingual voting materials to a particular group of language minority voters. As a result, the county provides voting materials in English and Spanish. For the November 2004 election, the county had 1,042 precincts operating on Election Day. The county also offered its registered voters the opportunity to vote early at designated early voting locations prior to Election Day. For the November 2004 general election, the county used DRE voting systems for Election Day, early voting, and provisional voting. Absentee and provisional votes, other than those cast on Election Day, were recorded on paper ballots and counted centrally using optical scan counters.

Washoe County, Nevada

The Registrar of Voters, appointed by the County Manager, is responsible for overseeing election administration in Washoe County, from registration through recounts. At the time of our visit, Washoe County had eight full-time staff working on election administration activities. The 2000 Census showed that Washoe County had a population of about 339,000. During our site visit, Washoe County election officials told us that for the 2004 general election, the county had about 234,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Washoe County is not currently required under the Voting Rights Act to provide bilingual voting materials to any particular group of language minority voters. Nonetheless, the county provided voting materials in English and Spanish. For the November 2004 general election, the county had 236 out of 489 precincts operating on Election Day. The county also offered its registered voters the opportunity to vote early at designated early voting locations prior to Election Day. For the November 2004 general election, the county used DRE voting systems for Election Day and early voting. Paper ballots were used to record absentee and provisional votes, and were counted centrally using optical scan machines.

Bernalillo County, New Mexico

The Elections Administrator is responsible for overseeing election administration in Bernalillo County, from registration through recounts. At the time of our visit, Bernalillo County had 29 full-time staff working on election administration activities. The 2000 Census showed that Bernalillo County had a population of about 557,000. During our site visit, Bernalillo County election officials told us that for the 2004 general election, the county had about 357,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Bernalillo County is currently required to provide bilingual voting materials to particular groups of language minority voters. As a result, the county provides voting materials in English and Spanish, and provides interpreters in three Native American languages, Navajo, Tiwa, and Keres, which have no written form. In addition, the county has a Native American coordinator who works with the various pueblos to discuss specific issues. For the November 2004 general election, the county had 413 precincts operating on Election Day. The county also offered its registered voters the opportunity to vote early at designated early voting locations prior to Election Day. For the November 2004 general election, the county used DRE voting systems for Election Day and early voting. Absentee ballots were counted centrally using optical scan machines. Provisional votes were recorded on paper ballots and hand-counted centrally. This county was included in our site visits to local jurisdictions for our October 2001 report on election processes.[9]

Santa Fe County, New Mexico

The Bureau of Elections is responsible for overseeing election administration in Santa Fe County, from registration through recounts. At the time of our visit, Santa Fe County had eight full-time staff working on election administration activities. The 2000 Census showed that Santa Fe County had a population of about 129,000. During our site visit, Santa Fe County election officials told us that for the 2004 general election, the county had about 95,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Santa Fe County is currently required to provide bilingual voting materials to particular groups of language minority voters. As a result, voting materials were provided in English and Spanish. The county also provides oral translation and audiotapes in Native American languages, some of which have no written form. For the November 2004 general election, the county had 87 precincts,

[9]See GAO-02-3.

including one absentee voting precinct for purposes of counting absentee ballots, operating on Election Day. The county also offered its registered voters the opportunity to vote early at designated early voting locations prior to Election Day. For the November 2004 general election, the county used DRE voting systems for Election Day. In addition, absentee ballots were counted centrally using optical scan machines. Provisional votes were recorded on paper ballots and centrally hand-counted. This county was included in our site visits to local jurisdictions for our October 2001 report on election processes.[10]

Carteret County, North Carolina

The Board of Elections is responsible for overseeing election administration in Carteret County, from registration through recounts. At the time of our visit, Carteret County had two full-time staff working on election administration activities. The 2000 Census showed that Carteret County had a population of about 59,000. During our site visit, Carteret County election officials told us that for the 2004 general election, the county had about 42,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Carteret County is not currently required to provide bilingual voting materials to any particular group of language minority voters. Nonetheless, the county provided some voting materials, such as polling place posters, in English and Spanish. Election ballots and other materials were provided in English only. For the November 2004 general election, the county had 34 precincts operating on Election Day. The county also offered its registered voters the opportunity to vote early at the Board of Elections' office prior to Election Day. For the November 2004 general election, the county used DRE voting systems for Election Day and early voting. Optical scan ballots were used to record absentee and provisional votes, and were centrally counted using optical scan machines.

[10]See GAO-02-3.

Guilford County, North Carolina

The Board of Elections is responsible for overseeing election administration in Guilford County, from registration through recounts. At the time of our visit, Guilford County had 14 full-time staff working on election administration activities. The 2000 Census showed that Guilford County had a population of about 421,000. During our site visit, Guilford County election officials told us that for the 2004 general election, the county had about 275,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Guilford County is not currently required to provide bilingual voting materials to any particular group of language minority voters. Nonetheless, the county provided ballots in English and voting instructions in English and Spanish. For the November 2004 general election, the county had 159 precincts operating on Election Day. The county also offered its registered voters the opportunity to vote early at designated early voting locations prior to Election Day. For the November 2004 general election, the county used DRE voting systems for most Election Day and early voting ballots. Optical scan ballots were used to record absentee and provisional votes, and were centrally counted using optical scan machines.

Cuyahoga County, Ohio

The Board of Elections is responsible for overseeing election administration in Cuyahoga County, from registration through recounts. At the time of our visit, Cuyahoga County had about 86 full-time staff working on election administration activities. The 2000 Census showed that Cuyahoga County had a population of about 1.4 million. During our site visit, Cuyahoga County election officials told us that for the 2004 general election, the county had about 1 million registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Cuyahoga County is not currently required to provide bilingual voting materials to any particular group of language minority voters. As a result, the county provides voting materials in English only. For the November 2004 general election, the county had 1,436 precincts operating on Election Day. The county used punch card ballots for Election Day, absentee, and provisional voting that were counted in a central location. This county was included in our site visits to local jurisdictions for our October 2001 report on election processes.[11]

[11]See GAO-02-3.

Mahoning County, Ohio

The Board of Elections is responsible for overseeing election administration in Mahoning County, from registration through recounts. At the time of our visit, Mahoning County had 12 full-time staff working on election administration activities. The 2000 Census showed that Mahoning County had a population of about 258,000. During our site visit, Mahoning County election officials told us that for the 2004 general election, the county had about 195,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Mahoning County is not currently required to provide bilingual voting materials to any particular group of language minority voters. As a result, the county provides voting materials in English only. For the November 2004 general election, the county had 312 precincts operating on Election Day. The county used DRE voting systems for Election Day and Election Day provisional voting. Optical scan ballots were used to record absentee votes and were centrally counted using optical scan machines.

Allegheny County, Pennsylvania

The Allegheny County Elections Division is responsible for the day-to-day activities of and overseeing election administration, from registration through recounts. At the time of our visit, the county Elections Division had 45 full-time staff working on election administration activities. The 2000 Census showed that Allegheny County had a population of about 1.3 million. According to Pennsylvania's Department of State's Web site, Allegheny County had about 919,000 registered voters for the 2004 general election. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Allegheny County is not currently required to provide bilingual voting materials to any particular group of language minority voters. As a result, the county provides voting materials in English only. For the November 2004 general election, the county had 1,317 precincts operating on Election Day. For the November 2004 general election, the county used lever machines for Election Day voting. Paper ballots were used to record absentee and provisional votes. Absentee ballots were hand-counted at the precincts, and provisional ballots were hand-counted in a central location.

