

# election reform

2004

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

*electionline.org*

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# Acknowledgements

On behalf of all of us at [electionline.org](http://electionline.org), I am honored to present the 2004 edition of *What's Changed What Hasn't and Why*, our third annual report looking at the state of play of election reform in Washington, state capitals, county seats and city halls across America.

Those who have followed the entire *What's Changed* series will note that we have postponed publication of the annual report from its traditional October date to January in order to capture all of the late-breaking developments in 2003 and set the stage for examination of election reform in 2004.

Election reform has matured as an issue since the immediate aftermath of the 2000 election, transformed from a proxy partisan battle over the legitimacy of the new Bush presidency into a richly complex policy issue – complete with a new federal bureaucracy, federal funding, specialized jargon and burgeoning power struggles between shifting coalitions of policymakers, organizations and advocates.

Nevertheless, the 2004 presidential election is a waypoint for election reform, occurring as it does four years since the disputed 2000 vote and two years since passage of the landmark Help America Vote Act. The 2004

election therefore offers officials, journalists and observers with an interest in election reform an opportunity to gauge the issue's progress. Hopefully this report will contribute to an informed and principled discussion of that progress.

As always, we hope you find this report informative and enjoyable to read – and when you're done, please visit us online at <http://electionline.org> for ongoing, in-depth coverage of election reform's impact on the 2004 election.

Doug Chapin  
Director  
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Once again, I am indebted to everyone who made this report possible:

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Doug Chapin  
Director

# Executive Summary

*electionline.org's* third annual report seeks to give readers a national overview of the scope and progress of changes to elections around the country. With a presidential election looming in the fall, 2004 provides the best opportunity since the Supreme Court stopped the protracted Florida recount more than three years ago to look at how elections have changed, how they haven't and why – and what that could mean this year.

A complementary study, entitled “Primary Education: Election Reform and the 2004 Presidential Race,” provides specific information on post-2000 election changes and their potential impact on the presidential contests in each key primary state.

With the passage of the Help America Vote Act (HAVA), the flow of federal dollars to states and looming federal election requirements, it appeared that 2003 would be a year of great activity for election reform.

It was, but it was also a year of great uncertainty. States faced HAVA requirements and deadlines – including rules mandating voter identification for first-time voters who registered by mail and did not include verifying information and provisional ballots – which took effect at the beginning of this year. They also received the first installment of a promised federal payout of \$3.86 billion for election improvements.

But thanks to delays in Washington, both in appropriations and in appointment of the

new Election Assistance Commission, states had difficulty getting started. With neither sufficient funds nor guidance from the governmental agency envisioned to help states navigate federal election reform, many states were hesitant to push ahead beyond the minimum requirements of HAVA's mandates.

This report finds that the rate of change in elections has varied widely from state to state around the country. Some have forged ahead with reforms in election administration, including the rapid replacement of machines and construction of statewide voter registration databases, while others have fallen behind, either because of the hesitance of lawmakers, an absence of a guaranteed funding stream, a lack of popular will to make changes, or a combination of all three.

In short, those who expected that all of the ills revealed in the 2000 election would be cured by November 2004 will most certainly be surprised.

## Executive Summary continued

Nonetheless, some major changes were undertaken in 2003 that will have an impact on 2004:

- Some polling places in 42 states will have new machines in place for the 2004 election (compared with 2000); most notably Florida, Maryland, California and Georgia, which rid their states entirely of punch cards. Georgia and Maryland adopted statewide touch-screen voting systems.
- Debates over the accuracy, security and integrity of paperless, electronic voting continue to delay and in some cases alter machine replacement plans in a number of states. Nevada and California will require voter-verified paper audit trails with all electronic voting machines beginning in 2004 and 2006 respectively. Washington lawmakers will decide on a similar plan this year. Ohio delayed a planned 2004 replacement of punch cards, and concern over the security of electronic voting has similarly changed or delayed plans to upgrade punch card and/or lever voting machines in other states and localities as well.
- States have moved ahead with development of statewide voter registration databases, but persistent uncertainty about the availability of federal funding led a large majority (41 states) to take advantage of a HAVA-granted waiver to postpone implementation until 2006.
- Provisional ballots for voters who believe they are registered but are not on registration rolls and mandatory hotlines and websites allowing voters to check whether their ballots have been counted are in place in all but five states where they are required.
- Poll workers in every state will now be required to demand ID from first-time voters who registered by mail but did not provide it with their registration form. Six states – Alabama, Colorado, Montana, North Dakota, South Dakota and Tennessee – will now require ID from all voters before they cast ballots.
- The fate of punch-card voting remains an open question after California's 2003 gubernatorial recall was nearly delayed due to concerns over the use of the maligned voting technology in some large, urban counties. While a federal panel's decision to delay that election was later overturned, questions over lost votes were raised after the October contest. While punch cards will no longer be used in California, they will be used in at least some elections in 22 states in 2004.

# Introduction

With a presidential election looming in 2004, the country's attention will turn once again to the lessons learned from the fateful 2000 vote that first drew national attention to the problems in America's electoral system. Millions of voters will return to the polls to cast ballots – some for the first time since the 2000 presidential election – and some of them will find much has changed since the last time they cast ballots for our highest office.

In precincts across the country, new voting machines have replaced punch cards, lever machines or paper ballots. New rules will require some voters to show identification before they vote. And nationwide, voters who say they have been wrongly left off voter registration rolls will have the right to provisional ballots that allow them to vote and have their eligibility to do so determined after they leave the polls.

State and local election administrators also have money and tools they have never had before – an authorized \$3.86 billion in federal funds that, if fully appropriated, will assist them in upgrading voting systems, improving poll worker training and voter education and establishing statewide registration databases to better track an increasingly mobile electorate and prevent bloated voter rolls.

**But those who expect that all of the ills revealed in the 2000 election will be cured by November 2004 will most certainly be surprised.**

In 2001 and 2002, lawmakers in statehouses and in Congress identified problems in election

administration and proposed solutions. Hundreds of bills passed in state legislatures, and a few states, notably Florida, Georgia and Maryland, forged ahead with comprehensive overhauls of their electoral systems. Congress followed suit toward the end of 2002, approving the Help America Vote Act (HAVA), comprehensive legislation that represents the most significant federal involvement in elections since the passage of the Voting Rights Act in 1965. Moreover, for the first time in American history, HAVA included billions of federal dollars to help states pay for improvements and made the most significant upgrades – those to voting systems – optional.