Montgomery County, Pennsylvania

The Voter Services Office is responsible for overseeing election administration in Montgomery County, from registration through recounts. At the time of our visit, Montgomery County had 18 full-time staff working on election administration activities. The 2000 Census showed that Montgomery County had a population of about 750,000. During our site visit, Montgomery County election officials told us that for the 2004 general election, the county had about 565,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Montgomery County is not currently required to provide bilingual voting materials to any particular group of language minority voters. As a result, the county provides voting materials in English only. For the November 2004 general election, the county had 407 precincts operating on Election Day. The county used DRE voting systems for Election Day. Paper ballots were used to record absentee and provisional votes. Absentee ballots were hand-counted in each precinct and recounted by county staff to obtain the official count. Provisional ballots were hand-counted in a central location. This county was included in our site visits to local jurisdictions for our October 2001 report on election processes.[12]

Clark County, Washington

The County Auditor is responsible for overseeing election administration in Clark County, from registration through recounts. At the time of our visit, Clark County had eight full-time staff working on election administration activities. The 2000 Census showed that Clark County had a population of about 345,000. During our site visit, Clark County election officials told us that for the 2004 general election, the county had about 208,000 registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, Clark County is not currently required to provide bilingual voting materials to any particular group of language minority voters. As a result, the county provides voting materials in English only. For the November 2004 general election, the county had 180 precincts operating on Election Day. The county used punch card ballots to record Election Day, absentee, and provisional votes. These votes were counted in a central location. This county was included in our site visits to local jurisdictions for our October 2001 report on election processes.[13]

[12]See GAO-02-3.

[13]See GAO-02-3.

King County, Washington

The Director of Records, Elections and Licensing Services is responsible for overseeing election administration in King County, from registration through recounts. At the time of our visit, King County had 38 full-time staff working on election administration activities. The 2000 Census showed that King County had a population of about 1.7 million. In terms of population, it has the largest population in Washington state. During our site visit, King County election officials told us that for the 2004 general election, the county had about 1 million active registered voters. Pursuant to the Census Bureau Director's determinations under the Voting Rights Act, King County is currently required to provide bilingual voting to a particular group of language minority voters. As a result, the county provides voting materials in English and Chinese. For the November 2004 general election, the county had 2,616 precincts operating on Election Day. The county used paper ballots on Election Day and for absentee and provisional votes. Election Day ballots were counted at the precincts using optical scan machines. Absentee and provisional ballots were counted centrally using optical scan machines.

Objectives, Scope, and Methodology

Our objectives were to

- identify changes to election systems since the November 2000 general election, including steps taken to implement provisions of the Help America Vote Act (HAVA) and
- describe the issues and challenges encountered by election officials in the 2004 general election.

For both objectives, we (1) conducted a Web-based survey of the 50 states and the District of Columbia on state laws and other actions taken at the state level related to major stages of election administration—voter registration, absentee and early voting, conducting elections, and vote counting; (2) sent a mail questionnaire to election officials in a representative sample of local election jurisdictions nationwide; and (3) visited 28 local election jurisdictions in 14 states to obtain information about their experiences during the November 2004 general election. To obtain additional information about local election jurisdiction experiences, we attended the Election Center's 21st Annual National Conference in August 2005. The Election Center is a national association of state and local election officials.

To identify questions to ask in our surveys and during our site visits to local jurisdictions about changes and issues and challenges, we reviewed prior GAO reports and relevant studies. The studies included those done by national or state organizations and state or local governments to assess the November 2004 general election. We also attended several hearings held by the Election Assistance Commission regarding election administration issues and attended the winter 2005 joint meeting of the National Association of Secretaries of State and National Association of State Election Directors. Overall, we did our work between March 2005 and February 2006 in accordance with generally accepted government auditing standards.

State Survey

Our state survey sought to update information on selected state statutory requirements included in our 2001 elections report and inquired about other changes that included actions taken to implement HAVA. To develop our survey of state election officials, we reviewed existing studies about the election process, including previous and ongoing GAO work. Social science survey specialists designed a draft questionnaire in close collaboration with GAO subject matter experts, and we conducted pretests

with representatives of 5 states to help further refine our questions, develop new questions, clarify any ambiguous portions of the survey, and identify any potentially biased questions. These pretests were conducted in person and by telephone with election officials from states with varying election system characteristics.

Prior to fielding our state survey, we contacted the Secretaries of State, Chairs of Election Boards, or other responsible state-level officials to confirm the contact information for the director of elections for each state. We launched our Web-based survey on August 15, 2005, and received all responses by November 7, 2005. Log-in information for the Web-based survey was e-mailed to directors of elections. We sent one follow-up e-mail message to all nonrespondents after the questionnaire had been online for 2 weeks. After another 4 weeks, we contacted by telephone or e-mail all those who had not completed the questionnaire. A representative of the Council of State Governments also coordinated with us to encourage a select number of nonresponding states to complete the survey. We obtained responses from all 50 states and the District of Columbia for a 100 percent response rate. Even so, the number of responses to individual questions may be fewer than 51, depending upon how many states were eligible to or chose to respond to a particular question.

Because our state survey was not a sample survey, but rather a census of all states, including the District of Columbia, there are no sampling errors. However, the practical difficulties of conducting any survey may introduce nonsampling errors. For example, differences in how a particular question is interpreted or the sources of information available to respondents can introduce unwanted variability into the survey results. We included steps in both the data collection and data analysis stages for the purpose of minimizing such nonsampling errors. As indicated above, social science survey specialists designed a draft questionnaire, and versions of the questionnaire were pretested with 5 members of the population. We examined the survey results and performed computer analyses to identify inconsistencies and other indications of error. A second, independent analyst checked the accuracy of all computer analyses.

Mail Survey of Local Jurisdictions

To obtain national information from local election officials on changes to election systems since 2000 and election administration, we conducted a mail survey of local election jurisdictions nationwide. Overall, there are about 10,500 local government jurisdictions responsible for conducting elections nationwide. States can be divided into two groups according to

how they delegate election responsibilities to local jurisdictions. The first group is composed of 41 states that delegate election responsibilities primarily to counties, with a few of these states delegating election responsibilities to some cities, and 1 state that delegates these responsibilities to election regions. We included the District of Columbia in this group of states. The first group contains about one-fourth of the local election jurisdictions nationwide. The second group is composed of 9 states that delegate election responsibilities to subcounty governmental units, known by the U.S. Census Bureau as minor civil divisions (MCD). This group of states contains about three-fourths of the local election jurisdictions nationwide. The division of the 50 states and the District of Columbia by how election responsibilities are organized is as follows (states in bold delegate election responsibilities to some cities independently from counties).

- County-level states: Alaska (four election regions), Alabama, Arizona, Arkansas, California, Colorado, Delaware, the District of Columbia, Florida, Georgia, Hawaii, Idaho, **Illinois**, Indiana, Iowa, Kansas, Kentucky, Louisiana, **Maryland**, Mississippi, **Missouri**, Montana, Nebraska, **Nevada**, New Jersey, New Mexico, **New York**, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, **Virginia**, Washington, West Virginia, and Wyoming

- Minor civil division-level states: Connecticut, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, Rhode Island, Vermont, and Wisconsin

While only about one-fourth of election jurisdictions nationwide are in states that delegate election responsibilities primarily to counties, according to Census 2000, 88 percent of the U.S. population lived in these states. The U.S. population distribution between the two state groups is shown in table 28.

Table 28: Population in Each State Group

State group	Population in 2000	Percentage
County-level states	247,277,791	88
Minor civil division-level states	34,143,449	12
Total	**281,421,240**	**100**

Source: GAO analysis of U.S. Census Bureau data.

2001 Local Election Jurisdiction Mail Survey

After the 2000 general election, GAO also conducted a mail survey of local election jurisdictions nationwide. The sample frame for GAO's 2001 survey consisted of (1) all county election jurisdictions, or their equivalents, in 39 states that delegate election responsibilities primarily to counties;[1] (2) the largest MCD in each county (based on 1999 Census population estimates) in the 9 states that delegate election responsibilities to MCDs; (3) the District of Columbia; and (4) Alaska. Survey results were generalized to this sample frame, which covered 90 percent of the U.S. population.

The sample frame for the 2001 survey was stratified into three groups—jurisdictions that used electronic voting machines; those that used optical scan; and those that used any other method, including punch cards, lever machines, and hand-counted paper ballots. To determine the population of jurisdictions that used each type of voting method, we used two databases from Election Data Services[2]—one for counties nationwide and one for New England MCDs---supplemented by data we obtained from other sources. We created separate strata for DRE and optical scan because these were the two types of methods usually considered at the time as options by jurisdictions purchasing new voting equipment.

Where possible, the results of some questions in the 2001 survey were compared with results in the 2005 local election jurisdiction survey. Differences in overall estimates from the 2001 and 2005 surveys of local

[1]We did not include any election jurisdictions in Oregon because statewide voting in Oregon for the November 2000 election was conducted entirely by mail and absentee balloting.

[2]Election Data Services is a private company that collects election-related data from state and local jurisdictions, such as the number of registered voters and voting methods used in local election jurisdictions. We used several methods to check the reliability of data in these databases and found the databases to be sufficiently reliable for our purposes in this survey.

election jurisdictions are, in part, likely due to differences in the sample designs of the two surveys and how MCDs were selected. Because of these sample design differences, comparing only election jurisdictions that are counties provides a stronger basis for making direct comparisons between the two surveys' results. The estimates compared in this report are of the county local election jurisdictions only; for this reason, some estimates from the 2001 survey are slightly different than the overall sample estimates provided in our prior report. For these comparisons, the 95 percent confidence interval is plus or minus 5 percentage points or less for the 2001 survey estimates and plus or minus 8 percentage points or less for the 2005 survey estimates.

2005 Local Election Jurisdiction Mail Survey

Unlike for the 2001 GAO election survey, for the 2005 survey GAO constructed its own sample frame. The initial list for each state group was constructed from the 2000 decennial census data. Census population data were available for all counties and county equivalents (cities that are independent from counties and boroughs, municipalities, and other census areas in Alaska); the county equivalents for Alaska were assigned to their respective election regions. Census population data were also available for all MCDs. We used jurisdiction population size to define sample strata because these census data were readily available for all counties and MCDs nationwide. Ideally, it would have been useful to define the sample using national data on all registered voters or all eligible voters. However, we did not use numbers of registered voters to define the strata because census data on registered voters were not available at the county and MCD level nationwide. And we did not use numbers of eligible voters (individuals 18 years and over) to define the strata because census data allowing us to exclude noncitizens and felons, groups that are not eligible to vote, from the 18 years and over population, were also not available at the county and MCD levels nationwide.

The large imbalance between the distribution of population and election jurisdictions between the two groups of states created unique challenges in designing a survey sample that, at the same time, is representative of all election jurisdictions nationwide and covers the entire U.S. population. Because about three-fourths of all election jurisdictions are in the MCD states, in large part, a survey of a representative sample of jurisdictions nationwide is a survey of the MCD jurisdictions and the election processes, procedures, and practices that result from the laws of the 9 states in which they are located. And, because of the large number of MCD jurisdictions in Minnesota, Michigan, and Wisconsin, these 3 states play a big role in the

sample.[3] Contrariwise, a survey that is representative of the U.S. population nationwide, and not of local election jurisdictions nationwide, similar to GAO's 2001 election survey, would place heavy emphasis on the 41 county-level states in which 88 percent of the U.S. population lives. In a sample like this, about 88 percent of the sampled jurisdictions would come from the county-level states, and about 12 percent would come from the MCD states. So neither the MCD jurisdictions nor their states would receive as much emphasis in the sample. Therefore, we designed a survey sample that would allow us to provide survey results that can be generalized to all local election jurisdictions nationwide, as well as for local election jurisdictions by population size.

We surveyed a stratified random probability sample of 788 local election jurisdictions nationwide. The sampling unit was the geographically distinct local election jurisdiction at the county, city, or MCD level of local government (or, in Alaska, the election region). The population of election jurisdictions was divided into the two state groups—county-level states and MCD-level states, and each state group was then divided into strata according to jurisdiction population size using Census 2000 data. County-level states were divided into 4 strata, and MCD-level states were divided into 6 strata. The allocation of units, or jurisdictions, to strata was done in two stages (see table 29). In the first stage, 533 units were allocated across the 9 strata in proportion to the number of jurisdictions in the population in each stratum. We used only 9 strata because 1 stratum (stratum 5) did not have any jurisdictions. Sample allocation at this stage allowed us to have a random sample of all local election jurisdictions nationwide. In the second stage, we allocated an additional 255 sample units to the 5 strata having the largest population, with all jurisdictions in county-level states having a population greater than 1 million being selected. Sample allocation at this stage allowed us also to have a random sample of local jurisdictions nationwide according to population size—large, medium, and small. To group jurisdictions by population size, we combined jurisdictions in like-sized population strata in county-level and MCD-level states. We defined large jurisdictions as those with a population greater than 100,000 (strata 1, 2, and 6), medium jurisdictions as those with a population of more than 10,000 to 100,000 (strata 3 and 7), and small jurisdictions as those with a population of 10,000 or less (strata 4, 8, 9, and 10). Thus, our survey results

[3]There are more than 6,100 MCD jurisdictions in these 3 states combined.

can be generalized to all local election jurisdictions nationwide, as well as to jurisdictions by population size category.

Table 29: Local Election Survey Sample Allocation

Stratum		Total number of jurisdictions in population	Number in stage 1 allocation	Number in stage 2 allocation	Total number of jurisdictions sampled
1	County/city—greater than 1 million population	28	1	27	28
2	County/city—100,001 to 1 million population	422	21	136	157
3	County/city—10,001 to 100,000 population	1,716	87	65	152
4	County/city—1 to 10,000 population	648	33	0	33
5	MCD—greater than 1 million population	0	0	0	0
6	MCD—100,001 to 1 million population	25	1	7	8
7	MCD—10,001 to 100,000 population	673	33	20	53
8	MCD—1,001 to 10,000 population	3,053	155	0	155
9	MCD—301 to 1,000 population	2,341	119	0	119
10	MCD—0 to 300 population	1,585	83	0	83
	Total	**10,491**	**533**	**255**	**788**

Source: GAO analysis of U.S. Census Bureau data for the population counts and GAO for sample allocations.

As indicated above, GAO constructed an initial sample frame for each state group using 2000 decennial census data. To check the comprehensiveness and correctness of this list, information about election jurisdictions was obtained from state election Web sites in nearly all states. In making these checks, we determined that the census data did not coincide with all local election jurisdictions in 7 states—Hawaii, Virginia, Maine, New Hampshire, Vermont, Minnesota, and Wisconsin. All of these states, except Wisconsin, had counties or MCDs that were not identified as election jurisdictions, and Maine and Wisconsin had election jurisdictions that were not census MCDs. Therefore, we adjusted the original sample frame to reflect the election jurisdictions in these 7 states as best we could determine. Additionally, during the course of fielding this survey, we learned that the 5 counties, or boroughs, that constitute New York City are not separate election jurisdictions, but are a single election jurisdiction governed by the New York City Board of Elections. We adjusted our sample frame based on census data again to reflect this circumstance. Two states, Minnesota and Michigan, did not provide comprehensive listings of election jurisdictions on their state election Web sites. However, from the Minnesota Municipal

Clerks and Finance Officers' Association and the Minnesota Association of Townships, we obtained lists of Minnesota MCD election officials; and from the Michigan Townships Association Web site, the Michigan Association of Municipal Clerks, and a listing of Michigan local government Web sites contained in an online document from the University of Michigan, we obtained Internet links to Michigan MCDs that enabled us to identify local election officials in this state. From all of these data sources, GAO constructed a complete list of local election jurisdictions in the United States. The information from state election Web sites and other sources was used also to obtain contact information for the head official in local election jurisdictions selected to be in our survey sample. For some local election jurisdictions officials whose contact information was not readily available, we called or e-mailed state election officials, county or city hall administration offices, or jurisdiction membership organizations in order to learn appropriate names and addresses. A contractor was used to call all jurisdictions in the sample to confirm or correct, as necessary, this contact information.