Last year had the promise of more than \$2 billion in federal grants to states. There was a competitive and crowded field of voting machine manufacturers vying for business across the country. Election administrators, politicians and others were determined not to have a repeat performance of the last presidential election. This past year seemed poised to be a period of profound change for many election administrators.

It wasn't.

## Introduction continued

Instead, it turned out to be a year of great activity and great uncertainty. States faced deadlines and requirements imposed by HAVA but received a fraction of the promised allotment of federal funds and virtually no federal guidance. Simultaneously, states faced the challenge of complying with new rules, including voter identification requirements and provisional voting, both of which became law at the beginning of 2004.

Undoubtedly, 2003 has raised a number of election reform questions – all of which will be covered in detail in the following pages.

**1. Voting machines:** Once the darlings of election reform, direct-recording electronic (DRE) machines, usually touch-screen or scrolling-wheel models, have raised more suspicion than the antiquated punch-card and lever machines they were slated to replace. The absence of voter-verified paper trails have computer scientists, members of Congress and newspaper editorial boards concerned. California moved ahead of the rest of the country to require paper versions of individual ballots on all DREs by 2006. At the end of 2003, Nevada made a similar rule, with a 2004 deadline and other states seemed poised to follow suit, including Washington state, which will debate legislation requiring paper receipts for voters. Oregon enacted similar rules in 2001, but they only apply to the minority of voters who cast ballots in person, rather than by mail. With a growing movement in Congress

to mandate such a requirement nationally, will the rest of the country follow voluntarily or face a new federal requirement? How does the debate change the market and demand for DREs or voting systems generally?

**2. Voter confidence:** In a closely-related issue, the constant backlash against electronic voting might have sapped voter confidence in the same way the Florida fiasco and the problems with punch cards, vague recount rules and poorly designed ballots did in 2000. HAVA was passed, its supporters said, largely to restore shaken faith in America's voting system. As the 2004 vote approaches, has it succeeded?

**3. Punch cards:** The maligned voting technology will still be around in 2004, used by voters in Ohio, Missouri and elsewhere. Will the voting system survive the added scrutiny of the 2004 race? Will close races reveal more problems, and will those problems lead to legal action?

**4. Funding:** While two significant mandates of HAVA – provisional voting and voter identification for first-time voters who register by mail – were effective on January 1, 2004, a fraction of the \$3.86 billion authorized in the legislation has been received by cash-strapped states. Will full funding ever be achieved, and if not, how will states meet the more costly mandates of the act, including accessibility for disabled voters and statewide voter registration databases?

**5. Election Assistance Commission:** The HAVA-mandated commission that Congress envisioned would help states navigate HAVA and meet its requirements was finally confirmed in December 2003, months behind schedule. Will the EAC be able to catch up and begin providing what many say is much-needed guidance to states in time for the 2004 election?

**6. Changes on the ground:** Millions of voters will find elections have changed markedly since the last time they cast ballots for the President of the United States. In Florida and many other states, counties and cities, new machines will be used to cast and count votes. New procedures will be used for provisional voting nationwide, and new voters will face identification requirements when registering or voting for the first time. What difference will these changes make in the administration and outcome of the 2004 election?

**7. Rate of change:** Some states have forged ahead with changes in election administration while others have taken a more measured approach, either because of legislative foot-dragging, funding shortages or an absence of political and/or popular will to make significant changes. Will the states that have progressed quickly with changes be rewarded with a smoother process? Will voters have faith in the accuracy of the results? Will procedures put in place to avoid the problems of 2000 fulfill their purposes?

**8. Litigation:** In the wake of the 2000 election – the first national race to be decided by the U.S. Supreme Court – a wave of litigation was expected in ensuing close races. A court delayed California’s historic recall election by months in a lawsuit that revived *Bush v. Gore* and the 2000 presidential election. What does the future hold for litigation? Will close races and/or questioned results lead to the same legal examination of voting machines and procedures?

As the most significant election in four years fast approaches, the answers to these questions will be critical to understanding election administration in 2004 and beyond. In this report, *electionline.org* will provide answers when possible, educated guesses when applicable and point to possible scenarios when the future is completely uncertain.

**Will the states that have progressed quickly with changes be rewarded with a smoother process? Will voters have faith in the accuracy of the results? Will procedures put in place to avoid the problems of 2000 fulfill their purposes?**





# Major Issues: Voting Systems

Ever since the hotly contested 2000 presidential race and the passage of the Help America Vote Act in 2002, states across the nation began to shed antiquated voting machinery for high-tech alternative systems. While many states made machine replacement a top priority, the debate over the vulnerability and security of electronic voting systems began to make national headlines.

A study released in July by Johns Hopkins University and Rice University revealed specific faults in a voting machine vendor's product. The study stated that touchscreens manufactured by Ohio-based voting machine manufacturer Diebold Election Systems Inc. were susceptible to hacking. Diebold claimed the study's findings were wrong, relying upon a prior version of software not intended to run on the operating system.<sup>1</sup>

Nonetheless, the study's results caused many election officials to re-examine the integrity of computerized or direct-recording electronic (DRE) voting machines, most notably in Maryland, a state which agreed to a \$55.6 million contract to purchase a Diebold system for use statewide.

In September, the National Association of Secretaries of State backed off a broad endorsement of electronic machines, agreeing that security issues needed to be carefully reviewed by the scientific community.<sup>2</sup>

Many other states launched studies of their own regarding the security of touch-screen machines, including Nevada, New Jersey and

Ohio. However, the systems' vulnerability to hackers was not the only concern. Many groups remained critical of the inability of DREs to confirm directly an individual vote and produce an audit trail in case of a computer malfunction. The only way for voters to verify that their electronic votes were recorded accurately, critics argued, would be to have paper proof.