We had to make adjustments in how we surveyed the election jurisdictions in two states—Minnesota and Texas. During questionnaire development, we learned that election functions in Minnesota are split between county-level government and MCDs. For example, registration is handled exclusively by county officials, and county auditors may delegate other functions, such as absentee voting, to MCDs. There are some functions that MCDs are responsible for handling, such as polling place matters. Therefore, we also surveyed election officials in the 67 Minnesota counties that had MCDs selected to be in our sample—our sample included no MCDs from the remaining Minnesota counties. We created separate versions of our questionnaire for Minnesota county and MCD election officials. GAO staff reviewed and combined the responses from counties with the responses from their included MCDs to create a single completed questionnaire per Minnesota MCD in our sample. Also, during the course of fielding this survey, we learned that some Texas counties split election responsibilities between the county clerk and the tax assessor-collector. In the few Texas counties in our sample with these split responsibilities, we sent a copy of the main questionnaire to each official, and again used only a single completed questionnaire for the county.

Our survey period was from mid-August until mid-December 2005. A contractor was used to make up to two follow-up telephone calls to all nonrespondents to encourage them to return a completed questionnaire. In all, we received 632 usable questionnaires for an overall response rate of

80 percent. The response rates by strata are presented in table 30. As can be seen, the response rates were high in all strata, with the lowest response rate being 69 percent in stratum 2. And according to our groupings of jurisdictions by population size, the response rates for large jurisdictions was 72 percent, for medium jurisdictions it was 82 percent, and for small jurisdictions it was 83 percent. We believe that these response rates combined with relatively small sampling errors, presented below, allow us to describe the issues and challenges encountered by local election jurisdictions, both in total and by population size categories, in the 2004 general election with an acceptable level of precision.

Table 30: Local Election Jurisdiction Survey Response Rates, Overall and by Sample Strata

Stratum		Number of jurisdictions sampled	Number of jurisdictions returning usable questionnaires	Response rate
1	County/city—greater than 1 million population	28	24	86%
2	County/city—100,001 to 1 million population	157	108	69%
3	County/city—10,001 to 100,000 population	152	121	80%
4	County/city—1 to 10,000 population	33	26	79%
5	MCD—greater than 1 million population	0	0	0
6	MCD—100,001 to 1 million population	8	7	88%
7	MCD—10,001 to 100,000 population	53	48	91%
8	MCD—1,001 to 10,000 population	155	126	81%
9	MCD—301 to 1,000 population	119	96	81%
10	MCD—0 to 300 population	83	76	92%
	Total	**788**	**632**	**80%**

Source: GAO

All sample surveys are subject to sampling error—that is, the extent to which the survey results differ from what would have been obtained if the whole population had been observed. Measures of sampling error are defined by two elements, the width of the confidence intervals around the estimate (sometimes called the precision of the estimate) and the confidence level at which the intervals are computed. Because we followed a probability procedure based on random selections, our sample is only one of a large number of samples that we might have drawn. As each sample could have provided different estimates, we express our confidence in the precision of our particular sample's results as a 95 percent confidence interval (e.g., plus or minus 5 percentage points). This is the

interval that would contain the actual population value for 95 percent of the samples we could have drawn. As a result, we are 95 percent confident that each of the confidence intervals based on the mail survey includes the true values in the sample population. Unless otherwise noted, the maximum sampling error for estimates of all jurisdictions is plus or minus 5 percentage points, plus or minus 7 percentage points for large jurisdictions, plus or minus 7 percentage points for medium population size jurisdictions; and plus or minus 5 percentage points for small population size jurisdictions.

In addition to the reported sampling errors, as indicated earlier, the practical difficulties of conducting any survey may introduce errors, commonly referred to as nonsampling errors. For example, differences in how a particular question is interpreted, the information sources available to respondents, or the types of sample members who do not respond can introduce unwanted variability into the survey results. We took extensive steps in questionnaire development, data collection, and the editing and analysis of the survey data to minimize nonsampling errors. As with the questionnaire for our state survey, social science survey specialists designed the draft questionnaire for local jurisdictions in close collaboration with GAO subject matter experts. An early draft was reviewed by an expert in the election field who is also a long-time local election administrator. We pretested the questionnaire in person and by telephone with officials in election jurisdictions in 7 states. From this review and these pretests, we made revisions, as necessary. We also consulted with election officials in several counties in Minnesota when developing separate questionnaire versions for Minnesota counties and MCDs. Our questionnaire was sent to all jurisdictions in booklet form. A copy of the main mail questionnaire is included in appendix III. All returned questionnaires were reviewed and edited, and we called respondents to obtain information for blank responses or where clarification was needed. For example, many jurisdictions returned a questionnaire that had two or more adjacent pages left blank. We called these jurisdictions to determine whether the questions on these pages had not been answered accidentally or intentionally. We then obtained answers to these questions from those respondents willing to provide answers. Also, when necessary, we called Minnesota election officials to resolve conflicts that occurred when we were combining questionnaire data from Minnesota MCDs and associated counties into a single completed questionnaire per MCD. All questionnaire data were double key-entered into an electronic file in batches (that is, the entries were 100 percent verified), and a random sample of each batch was selected for further verification for completeness and accuracy. Computer

analyses were also performed to identify any inconsistencies in response patterns or other indications of errors. All computer syntax was peer-reviewed and verified by separate programmers to ensure that the syntax had been written and executed correctly.

Visits to Selected Local Election Jurisdictions

To obtain a more detailed understanding of the stages of the election process, challenges associated with it in local jurisdictions, and how local election officials address those challenges, we visited and interviewed officials in a nonprobability sample of 28 local election jurisdictions in 14 states nationwide. We obtained and reviewed available documentation on the requirements, people, processes, and technology of election administration within each jurisdiction. Although the information obtained from the visits to these 28 jurisdictions cannot be generalized to other local election jurisdictions, these jurisdictions were chosen based on a wide variety of characteristics, including voting methods used, geographic characteristics, and aspects of election administration. Regarding election administration, we sought to have a mix of jurisdictions where the following varied: registration time frames, absentee voting requirements (i.e., excuse versus no excuse), whether early voting was offered, whether voters were required to provide identification to vote, and whether recounts for federal or state offices occurred. We did not select jurisdictions we visited on the basis of size, but as appropriate, we identify the size of a jurisdiction we visited using the same groupings we used for our nationwide mail survey. The jurisdictions we visited are shown in table 31.

Table 31: Local Election Jurisdictions Visited

State	Jurisdiction visited
Colorado	El Paso County
	Larimer County
Connecticut	City of Hartford
	City of New Haven
Florida	Broward County
	Leon County
Georgia	Dougherty County
	Muscogee County
Illinois	Champaign County
	City of Chicago
Kansas	Johnson County
	Wyandotte County
New Hampshire	Town of Madbury
	City of Manchester
New Jersey	Middlesex County
	Passaic County
Nevada	Clark County
	Washoe County
New Mexico	Bernalillo County
	Santa Fe County
North Carolina	Carteret County
	Guilford County
Ohio	Cuyahoga County
	Mahoning County
Pennsylvania	Allegheny County
	Montgomery County
Washington	Clark County
	King County

Source: GAO

We visited these 28 local election jurisdictions between July and October 2005.

Voter Registration Deadlines for States and the District of Columbia

The following table presents information on voter registration deadlines in the 50 states and the District of Columbia as reported by state election officials in our state survey. In our state survey, we provided states the deadline they had reported to us for submitting a registration application for the November 2000 general election and asked if the deadline for submitting a registration application remained the same or had changed for the November 2004 general election. As shown in bold text, three states (Maryland, Nevada, and Vermont) reported that their states had changed their registration deadlines for the November 2004 general election.