In May, Rep. Rush Holt, D-N.J., introduced H.R. 2239, the "Voter Confidence and Increased Accessibility Act of 2003," an amendment to HAVA which would require electronic voting machines that currently do not offer a paper trail, such as touch-screen machines, to produce a paper record of each vote cast. Sponsorship of the bill has been increasing with 82 co-sponsors of the bill (79 Democrats and three Republicans) when Congress adjourned for 2003.

Holt contended that errors and irregularities during elections have in the past caused severe problems in New Jersey, Missouri, Georgia, Texas and at least ten other states – specifically citing Florida in 2002, where Holt argued that computerized machines lost over

## Major Issues: Voting Systems continued

100,000 votes due to a software error.<sup>3</sup>

During the 2003 primaries, a number of states had to contend with malfunctioning machines, both electronic and manual. In Hinds County, Miss., some electronic voting machines malfunctioned and there were no paper ballots for voters to use when the machines went down.<sup>4</sup> In Fairfax County, Va., several hundred votes on new touch-screen machines were questioned after a handful of machines broke down and others overloaded when attempting to send results to election headquarters.<sup>5</sup> In Oswego County, N.Y., faulty lever machines might have prevented some voters from voting for certain candidates.<sup>6</sup> Lever voting machines were also the culprit in Connecticut, where the machines jammed in several towns, forcing some voters to use handwritten ballots.<sup>7</sup>

As a result of continued speculation over security and voter confidence, California became the most populous state to institute a plan to add paper trails to voting machines.<sup>8</sup> Secretary of State Kevin Shelley announced in late November that by July 2006, all of the state's touch-screen voting machines, regardless of when they were purchased, be outfitted with a voter-verified paper audit trail. According to his office, Shelley made the decision to "ensure voter confidence and make sure every vote counts."<sup>9</sup>

Shelley's directive drew immediate criticism from the state's local election officials. The California Association of Clerks and Election Officials (CACEO) charged Shelley's decision

was "without justification."<sup>10</sup>

The CACEO stated that the standards put in place by the Federal Election Commission and the National Association of State Election Directors concerning electronic machines were more than enough to provide security and ensure voter confidence.

Florida's Broward County, which has been plagued with electoral controversies since the 2000 elections, briefly considered adding paper audit trail printers to the electronic machines it spent \$17.2 million on two years ago. In September, county commissioners asked for an analysis of the addition. The report concluded that while the county's voting equipment is trustworthy, security procedures and controls, "should be continually re-evaluated and strengthened to increase voter confidence." Miami-Dade County, Fla. requested a similar review.<sup>11</sup>

## Voting Systems

Ever since Florida's 2000 election, issues surrounding voting machines have taken center stage. HAVA paid particular attention to the subject, requiring states to mandate several significant improvements to their voting systems.

As of January 1, 2006, every state must allow voters to verify their selections on the ballot, notify them of over-votes (voting for more

## Vendors Respond to Increased Scrutiny

With millions of dollars at stake and mounting criticism, the major voting machine vendors have gone on the offensive in both answering charges of security problems and partisanship, and in aggressively pursuing contracts with intense lobbying efforts. Critics of touch-screen machines and their producers have been just as vigilant.

Ohio-based Diebold Election Systems Inc., one of the largest voting system manufacturers, has generated the majority of the criticism. Over the summer, a controversy over the security of touch-screen voting machines went national when a Johns Hopkins University researcher claimed that Diebold machines were vulnerable to hacking. Diebold fought back by vehemently refuting the charges while accusing Avi Rubin, the researcher, of possessing his own agenda – he had served on the advisory board of VoteHere Inc. – a Diebold competitor.<sup>12</sup>

Diebold's troubles did not end there. In March 2003, a hacker broke into the company's server and stole files including many internal e-mails. A few of these e-mails raised questions about the security of Diebold's machines and software, while others mentioned charging Maryland "out the yin-yang" if they opted to add paper receipts to the state's voting machines.<sup>13</sup> These e-mails were then published online by activists, which is when Diebold threatened legal action against some of the Web sites posting this information. In turn

these groups filed suit against Diebold to stop its legal threats, citing free speech issues. In early December, with little comment, Diebold dropped the suits.<sup>14</sup>

Just as Ohio has traditionally been viewed as a key battleground state in presidential elections, it is also emerging as a critical market for election machine vendors.

Diebold has undertaken intense lobbying efforts in its home state, but is certainly not alone in aggressively seeking contracts in the target-rich Buckeye State where millions still cast ballots on punch cards.

Counties now have a list of four vendors to choose from in Ohio, including Diebold. During the bidding process to get on the final list, Diebold offered to build the voting systems in the state, benefitting Ohio's economy.<sup>15</sup> And in another instance, when Licking County, Ohio stated they were considering purchasing touch-screen machines from California-based Sequoia Voting Systems, Diebold responded by sending letters to the County Chamber of Commerce expressing dismay that the county would consider buying machines from out of state.<sup>16</sup>

Sequoia Voting Systems went to court to challenge Ohio's selection process. During the initial vendor selection process in the state, Sequoia made the first round of cuts, but did not make it to the final list. The company threatened the state with legal action, stating its bid had been unjustly ruled

out. Secretary of State Kenneth Blackwell backed down rather than fight what he said would be a protracted and expensive battle, and Sequoia was included in the final list with Election Systems and Software (ES&S), Hart InterCivic and Diebold.<sup>17</sup>

Nebraska-based ES&S faced controversy over an alleged conflict of interest. Nebraska Sen. Chuck Hagel (R), was chairman of what became ES&S in 1996 while a candidate for Senate. In 1996 and 2002, 85 percent of voting machines in Nebraska were manufactured by ES&S. Hagel's campaign treasurer also owned an interest in the company until December 2002.<sup>18</sup> After a mistake-plagued Miami-Dade 2002 primary election on ES&S machines, a county report released sharply criticized the company for delivering goods that were "hardly state-of-the-art technology."<sup>19</sup> The report also was critical of poll worker training in Miami-Dade, and called for more pay for poll workers and improved poll worker recruitment.