Table 32: States Reporting on November 2004 General Election Registration Deadlines

State	2004 general election registration deadline (days before election)
Alabama	10 days before election
Alaska	30
Arizona	29
Arkansas	30
California	15
Colorado	29
Connecticut	14
Delaware	20 days prior to a general election and 21 days prior to a primary election
District of Columbia	30
Florida	29
Georgia	The fifth Monday before a general primary, general election, presidential preference primary, or special election unless special election or special primary is held on date other than uniform election date, in this case deadline would be fifth day after the date of the call for the special primary or election
Hawaii	30–9 October, 1 month prior to election
Idaho	25 days before an election if mailed, 24 days for in-person Election Day registration at polling precincts
Illinois	28 days before a general and primary election
Indiana	29
Iowa	Must be delivered by 5 p.m., 10 days before a state primary or general election, 11 days before all others, or postmarked 15 or more days before an election
Kansas	15 days prior to any election
Kentucky	No state response to this question
Louisiana	30
Maine	Registration by mail or delivered by a person other than the voter had to be received by the registrar of voters by the 10th business day before the election. Registration permitted in person up to and on Election Day
Maryland	**21 days before the election (the deadline was reduced from 25 days before the election)**
Massachusetts	20

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State	2004 general election registration deadline (days before election)
Michigan	30
Minnesota	Delivered by 5 p.m. 21 days before an election. Election Day registration at polling precincts
Mississippi	30
Missouri	28–always fourth Wednesday prior to an election. In some years this is 28 days, in some years it may be more than 28 days
Montana	30
Nebraska	For applicants submitted other than in person (mail, MVA, public assistance agency, etc.) the deadline is the third Friday prior to election. For in-person registrations at the local election official's office, the deadline is 6 p.m. the second Friday before election
Nevada	**Deadline for registration by mail (9 p.m. on the fifth Saturday preceding any primary or general election) stayed the same. For registration in person the deadline was lengthened 10 days (9 p.m. on the third Tuesday preceding any primary or general election).**
New Hampshire	Must be received 10 days before an election. Election Day registration at polling precincts
New Jersey	29
New Mexico	28
New York	25
North Carolina	Postmarked 25 days before an election or received 25 days before an election in the elections office or designated voter registration agency by 5 p.m.
North Dakota	No voter registration
Ohio	No state response to this question
Oklahoma	24
Oregon	Postmarked or received 21 days before an election
Pennsylvania	30
Rhode Island	30
South Carolina	30
South Dakota	Postmarked 30 days before an election or delivered 15 days before an election
Tennessee	Postmarked or received 30 days before an election
Texas	30
Utah	Postmarked 20 days before an election; in person at a county clerk's office or at a county clerk designated "satellite" registration location 8 days before an election
Vermont	**Noon on the second Monday before the election (changed from the second Saturday before the election)**
Virginia	28 days prior to the general or primary election
Washington	30 days before an election or delivered in person up to 15 days before an election at a location designated by the county elections officer
West Virginia	21 days before the election
Wisconsin	Postmarked or accepted by second Wednesday preceding election, or completed in the local voter registration office 1 day before the election. Election Day registration at polling precincts
Wyoming	30–Election Day registration at polling precincts

Source: GAO 2005 state survey.

Characteristics of Early Voting Jurisdictions Visited

GAO's review of the November 2004 general election included visits to 14 early voting election jurisdictions in 7 states, selected as part of a nonprobability sample of local election jurisdictions.[1] The election jurisdictions varied widely in their provisions of early voting locations, equipment, workers, and calendar days and hours. As shown in the table below, for example, election jurisdictions in Florida, Georgia, Kansas, and North Carolina had one early voting location, while others had multiple sites such as 3 in Johnson County, Kansas; 5 in Larimer County, Colorado; 14 in Broward County, Florida; and 63 in Clark County, Nevada. The broad range of early voting locations involved the use of as few as one voting machine in Georgia and North Carolina counties we visited to several hundred voting machines used in counties visited in New Mexico and Nevada. The cadre of poll workers staffing early voting sites included as few as eight or nine workers in Georgia, Kansas, and North Carolina counties; dozens in jurisdictions such as Larimer County, Colorado; Bernalillo County, New Mexico; and hundreds in Broward County, Florida; Clark County, Nevada; and Guilford County, North Carolina. The period for early voting ranged from 5 days in Georgia to 28 days in New Mexico. Early voting hours varied extensively, but early voting was generally available during weekday business hours and sometimes on Saturday and Sunday.

Table 33: Selected Information on Jurisdictions We Visited That Had Early Voting

								Early voting hours	
State	County	Total number of locations	Locations accessible to voters with disabilities	Locations with voting machines accessible to voters with disabilities	Voting machines	Poll workers	Early voting calendar days	Election/main office	Other locations
Colorado	El Paso	3	3	3	69	14	15	8 a.m.–5 p.m.	8 a.m.–4:30 p.m.
Colorado	Larimer	5	5	0[a]	5	92	15	8 a.m.–5 p.m.	8 a.m.–5 p.m.
Florida	Broward	14	14	14	183	220	15	8:30 a.m.–6 p.m. M-F; 10 a.m.–3 p.m. Sat.; 1 p.m.–4 p.m. Sun.	8:30 a.m.–6 p.m. M-F; 10 a.m.–3 p.m. Sat.; 1 p.m.–4 p.m. Sun.

[1]Election responsibility for these jurisdictions resided at the county level.

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State	County	Total number of locations	Locations accessible to voters with disabilities	Locations with voting machines accessible to voters with disabilities	Voting machines	Poll workers	Early voting calendar days	Early voting hours: Election/main office	Early voting hours: Other locations
Florida	Leon	1	1	0[a]	1	15	15	8:30 a.m.–5:30 p.m. M-F; 9 a.m.–5 p.m. Sat.; 9 a.m.–5 p.m. Sun.	N/A[b]
Georgia	Dougherty	1	1	1	7	8	5	8:30 a.m.–5 p.m.	N/A[b]
Georgia	Muscogee	1	1	1	9	20	5	8 a.m.–5 p.m.	N/A[b]
Kansas	Johnson	3	3	3	6	24	20	8 a.m.–7 p.m. M-F; 8 a.m.–5 p.m. Sat. (generally)	11 a.m.–7 p.m. M-F; 9 a.m.–5 p.m. Sat. (generally)
Kansas	Wyandotte	1	1	0[a]	4	8	20	8 a.m.–5 p.m.	N/A[b]
Nevada	Clark	63	63	63	390	347	17	Various	Various
Nevada	Washoe	11	11	11	85	29	17	8 a.m.–6 p.m. (generally)	8 a.m.–6 p.m. (generally)
New Mexico	Bernalillo	13	13	13	283	55	28[c]	8 a.m.–5 p.m. M-F (generally)	12 p.m.–8 p.m. T–F; 10 a.m.–5p.m. Sat. (generally)
New Mexico	Santa Fe	5	5	0[a]	5	20	17[c]	12 p.m.–8 p.m. T – F; 10 a.m.–6 p.m. Sat.	12 p.m. –8 p.m. T–F; 10 a.m. –6 p.m. Sat.
North Carolina	Carteret	1	1	1	13	9	19	8 a.m.–5 p.m. M-F; 8 a.m.–1 p.m. Sat.	N/A[b]
North Carolina	Guilford	13	13	13	114	116	19	8 a.m.–5 p.m. M-F (generally)	10 a.m.–6:30 p.m. M-F; 10 a.m.–1, 3, or 4 p.m. Sat. (generally)

Source: GAO interviews of local election jurisdiction officials.

[a]To vote early, voters with disabilities completed a paper ballot which an election worker fed into a precinct count optical scan machine.

[b]N/A–not applicable because jurisdiction had only 1 location for early voting.

[c]New Mexico statute provides that a voter may vote early up to 28 days prior to an election at the office of the county clerk or at an alternate location.

Selected State Statutory Requirements for Absentee Voting

This appendix presents selected state statutory requirements for absentee voting. Table 34 summarizes certain mail-in absentee voting requirements in the 50 states and the District of Columbia. The statutory changes are in bold to highlight differences between requirements in the November 2000 and 2004 general elections, including excuse requirements and notary or witness requirements. Table 35 summarizes the deadlines for returning mail-in absentee ballot applications and absentee ballots in the 50 states and the District of Columbia. Some of the states reporting that an excuse was required to vote absentee also reported providing voters with other means to vote prior to Election Day without requiring an excuse. According to our state survey, of the 30 states that reported requiring an excuse to vote absentee, 8 states reported that they offered voters the option of early voting without requiring an excuse. Oregon reported, on our state survey, that it offered all-mail voting.