In response to criticism, six voting machine vendors - Diebold, ES&S, Sequoia, Hart InterCivic, Advanced Voting Solutions and UniLect Corp - have joined together to form the Election Technology Council, under the umbrella of the Information Technology Association of America (ITAA). The vendors hope to "repair short-term damage done by negative reports and media coverage of electronic voting," and to also demonstrate that electronic voting "is the 'gold-standard' to which all should aspire."<sup>20</sup>

## Major Issues: Voting Systems continued

than one candidate), and give voters the opportunity to correct or change errors before casting their ballot. However, a voter education program training voters how to examine their own ballots for errors can suffice, the law states.

Machines must produce a paper record to allow for a manual audit and all states must provide individuals with disabilities, including the blind and visually impaired, equal access to cast an independent and secret ballot through the use of at least one direct-recoding (DRE) machine or other voting system at each polling place.<sup>21</sup> Persons for whom English is a second language must have access to alternative language ballots and all systems must comply with the error-rate standard established by HAVA.

Under HAVA, individual states could take part in the \$325 million optional buyout program to replace or upgrade antiquated punch-card and lever machines, but participation was not mandatory. States that opted to forgo machine replacement were required to create a voter education program.

States that decided to participate in the buyout program were given the option to apply for a waiver giving them until January 1, 2006 to make the replacements. Of those 30 states, 24 applied for waivers.

Voting machine usage varies from state to state and county to county. Currently, voters

in most states cast ballots on a variety of machines including DRE, optical scan, lever, paper and punch-card – however, 19 states plan to implement uniform systems by 2006.

The top four companies that dominated the marketing and production of electronic machines over the last few years made national headlines in 2003 as they vied for contracts from counties across the United States. (See sidebar, p. 11.)

In December, an independent study conducted at the request of Ohio Secretary of State Kenneth Blackwell found serious flaws in the machines produced by four of the country's biggest electronic machine vendors.

The study identified 57 potential security problems in machines manufactured by Diebold, Sequoia, Nebraska's Election Systems & Software (ES&S), and Texas' Hart InterCivic.

The study concluded that the security problems could ultimately leave the systems open to hackers and lead to false ballot tallies.

For example, the study found that so-called "smart cards" used by supervisors to take charge of Diebold machines all had a PIN code of "1111," which could leave the machines open to tampering. The tally program for ES&S could be tricked to gather information from one machine many times, overcounting votes. Machines from Hart InterCivic and Sequoia could allow unauthorized people to gain supervisory control, closing polls early.<sup>22</sup>

## Major Issues: Voting Systems continued

In response to the report, each company acknowledged that some of the security issues identified did exist, but insisted that these problems had either already been taken care of or were in the process of being fixed.<sup>23</sup>

In Ohio, Blackwell announced he would ask the federal government for a waiver that would give the state until January 2006 to replace machines in the state's 88 counties.

Walden O'Dell, CEO of Diebold and a fundraiser for President George W. Bush, also raised some eyebrows when in an invitation to a Republican fundraiser he pledged to "deliver [Ohio's] electoral votes to the president next year." During the aftermath, in which Democratic presidential candidate John

Edwards called on Bush to return more than \$100,000 in campaign contributions from O'Dell, the Diebold CEO promised to "try and be more sensitive" in light of his remarks.<sup>24</sup>

Despite the rise in scrutiny over electronic machines, hosts of advocates, voters and election officials firmly back the use of the machines, declaring that they make the voting process easier on voters by getting rid of chads and confusing ballots.

The computerized machines, supporters said, cut down on the number of over-votes, are more user-friendly and are more accessible to persons with disabilities and those voters who do not read English.

## Vilified, Banned, Decertified – But at Least They’re Paper

### A Brief History of Punch Cards Since November 2000

Those seeking a culprit in the immediate aftermath of the electoral mess that was the November 2000 election had to look no further than the pre-scored cards being held up to florescent lights in Florida.

Punch cards – rightly or wrongly – dominated coverage of the Florida fiasco. From the butterfly ballots of Palm Beach County to the pregnant chad of Broward, the cards and the aging machines used by voters to mark them made news worldwide.

Not surprisingly, early proposals to reform elections around the country were based on the assumption that if the problem with American elections was, in fact, primarily the machines used to cast and tally votes and the laws that governed both, changing them would solve everything.

Lawmakers in Florida wasted little time in approving a sweeping package of reforms in May 2001, less than six months after the U.S. Supreme Court ended the protracted recount. At the centerpiece of the legislation were rules decertifying punch cards by mid-2002.<sup>25</sup>

In Congress, of the more than two dozen election reform bills introduced in 2001 to address problems in the nation’s elections, nearly all dealt with voting machines, with recommendations ranging from grant programs to help states purchase new voting equipment to commissions charged specifically with determining national standards for voting machines.<sup>26</sup>

The end result of those efforts, however, the Help America Vote Act (HAVA), placed limited federal requirements on voting systems. While punch cards and lever machines were targeted for replacement in an optional, \$325 million buyout program, they were not decertified. Localities can continue to use both systems provided they offer voters an educational program to avoid over-votes, incomplete votes or other potentially ballot-spoiling errors.

### How Bad Are They?

Supporters of the voting system have said that, despite problems in Florida in 2000, and the ensuing bad press, voters, candidates and election officials continue to have confidence in both punch cards and lever machines. They have, after all, been used in successful and non-controversial elections for decades, and if properly administered, can be just as accurate as any other system.<sup>27</sup>

When a federal court ruled in September that California’s recall should be delayed until the state had enough time to replace all of its

## Major Issues: Voting Systems continued

punch-card machines, critics countered that the embattled technology had, historically, performed well in the state.<sup>28</sup>

Localities in 22 states still employ punch cards and indicated earlier this year that they plan to continue their use in 2004 primaries and most in the November general election.

In 2002, a number of jurisdictions continued to use punch cards and nearly 21 percent of voters nationwide punched chad to cast ballots in the election.<sup>29</sup> But that number dropped considerably from 2000 as all of Georgia, parts of Florida, California, Maryland, Texas and jurisdictions nationwide switched to more modern voting systems.