Table 34: Selected State Requirements for Domestic Absentee Voting, November 2000 and 2004 General Elections

	Excuse required		Witness or notary required	
State	**2000**	**2004**	**2000**	**2004**
Alabama	Yes	Yes	Yes	Yes
Alaska	**No**	**Yes**	Yes	Yes
Arizona	**No**	**Yes**	No	No
Arkansas	Yes	Yes	No	No
California	No	No	No	No
Colorado	No	No	No	No
Connecticut	Yes	Yes	No	No
Delaware	Yes	Yes	No	No
Florida	**Yes**	**No**	**Yes**	**No**
Georgia	Yes	Yes	No	No
Hawaii	No	No	No	No
Idaho	No	No	No	No
Illinois	Yes	Yes	No	No
Indiana	Yes	Yes	No	No
Iowa	**Yes**	**No**	No	No
Kansas	No	No	No	No
Kentucky	Yes	Yes	No	No
Louisiana	Yes	Yes	Yes	Yes
Maine	No	No	No	No

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	Excuse required				Witness or notary required			
State	**2000**		**2004**		**2000**		**2004**	
Maryland	Yes		Yes			No		No
Massachusetts	Yes		Yes			No		No
Michigan	Yes		Yes			No		No
Minnesota	Yes		Yes		Yes		Yes	
Mississippi	Yes		Yes		Yes		Yes	
Missouri	Yes		Yes		Yes		Yes	
Montana		No		No		No		No
Nebraska		No		No		No		No
Nevada		No		No		No		No
New Hampshire	Yes		Yes			No		No
New Jersey	Yes		Yes			No		No
New Mexico		No		No		No		No
New York	Yes		Yes			No		No
North Carolina	**Yes**			**No**	Yes		Yes	
North Dakota		No		No		No		No
Ohio	Yes		Yes			No		No
Oklahoma		No		No	Yes		Yes	
Oregon		**No**	**Yes**			No		No
Pennsylvania	Yes		Yes			No		No
Rhode Island	Yes		Yes		Yes		Yes	
South Carolina	Yes		Yes		Yes		Yes	
South Dakota	**Yes**			**No**		No		No
Tennessee	Yes		Yes			No		No
Texas	Yes		Yes			No		No
Utah	**Yes**			**No**		No		No
Vermont	**Yes**			**No**		No		No
Virginia	Yes		Yes		Yes		Yes	
Washington		No		No		No		No
West Virginia	Yes		Yes			No		No
Wisconsin		No		No	Yes		Yes	
Wyoming		No		No		No		No
District of Columbia	Yes		Yes			No		No
Total	**33**	**18**	**30**	**21**	**13**	**38**	**12**	**39**

Source: GAO 2005 survey of state election officials and GAO, *Elections: Perspectives on Activities and Challenges Across the Nation*, GAO-02-3 (Washington, D.C.: October 2001).

Information in bold shows states with changes in excuse or witness or notary requirement.

Table 35: States' Mail-in Absentee Ballot Application and Mail-in Absentee Ballot Deadlines for Inside the United States, November 2004 General Election

State	Mail-in absentee ballot application deadline	Mail-in absentee ballot deadline
Alabama	5 days before Election Day	Election Day and postmarked by day prior to Election Day
Alaska	7 days before Election Day	10 days after Election Day and postmarked by Election Day
Arizona	11 days before Election Day	Election Day by 7 p.m.
Arkansas	7 days before Election Day	Election Day no later than 7:30 p.m.
California	7 days before Election Day	Election Day by close of polls
Colorado	11 days before Election Day	Election Day by 7 p.m.
Connecticut	Election Day	Election Day by close of polls
Delaware	1 day before Election Day	1 day before Election Day by noon
Florida	No deadline	Election Day by 7 p.m.
Georgia	4 days before Election Day	Election Day by 7 p.m.
Hawaii	7 days	Election Day by close of polls
Idaho	6 days before Election Day	Election Day by 8 p.m.
Illinois	5 days before Election Day	Election Day by close of polls.
Indiana	Varies by county, type of voter, and delivery method, but earliest deadline is 8 days before Election Day	In time for the board to deliver the ballot to the precinct on Election Day
Iowa	4 days before Election Day	Either (1) Election Day, received by close of polls, or (2) postmarked no later than the day before close of polls and received not later than 12 p.m. on the Monday following the election
Kansas	4 days before Election Day	Election Day by close of polls
Kentucky	7 days before Election Day	Election Day by close of polls
Louisiana	4 days before Election Day	1 day before Election Day
Maine	Election Day	Election Day by close of polls
Maryland	7 days before Election Day	1 day after Election Day by 4 p.m. if postmarked before Election Day
Massachusetts	1 day before Election Day	Election Day by the close of polls
Michigan	3 days before Election Day	Election Day by close of polls
Minnesota	1 day before Election Day	Election Day
Mississippi	1 day before Election Day	1 day before Election Day by 5 p.m.
Missouri	6 days before Election Day	Election Day by close of polls
Montana	1 day before Election Day	Election Day by close of polls
Nebraska	6 days before Election Day	Election Day by close of polls
Nevada	7 days before Election Day	Election Day by close of polls
New Hampshire	No deadline	Election Day by 5 p.m.

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State	Mail-in absentee ballot application deadline	Mail-in absentee ballot deadline
New Jersey	Election Day	Election Day by the closing of the polls
New Mexico	7 days before Election Day	Election Day by 7 p.m.
New York	7 days before Election Day	7 days after Election Day and postmarked before Election Day
North Carolina	7 days before Election Day	1 day before Election Day by 5 p.m.
North Dakota	1 day before Election Day	Postmarked by midnight of the day before Election Day (if no postmark legible, must be received within 2 days after Election Day)
Ohio	Election Day	Election Day by close of the polls
Oklahoma	6 days before Election Day	Election Day no later than 7 p.m.
Oregon	No deadline	Election Day not later than 8 p.m.
Pennsylvania	7 days before Election Day	4 days before Election Day by 5 p.m.
Rhode Island	21 days before Election Day	Election Day not later than 9 p.m.
South Carolina	4 days before Election Day	Election Day by closing of the polls
South Dakota	Election Day	Election Day
Tennessee	5 days before Election Day	Election Day by close of polls
Texas	7 days before Election Day	Election Day by close of polls
Utah	20 days before Election Day	6 days after Election Day and postmarked before Election Day
Vermont	1 day before Election Day	Election Day
Virginia	5 days before Election Day	Election Day
Washington	1 day before Election Day	Postmarked no later than Election Day
West Virginia	6 days before Election Day	Either (1) received Election Day by close of polls or (2) postmarked no later than Election Day and received before canvassing begins (generally the fifth day after a general election)
Wisconsin	4 days before Election Day	Election Day
Wyoming	1 day before Election Day	Election Day by 7:00 p.m.
District of Columbia	7 days before Election Day	10 days after Election Day and postmarked not later than Election Day

Source: GAO 2005 survey of state election officials.

Note: All of the reported state mail-in ballot deadlines remained the same for the November 2000 and 2004 general elections except for Nebraska. Nebraska reported that the mail-in absentee ballot deadline for the November 2000 general election was no later than 2 days after Election Day.

State Provisions for Accessibility of Polling Places and Alternative Voting Methods

This appendix presents additional information on the accessibility of polling places and alternative voting methods.

State Provisions Concerning Accessibility for the 2000 General Election

In October 2001, we issued a report that examined state and local provisions and practices for voting accessibility, both at polling places and with respect to alternative voting methods and accommodations. For that report, our analysis included a review of state statutes, regulations, and written policies pertaining to voting accessibility for all 50 states and the District of Columbia. We noted that all states and the District of Columbia had laws or other provisions concerning voting access for individuals with disabilities, but the extent and manner in which these provisions addressed accessibility varied from state to state.[1] Table 36 presents state provisions concerning the accessibility of polling places, and table 37 presents provisions related to alternative voting methods, as reported in our October 2001 report.

[1]For more information, see GAO, *Voters with Disabilities: Access to Polling Places and Alternative Voting Methods*, GAO-02-107 (Washington, D.C.: Oct. 15, 2001).