Those more modern systems, however, have come under attack as well. Opponents of paperless electronic voting have taken their demands for paper trails from Stanford University and other institutions in California nationwide. Their most stunning victory came in November, when California Secretary of State Kevin Shelley announced he would require all DREs in the state to have an accessible voter-verified paper audit trail by 2006.<sup>30</sup> Nevada followed suit in December, with a 2004 deadline, meaning DREs in the state must have a paper audit trail in time for the presidential election.

The impact of California's directive could be felt nationwide as other states move to replace older systems with the help of federal funding.

And if not, Congress could force a move to paper trails if it passes H.R. 2239, a bill by Rep. Rush Holt, D-N.J., that would amend HAVA to mandate paper trails on all electronic voting systems.

Similar bills were introduced in the Senate toward the end of 2003, including S.1980 sponsored by Sen. Bob Graham, D-Fla., and S.1986 sponsored by Sen. Hillary Clinton, D-N.Y. Sen. Barbara Boxer, D-Calif., announced her intention to introduce similar legislation when Congress starts work in 2004.

While Democrats have so far introduced the only legislation on voter-verified paper audit trails, a handful of Republicans crossed party lines to sign on as sponsors of Holt's bill in the House.<sup>31</sup>

DRE manufacturers insist their products are secure and accurate, while election officials in counties that use the systems provide survey and anecdotal evidence that voters like the intuitive, easy-to-use paperless electronic systems.

### What's Better?

Despite their efforts, however, it would seem that in the court of public opinion, the cure for punch cards might end up looking worse than the disease.

In Ohio, a planned punch-card cleansing in time for the 2004 election was delayed after a state report raised security concerns over DREs. The report, released in December by Secretary of State Kenneth Blackwell, found

## Major Issues: Voting Systems continued

57 potential security problems in machines approved for sale in the state by four vendors. In the wake of the report, Blackwell said he would ask the federal government for a waiver of the 2004 deadline for replacing punch cards (the state is taking approximately \$135 million in HAVA funds as part of the buy-out program) until 2006, at which time he said the problems found could be fixed.<sup>32</sup>

Blackwell's decision means the oft-vilified punch cards will again be used in Ohio when voters cast ballots in the key battleground state in 2004.

And that puts election officials in a bind. When the September federal court decision to delay California's recall was later overturned and the election moved forward, a study by U.C. Berkeley Prof. Henry E. Brady found the highest rate of ballot spoilage in counties using punch cards, particularly in Los Angeles, where he noted one out of 11 ballots contained no vote on the first question – whether to remove then Gov. Gray Davis from office.<sup>33</sup> Los Angeles County Clerk Conny McCormack said voters who were torn on the issue elected not to cast votes on that race, and said a manual recount of the punch-card ballots proved without a doubt that the absence of any marks on chad on the cards indicated they intentionally skipped over the question.<sup>34</sup>

But the controversy over punch cards did not go away. In localities with punch cards, can lawmakers and election officials risk a close race and even closer, post-2000 scrutiny of the voting system and an ensuing, “why didn't you change anything” backlash from voters? Or should a switch be made to DRE systems, where questions could be raised about the reliability and integrity of the voting system?

Perhaps Los Angeles' decision for 2004 could give some indication of how such a situation should be handled. The interim optical-scan system that will be used in the primary and general elections in 2004 will look a lot like a punch card, except a pen rather than a stylus will mark the ballots.

Optical scanners could be looking a lot more desirable to many jurisdictions, such as Boston, which decided on a paper-based voting system because of the manual audit capabilities. Michigan made a similar decision in 2003. But in 2006, when HAVA requires all states to have at least one accessible machine per polling place for voters with disabilities, DREs will have to be installed, either alongside other systems or universally.

# Major Issues: Federal/Legal

While much of the attention in election reform has focused on new voting machines, and to a lesser extent, statewide voter registration databases, two significant new federal voting rules have already gone into effect.

Voters returning to the polls will have the right to a provisional ballot at polling places nationwide if they believe they are registered but

their names do not appear on voter registration rolls.<sup>35</sup>

For first-time voters, HAVA will require local officials to request one of a number of forms of identification upon registering. If the registration application is mailed in without verification, the voter will be required to show identification at a polling place.

These two new rules, while potentially affecting only a small percentage of voters, nonetheless represent significant changes in the way nearly every state administers elections.

require verification of voters at polling places, widened partisan divides in legislatures around the country long before the 2000 election.

Republicans have, as a rule, supported measures that require photographic, state-issued identification at polling places because they contended it reduces the possibility of fraud. Democrats have countered that verification requirements disproportionately disenfranchise the poor, the elderly, minorities and immigrants – those who they say are less likely to have the necessary identification and, therefore, would be more likely to be intimidated by such a request.

In 2000, only 11 states required all voters to show some form of verification at the polls before receiving a ballot.

The controversial November 2000 election, however, had a profound impact on the ongoing debate over the necessity and fairness of universal voter identification. More significantly, it presented proponents of voter identification an opportunity to pass legislation while interest in election administration issues was heightened. The next legislative session, lawmakers in 25 states introduced legislation requiring or altering existing requirements for polling place identification.<sup>36</sup>

**The controversial November 2000 election... had a profound impact on the ongoing debate over the necessity and fairness of universal voter identification. More significantly, it presented proponents of voter identification an opportunity to pass legislation while interest in election administration issues was heightened.**



## Voter Identification

Consistently the most controversial of all election administration issues, the question of whether to

## Major Issues: Federal/Legal continued

But the number of states requiring identification of voters, however, did not increase in 2001 because of failure to secure enough votes in legislatures or because of vetoes.<sup>37</sup>

The debate over voter ID reached Congress during the crafting of HAVA. A compromise struck between Republicans and Democrats meant that as of January 1, 2004, first-time voters who register by mail and did not supply

a copy of a picture ID or other acceptable form of verification with their registration form will now have to show one of a number of acceptable forms of identification.<sup>38</sup>

Congress' mandate for voter identification would appear to have an impact on only a small number of voters – those who are voting for the first time in a federal election in their jurisdiction and those who did not show some form of identification when registering to vote.

With nearly every state in the country facing a 2004 deadline to revise or introduce compliant voter identification rules, the movement toward requiring ID of all voters expanded to six more states. Voters in Alabama, Colorado, Montana, North Dakota, South Dakota and

Tennessee will need to present some form of verification. They did not four years ago.<sup>39</sup>

Governors in three states – Arizona, Iowa and Kansas – vetoed legislation in 2003 that would have required all voters to present identification at the polls. All were Democrats. A bill in Mississippi with an equally contentious voter identification provision died in the legislature, taking with it the rest of the state's HAVA compliance package.

Twenty-five states that previously did not require verification from any voters at the polls will now ask for one of the HAVA-approved forms for first-time voters who registered by mail and did not provide identification when they sent in applications. (For more detail, see map, p. 28.)

## Provisional Voting

As controversial as HAVA's voter identification rules proved to be, the Act's mandate on provisional voting was almost as notable for its broad appeal.

Provisional voting allows a voter who believes he or she is registered but whose name does not appear on a registration roster to vote a conditional ballot. That ballot will then be segregated from the main ballot pool and counted only after the eligibility of the voter has been ascertained. Per HAVA, voters must have access to a toll-free number and/or Web

**As controversial as HAVA's voter identification rules proved to be, the Act's mandate on provisional voting was almost as notable for its broad appeal.**



## Major Issues: Federal/Legal continued

site that will tell the voter whether their provisional vote was counted, and if not, why.

Similar to other election reform issues, Florida's 2000 election served as the inspiration for change. In that state, thousands of voters were disenfranchised after a private company confused a list of convicted felons with registered voters sharing the same name. The information was transferred to counties, which in turn disqualified legally-registered voters.<sup>40</sup>

In the wake of the 2000 election mess in Florida and elsewhere, a consensus emerged among civil rights organizations, all of the major national task forces, members of Congress and numerous state lawmakers and government panels that provisional voting would protect the rights of the voter while ensuring the integrity of the vote.<sup>41</sup>

HAVA's mandate that all states offer provisional voting in all federal elections beginning January 1, 2004, did not represent a radical departure for most states.

A report produced by *electionline.org* and The Constitution Project's election reform initiative found that, in the 2000 elections, all but 13 states offered some means to ensure that voters who believed they were properly registered but had been left off the rolls were offered some form of provisional voting.<sup>42</sup>

In a number of these states, however, rules had to be altered to accommodate HAVA's requirements and every state had to create the Act's required notification system in time for this year's primaries and general election.

According to a survey of state election directors, 40 states were HAVA compliant as of December 2003.

Two states – Massachusetts and New Jersey – have legislation or rule changes pending.

Six states – Idaho, Maine, Minnesota, North Dakota, Wisconsin and Wyoming – are exempt from HAVA provisional voting rules because of alternative systems in place, including election-day registration or no registration.

In three states – Iowa, Kansas and Mississippi – bills that would have introduced HAVA-compliant provisional voting were vetoed or failed to pass.

**HAVA's mandate that all states offer provisional voting in all federal elections beginning January 1, 2004, did not represent a radical departure for most states.**



# Reform in Washington

## Election Assistance Commission Nominated Late; Appropriations Stalled

Although passage of HAVA shifted the center of attention and responsibility for election reform to the states in 2003, there was still work to be done in Washington. President Bush needed to nominate the four nominees to the new Election Assistance Commission (EAC), following recommendations by the Congressional leadership, and Congress had to begin funding the three-year, \$3.86 billion federal commitment to election reform authorized by HAVA.

The significance of the HAVA funding is self-evident. It not only represents the first federal investment in state and local election administration in 226 years of American history, but also promises federal financial support for state and local HAVA implementation efforts – the need to appoint a Commission was vital to progress on HAVA, given the Commission’s defined role as a source of guidance and funding for election reform.

And yet, as with many other aspects of election reform in 2003, it did not go smoothly.

## Commission Nominations

Despite a HAVA deadline of February 26, 2003 – 120 days after enactment of HAVA -- the wait for EAC nominations dragged on throughout the spring and early summer, with rumors, but no news of progress on appointments.<sup>43</sup> Finally, in June, the White House issued an “intent to nominate” two Republicans, and in September added two Democrats to bring the EAC to full strength pending Senate action.<sup>44</sup>

The nominees were:

- Paul S. DeGregorio of Missouri (Republican), a former St. Louis County election official who has served as vice president and chief operating officer of the International Foundation of Electoral Systems, a Washington, D.C. non-profit organization that provides foreign countries with technical assistance in all areas of election administration and election management;<sup>45</sup>
- DeForest Soaries, Jr. of New Jersey (Republican), a Somerset pastor who served as New Jersey’s secretary of state from 1999 to 2002 and an unsuccessful candidate for the 12th District congressional seat currently held by Rep. Rush Holt (D);<sup>46</sup>
- Gracia Hillman of Washington, D.C. (Democrat), a former executive director of the League of Women Voters and

## Major Issues: Federal/Legal continued

Clinton administration State Department official;<sup>47</sup> and

- Ray Martinez of Texas (Democrat), a former Clinton White House staffer who now has a private law practice and serves as executive director of the Every Texan Foundation, a non-partisan voter registration and education organization.<sup>48</sup>

As anxiety mounted over the effect of the delay – widely attributed to the lengthy process of vetting nominees for legal and political obstacles to their appointments – the White House finally formalized the nominations on October 3, 2003, and sent them to the Senate for confirmation.<sup>49</sup> On October 28, the Senate Rules Committee held a brief confirmation hearing, timed to coincide with the one-year anniversary of HAVA, during which the four nominees pledged to move quickly on implementing the EAC’s guidance and funding functions.<sup>50</sup>

Over the next six weeks, the phrase “any day now” became a running joke among insiders as the nominations sat on the Senate’s Executive Calendar awaiting final action. As the days became weeks, concern began to mount that the Senate would adjourn without confirming the nominees – further hampering HAVA implementation on the eve of a presidential election year. These fears grew with published reports that both sides had unsuccessfully tried to use the EAC nominees as leverage in larger disputes over judicial and

diplomatic nominations.<sup>51</sup>

Finally, on December 9, 2003, in the waning minutes of the Senate’s session, the four EAC nominees were confirmed by unanimous consent – ending over a year of uncertainty and positioning the new agency to begin its designated responsibilities under the hot lights of a presidential election year.<sup>52</sup>

## Funding

Congress’ indirect role in confirming EAC nominees was dwarfed by its responsibility to fund the \$3.86 billion in federal funds authorized for HAVA.<sup>53</sup> And yet, just as with the EAC, Congressional HAVA appropriations were marked more by delay than progress.