Table 36: State Provisions Concerning Accessibility of Polling Places

State provisions	Number of states with provisions		
	Statute or regulation	Policy only[a]	Number of states with no provision
Polling place accessibility			
All polling places must/should be accessible	36	7	8
State provisions contain one or more polling place accessibility standards	23	19	9
Inspection of polling places to assess accessibility is required	15	14	22
Reporting by counties to state on polling place accessibility is required	10	10	31
Voting booth areas and equipment			
Voting booth areas must/should accommodate wheelchairs	17	16	18
Voting systems must/should accommodate individuals with disabilities	13	11	27
Aids for visually impaired voters			
Braille ballot or methods of voting must/should be provided	3	3	45
Ballots with large type must/may be provided	2	2	47
Magnifying instruments must/may be provided	7	15	29

Source: GAO-02-107, p. 17; GAO analysis of statutes, regulations, and other written provisions in 50 states and the District of Columbia. Provision categories were identified based on our review of these legal and policy documents.

[a]Policies for a particular provision were identified only if a state did not have either a statute or a regulation for that provision.

Table 37: State Provisions for Alternative Voting Methods and Accommodations

Methods and accommodations	Number of states		
	Permitting	No provision	Prohibited
Absentee voting by mail	51	0	0
Permanent absentee voting	17	34	0
Curbside voting on Election Day	28	19	4
Ballot can be taken to voter's residence on or before Election Day	21	25	5
Early voting	39	12	0

Source: GAO-02-107, p. 21; GAO analysis of statutes, regulations, and other written provisions provided by election officials in 50 states and the District of Columbia.

State Provisions For the November 2004 General Election

Table 38 presents information from our 2005 survey of state election officials about provisions concerning accessibility and accommodations for individuals with disabilities for the November 2004 general election.

Table 38: State Provisions Concerning Accessibility of Polling Places and Accommodations for Individuals with Disabilities for the November 2004 General Election

Provision	Required	Allowed	Not allowed	Not addressed	Not applicable	Required or allowed
Polling place accessibility standards[a]	41	6	0	2	1[b]	47
Inspections of polling place accessibility	28	16	0	6	1[b]	44
Reporting by local jurisdictions to the state on polling place accessibility	32	8	0	9	2[b]	40
Accommodation of wheelchairs in voting areas	39	4	0	7	1[b]	43
Curbside voting available on Election Day	17	13	18	2	1[b]	30
Ballot can be taken to voter's residence on or before Election Day	5	20	18	8	0	25
Notification of voters of any inaccessible polling places[c]	16	11	1	16	6[b]	27
Provision of ballot or methods of voting in Braille[d]	1	13	2	33	1	14
Provision of ballots with large type	5	17	3	26	0	22
Provision of magnifying instruments[d]	8	34	0	7	1[b]	42

Source: GAO 2005 survey of state election officials.

[a]Election officials in one state responded that they did not know.

[b]Oregon conducts Election Day voting by mail; thus, provisions for polling place accessibility are not applicable.

[c]Election officials in one state did not respond to this question.

[d]Election officials in one state did not respond to this question.

States and the District of Columbia Reported Requirements for Local Jurisdictions to Use Federal Standards for Voting Systems

The following table summarizes reported state requirements for compliance with voluntary federal standards for voting equipment that will be used for the first time in the 2006 general election in the 50 states and the District of Columbia. In our survey of state election officials, we asked states to identify from a list of federal standards or guidelines any or all that they would require local jurisdictions to comply with for new voting equipment for the November 2006 general election. According to our state survey, states are requiring local jurisdictions to apply a variety of federal standards to their voting systems.

Table 39: States and the District of Columbia Reported Requirements for Use of Voluntary Federal Standards for New Voting Systems for the November 2006 General Election

State	1990 FEC standards	2002 FEC standards	Draft EAC guidance[a]	Hybrid of one or more of 1990 and 2002 FEC standards and EAC guidance	Will use federal standards/guidelines but version was not specified	Not yet determined
Alabama					x	
Alaska		x				
Arizona	x	x	x			
Arkansas				x		
California	x	x				x
Colorado		x				
Connecticut	x	x				
Delaware[b]			x		x	
Florida				x		
Georgia				x		
Hawaii					x	
Idaho		x				
Illinois		x			x	
Indiana				x		
Iowa		x				
Kansas	x	x	x			
Kentucky		x				x
Louisiana				x		
Maine						x
Maryland		x				
Massachusetts	x	x	x			
Michigan		x				
Minnesota		x	x			

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State	1990 FEC standards	2002 FEC standards	Draft EAC guidance[a]	Hybrid of one or more of 1990 and 2002 FEC standards and EAC guidance	Will use federal standards/guidelines but version was not specified	Not yet determined
Mississippi	x					
Missouri		x				
Montana				x		
Nebraska		x				
Nevada				x		
New Hampshire[b]						
New Jersey	x			x		
New Mexico		x				
New York					x	
North Carolina				x		
North Dakota		x				
Ohio				x		
Oklahoma[b]						
Oregon	x	x				
Pennsylvania		x				
Rhode Island						x
South Carolina[c]						
South Dakota					x	
Tennessee		x				
Texas	x	x				
Utah		x				
Vermont						x
Virginia	x	x				
Washington	x	x				
West Virginia		x				
Wisconsin		x				
Wyoming		x				
District of Columbia		x				
Totals	**11**	**29**	**5**	**10**	**6**	**5**

Source: GAO 2005 survey of state election officials.

[a]At the time of our 2005 state survey, the proposed EAC guidelines were open to public comment for a period of 90 days. On December 13, 2005, EAC adopted the *2005 Voluntary Voting System Guidelines*, which will take effect in December 2007.

[b]Three states (Delaware, New Hampshire, and Oklahoma) indicated in their response that they do not require that local jurisdictions comply with federal standards or guidance.

[c]South Carolina did not respond to any of the response categories.

GAO Contacts and Acknowledgments

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Glossary

	This glossary is provided for reader convenience. It is not intended as a definitive, comprehensive glossary of election-related terms.
Absentee and Early Voting	These are programs that, in general, permit eligible persons to vote prior to Election Day. Absentee voting is generally conducted by mail in advance of Election Day and early voting is generally in-person voting in advance of Election Day at specific polling locations.
Acceptance Testing	Acceptance testing is the examination of voting systems and their components by the purchasing election authority in a simulated-use environment to validate performance of delivered units in accordance with procurement activities.
Audit Testing	Audit testing reviews and reconciles election records to confirm correct conduct of an election or uncover evidence of problems with voting equipment or election processes.
Ballot	This is the official presentation of all of the contests to be decided in a particular election.
Canvassing	This is the process of reviewing votes by precinct, resolving problem votes, and counting all types of votes (including absentee and provisional votes) for each candidate and issue on the ballot and producing an official total for each.
Central Count Tabulation	Ballots are counted at a central location.
Certification	Certification is the point in the election process at which the vote count is finalized and made official. There are generally two stages of the certification process for statewide elections: First, the local election jurisdiction certifies the vote count to the state, and second, the state certifies the final vote count.

Certification Testing	Certification testing validates the compliance of the voting equipment with federal standards or state-specific requirements prior to (or as a condition of) system acceptance. Under NASED, national testing was called qualification testing.
Computerized Statewide Voter Registration List	The Help America Vote Act of 2002 requires most states to implement a single, uniform, centralized, and interactive computerized statewide voter registration list to serve as the official voter registration list for the conduct of all elections for federal office in each such state.
Contested Elections	These generally involve either an administrative or a judicial process specified under state provisions whereby certain individuals (e.g., a voter, a group of voters, or candidates) initiate an action challenging an election on the basis of certain state-specified reasons that may include, for example, ineligibility of the person elected, illegal votes, fraud, or errors by election officials.
Direct Recording Electronic (DRE)	There are two types of DREs, push-button and touch screen. For push-button machines, voters press a button next to the candidate's name or ballot issue, which then lights up to indicate the selection. Similarly, voters using touch screen DREs make their selections by touching the screen next to the candidate or issue, which is then highlighted. When voters are finished on a push-button or a touch screen DRE, they cast their votes by pressing a final "vote" button on the machine or screen.
Election Administration	This is the people, processes, and tasks associated with registering voters and preparing for and conducting elections.
Election Assistance Commission (EAC)	HAVA established this commission with wide-ranging duties to help improve the administration of federal elections. The commission is to be involved with, among other things, providing voluntary guidance to states on implementing certain HAVA provisions, serving as a national clearinghouse of state experiences implementing such guidelines and in the operation of voting systems in general, conducting studies, and helping to develop optional testing and standards for election equipment.

Election Day Activities	Activities carried out on Election Day include opening and closing polling places, verifying voter qualifications, assisting voters in casting their ballots, resolving problems that may arise during the day, and safeguarding the ballots.
Election Day Preparation	Tasks carried out in preparation for Election Day include recruiting and training poll workers, arranging for polling places, educating voters, designing ballots, and preparing voting equipment for use in casting and tabulating votes.
Election Fraud	Election fraud includes conduct that corrupts the electoral process for (1) registering voters; (2) obtaining, marking, or tabulating ballots; or (3) canvassing and certifying election results. Types of fraudulent conduct may include, among other things, voting by ineligibles, voting more than once, voter impersonation, intentional disruption of polling places either physically or by corrupting tabulating software, or destroying ballots or voter registrations.
Election Jurisdictions	These are counties, cities, townships, and villages that have responsibility for election administration.
Election Management System	This is a system that integrates the functions associated with readying vote-casting and -tallying equipment for a given election with other election management functions.
Federal Election Commission (FEC)	In 1975, Congress established FEC to administer and enforce the Federal Election Campaign Act—the statute that governs the financing of federal elections. To carry out this role, FEC discloses campaign finance information; enforces provisions of the law, such as limits and prohibitions on contributions; and oversees the public funding of presidential elections.

Federal Voting Equipment Standards	In 1990, FEC issued voluntary federal voting equipment standards that identified minimum functional and performance requirements for electronic voting systems and specified test procedures to be used to ensure that voting equipment met these requirements. FEC later revised the standards in 2002 to address new or additional functional and technical voting system capabilities. With the passage of HAVA in 2002, the responsibility for issuing standards passed to EAC. In December 2005, EAC issued the Voluntary Voting System Guidelines, which include additions and revisions for system functional requirements, performance characteristics, documentation requirements, and test evaluation criteria for the national certification of voting systems.
Integration Testing	Integration testing determines whether vote-casting, tallying, and election management systems function together for the election. Integration testing is conducted before the election.
Lever Machines	Lever machines are mechanical; the ballot is composed of a rectangular array of levers, which can be physically arranged either horizontally or vertically. Voters cast their votes by pulling down those levers next to the candidates' names or ballot issues of their choice. After voting, the voter moves a handle that simultaneously opens the privacy curtain, records the vote, and resets the levers.
Minor Civil Divisions (MCD)	These are subcounty governmental units, as designated by the U.S. Census Bureau.
Optical Scan	An optical scan voting system is composed of computer-readable ballots, appropriate marking devices, privacy booths, and a computerized tabulation machine. The ballots can vary in size and list the names of the candidates and the issues. Voters record their choices using an appropriate writing instrument to fill in boxes or ovals or to complete an arrow next to the candidate's name or the issue. Optical scan ballots are counted by being run through a computerized tabulation machine.
Overvotes	These are votes for more choices than are permitted for the contest.

Paper Ballots	Voters generally complete their paper ballots in the privacy of a voting booth and record their choices by placing marks in boxes corresponding to the candidates' names and the ballot issues. After making their choices, voters drop the ballots into sealed ballot boxes. Paper ballots are manually counted and tabulated.
Parallel Testing	Parallel testing verifies the accurate performance of voting equipment through random selection and systematic evaluation of operational equipment. Parallel testing is conducted during the election.
Precinct Count Tabulation	Votes are cast and counted at the precinct.
Provisional Voting	Provisional voting is generally used by states to address certain voter eligibility issues encountered at the polling place on Election Day. A provisional ballot cast by an individual with an eligibility issue would typically not be counted until the individual's eligibility to vote under state law has been verified. HAVA specifies that states permit individuals to cast provisional ballots under certain circumstances. These circumstances include instances when voters assert they are registered in the jurisdiction in which they desire to vote and that they are eligible to vote in an election for federal office but their names do not appear on the polling place registration list.
Punch Card	Punch card voting equipment generally consists of a ballot, a vote-recording device that keeps the ballot in place and allows the voter to punch holes in it, a privacy booth, and a computerized tabulation device. The voter inserts a machine-readable card with prescored numbered boxes representing ballot choices into the vote-recording device and uses a stylus to punch out the appropriate prescored boxes. The ballot must be properly aligned in the vote-recording device for the holes in the ballot card to be punched all the way through. Punch card ballots are counted by being run through a computerized tabulation machine.

Readiness Testing	Also referred to as logic and accuracy testing, readiness testing checks that the voting equipment is functioning properly, usually by confirming that predictable outputs are produced from predefined inputs. Readiness testing is typically conducted in the weeks leading up to Election Day.
Recount	Some states authorize certain persons (e.g., defeated candidates and voters) to request an election recount under specified circumstances. These circumstances can include, for example, when there is a tie vote, when the margin of victory is within a specified percentage or number of votes, or when inaccuracies in the vote count are alleged. The scope and method of such recounts can vary to include, for example, partial recounts of certain precincts, complete recounts of all ballots, machine recounts, and hand recounts for the office or issue in question. Some states provide for mandatory (or automatic) recounts that are, for example, mandated in a specified percentage or number of precincts irrespective of victory margins, or triggered by a tie vote, or a margin of victory within a specified percentage or number of votes.
Registration	For the 2004 election, most states and the District of Columbia required individuals to apply to register prior to Election Day and be registered with the appropriate local election officials before such individuals could vote. Some states had same-day registration and allowed individuals to register to vote at the polls on Election Day. One state, North Dakota, did not have a voter registration requirement. Voter registration includes the processes, people, and technology involved in registering eligible new voters and in compiling and maintaining voter registration lists.
Spoiled Ballot	This is a ballot that has been voted but will not be cast.
System Verification Testing	System verification testing is testing before the election to verify that the voting equipment is operating properly on Election Day.

Undervotes	Undervotes are votes for fewer choices than permitted, such as not voting for President. An undervote may or may not be an error. A voter might have tried to vote for a candidate but failed to mark the ballot unambiguously or might have chosen not to vote for any candidate for a particular office.
U.S. Election Systems	Those federal and state constitutional provisions, statutes, regulations, people, processes, and technology associated with the framework of, preparation for, and conduct of elections.
Vote Tabulation	Vote tabulation is the counting of the ballots cast at the polling places on Election Day and those cast in person or by mail prior to Election Day; determining whether and how to count ballots that cannot be read by the vote-counting equipment; certifying the final vote counts; and performing recounts, if required.
Voter Education	Voter education is essentially education about elections, and the primary target is the voter. It includes information about how to register, vote absentee or early, and use the voting method employed in the state or jurisdiction, as well as information needed to vote on Election Day. Voter education is usually identified as a function of the election authority. It may also be fostered by public interest organizations. Political parties may provide information about candidates, but this type of information is not included under our definition of voter education.
Voter Intent	The determination of voter intent can be an issue under certain circumstances, such as when a voter has improperly or unclearly marked his ballot (for example, with a punch card ballot, not making a clean punch) and the state provides for resolving the situation by determining the "intent of the voter." State direction to election officials in making such a determination can be set out as a general or a specific standard by which the election official should judge such a ballot.
Voter-Verifiable Paper Trail (VVPT)	This is a human-readable printed record of all of a voter's selections, presented to the voter to view and check for accuracy.

Voting Equipment	All devices used to display the ballot, accept voter selections, record voter selections, and tabluate the votes.
Voting Method	The classes or types of machines used in a voting system. There are five types of voting methods used in U.S. elections: paper ballot, lever machine, punch card, optical scan, and DRE.
Voting System	A voting system is the people, processes, and technology associated with any specific method of casting and counting votes, such as optical scan. Technology includes the mechanical, electromechanical, or electronic equipment, software, firmware, and documentation required to program, control, and support voting equipment.

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