After the 107th Congress adjourned in 2002 without finishing the fiscal year 2003 (FY03) funding bills, the 108th Congress returned – once again with Republican majorities in both houses – to finish the job. Election reform had not originally been included in the FY03 appropriations bills, given the late passage of HAVA, but in January during Senate consideration of H.J. Res. 2, an omnibus appropriations bill, Senate Appropriations Committee Chair Ted Stevens, R-Alaska, added \$1.5 billion for election reform – still only 75 percent of HAVA’s \$2.1 billion authorization for FY03.<sup>54</sup> The \$1.5 billion figure survived several unrelated debates, mostly involving Bush’s intention to limit the overall level of

## Major Issues: Federal/Legal continued

discretionary domestic spending, and was enacted as part of the completed omnibus package on February 13, 2003.

Included in the \$1.5 billion was \$650 million in HAVA Title I funds for planning and the punch card/lever buyout program, to be administered by the U.S. General Services Administration (GSA). In response, the GSA established a website to accept states' applications for the funds and completed its disbursements by June 13, 2003.<sup>55</sup> A much smaller amount (about \$15.1 million) went to the U.S. Health and Human Services Department for voting accessibility grants.<sup>56</sup> The balance, however, awaited final appointment of the EAC, to which HAVA delegates authority for making "requirements payments" to the states – which in February 2003 was believed to be a matter of weeks, not months.

Election reform got off to a rocky start when the White House's FY04 budget included only \$500 million for HAVA grants – less than half of the \$1.045 billion authorized for the fiscal year.<sup>57</sup> Over the complaints of at least one Democratic co-sponsor of HAVA, the \$500 million was included in both the House and Senate versions of FY04 legislation.<sup>58</sup>

Throughout summer 2003, the gap between

authorized funds (\$3.1 billion through FY 04), appropriated funds (\$1.5 billion through FY03) and disbursed funds (slightly more than \$650 million) prompted advocates and officials across the political spectrum to call on Congress to fully fund HAVA.<sup>59</sup> State and local election officials debated about how to convince Congress and the President to increase funding for HAVA, with one, Wyoming's top election administrator Secretary of State Joe Meyer (R), vowing to "go to jail" rather than implement HAVA without sufficient funding.<sup>60</sup>

Fortunately for Meyer and his colleagues, the Senate agreed to exceed the budget caps and to add an additional \$1 billion for election reform and the funds were included in a compromise version of H.R. 2673, the FY04 omnibus appropriations bill. Unfortunately, while the House enacted the bill before leaving Washington in December, the Senate did not follow suit after Democrats refused to allow the bill to pass without a recorded vote. Thus, while the expected passage of the omnibus will bring appropriations roughly in line with the full amount authorized in HAVA (\$3.0 billion vs. \$3.1 billion), such funds will not be available for disbursement by the EAC until the end of January at the earliest.

## Litigation: The California Precedent

Passage of the Help America Vote Act in late 2002 led to lowered expectations for legal action in the election reform arena in 2003. Those expectations were largely fulfilled, save for one notable exception – a potentially ground-breaking lawsuit stemming from an unrelated political drama in the nation’s most populous state – which raised as many questions as it answered for election reform in 2004 and beyond.

In July 2003, in response to petitions containing approximately 1.3 million signatures, California Secretary of State Kevin Shelley (D) certified an election to recall Gov. Gray Davis (D). The election was scheduled for October 7, 2003. Shortly thereafter, a group of civil rights groups represented by attorneys for the American Civil Liberties Union filed suit in federal court to delay the recall.<sup>61</sup>

Plaintiffs claimed that the use of punch-card voting machines in several large counties, including Los Angeles, violated voters’ constitutional right to equal protection. Specifically, they argued that punch cards – which were voluntarily de-certified in 2002 by then-Secretary of State Bill Jones (R) and ordered to be eliminated in the state by March 2004 – carry a higher error rate than other voting technologies. Consequently, they argued, voters in punch-card jurisdictions would be denied an equal vote when compared to voters in other jurisdictions. Moreover, because punch-card jurisdictions in California tend to be urban counties with large racial and language minority voting populations, plaintiffs alleged that the continued use of punch cards would violate the Voting Rights Act. Plaintiffs

therefore asked the district court to postpone the recall until punch cards could be replaced.<sup>62</sup>

The district court denied the request, citing that several plaintiffs were parties to the state’s agreement to replace punch cards effective in March 2004, and noting that in any event plaintiffs were unlikely to prevail should the matter go to trial.<sup>63</sup>

Plaintiffs appealed the denial to a three-judge panel of the Ninth Circuit Court of Appeals, who rocked the political and legal worlds on September 15, 2003, with an order reversing the district court and postponing the recall election.<sup>64</sup> Most significant for observers across the country was the Ninth Circuit panel’s reliance on the U.S. Supreme Court’s 2000 decision in *Bush v. Gore*. Analogizing the differential recount standards in Florida 2000 to the differential election technology in California 2003, the Ninth Circuit panel held that *Bush v. Gore*’s finding of an equal protection applied to California and therefore justified postponing the recall given the “undisputed” evidence of punch cards’ inferiority as a voting system.<sup>65</sup>

The decision set off a firestorm, rekindling the debate about the continued viability of punch cards and raising the specter of similar lawsuits in other states in 2004. Some observers hailed the ruling as a proper extension of *Bush v. Gore*’s equal protection analysis into the area of voting technology, while others feared that the decision would complicate election reform efforts nationwide as state and local officials struggled with the sudden call for uniformity in state voting systems.

Then, as quickly as the issue was raised, it was settled. On a motion for rehearing en banc, an eleven-member panel of the Ninth Circuit heard arguments on September 22, 2003, and the next day reversed the three-judge panel and reinstated the October 7, 2003, election date.<sup>66</sup> Setting aside the three-judge panel’s decision, the full Ninth Circuit found that the district court had not abused its discretion in deciding that the plaintiffs would not succeed on their equal protection claim and therefore affirmed the initial refusal to postpone the election.<sup>67</sup> The full Ninth Circuit did not, however, reject the panel’s reliance on *Bush v. Gore* but merely said any allegation of harm to voters from punch cards was speculative and premature, leaving open the possibility of another suit post-election if the harm could be proven – subsequently rendered moot by Gov. Arnold Schwarzenegger’s overwhelming victory in the October recall.<sup>68</sup>

Notwithstanding plaintiffs’ failure in California, the argument for extending *Bush v. Gore* to cover states’ decisions regarding voting technology has a potentially large reach. In the majority of states that do not employ uniform voting technology, the legal reasoning employed by the Ninth Circuit panel – temporarily overruled but not permanently discredited by the full Circuit – could find voice from plaintiffs seeking to force states to upgrade or modernize their current voting equipment.

The battle may have been lost in California, but the war over *Bush v. Gore*’s legacy will most certainly continue in 2004 and beyond.



# Election Reform in the States

With certain HAVA deadlines having already passed and others approaching in 2006, states are at various stages in meeting mandates dealing with voting machines, voter registration databases, voter identification and provisional balloting. Questions remain about the timing and the amount of federal funding, criticism is mounting over the security of electronic voting machines, the Election Assistance Commission—which can disburse funds and provide guidance to states—is just now getting off the ground and some state legislatures and governors failed to pass HAVA compliance bills.

This laundry list of issues has made state election officials nervous - not only about making timely reforms, but in making changes that will not have to be amended again a few years down the road.

This section deals with what states have done, and are planning to do, to meet these HAVA requirements, and what voters can expect to see at their polling places when they vote this year.

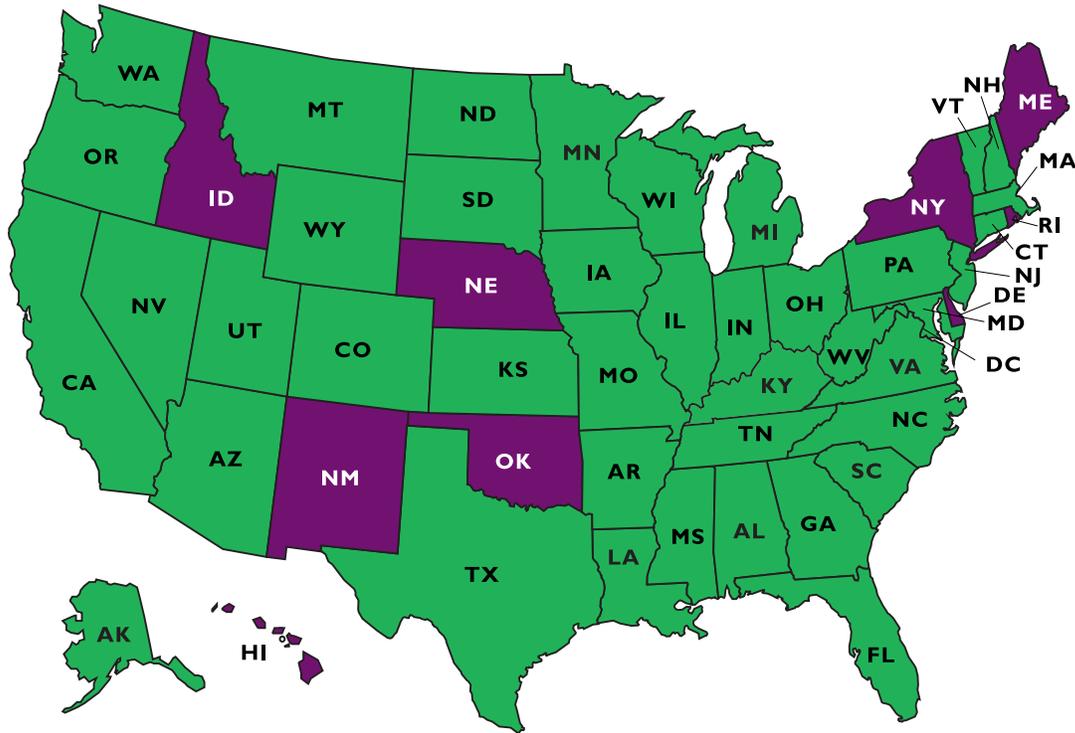
## Provisional Voting

HAVA requires that voters who believe they are properly registered be able to cast provisional ballots if they are not on the rolls when they arrive at their polling place. The law also requires that voters have the ability to check if their vote was counted or not through a “direct access system,” including a toll-free number or a Web site.

Forty states met HAVA's provisional voting requirements. Two states have legislation pending - Massachusetts and New Jersey. Six other states, Idaho, Maine, Minnesota, North Dakota, Wisconsin and Wyoming do not have provisional balloting because they have election-day registration.

HAVA legislation that included compliant provisional balloting language - Kansas, Iowa and Mississippi - was vetoed or died in legislature. In all three cases, these bills were rejected because of divisive voter ID rules. Lawmakers in all three states have stated they will reintroduce bills when their 2004 legislative sessions begin.

## Voting Machine Replacement



- New machines will be in use in some or all localities (since the November 2000 election)
- New machines will not be in use (since the November 2000 election)

By November 2004, 42 states will have new voting machines in place – either statewide, or in most cases, in some counties and jurisdictions – compared with November 2000. In some states this means debuting one accessible machine per polling place, as HAVA requires by 2006. Alaska, which uses optical scan and paper ballots, will be adding 100 DRE machines to polling places by the November elections, and will complete the process by 2006.

The District of Columbia, which has a uniform optical-scan system in place, will also roll out one DRE at each polling place for the January presidential preference primary.<sup>69</sup>

Other states undertook machine replacement before HAVA was passed. Georgia was the first to implement a uniform touch-screen voting system, in the aftermath of the 2000 election. The switch was completed by the November 2002 election.

In other states, the move to new DRE machines has been more controversial.

Maryland plans to complete implementing the statewide rollout of Diebold DRE machines by November 2004. After the

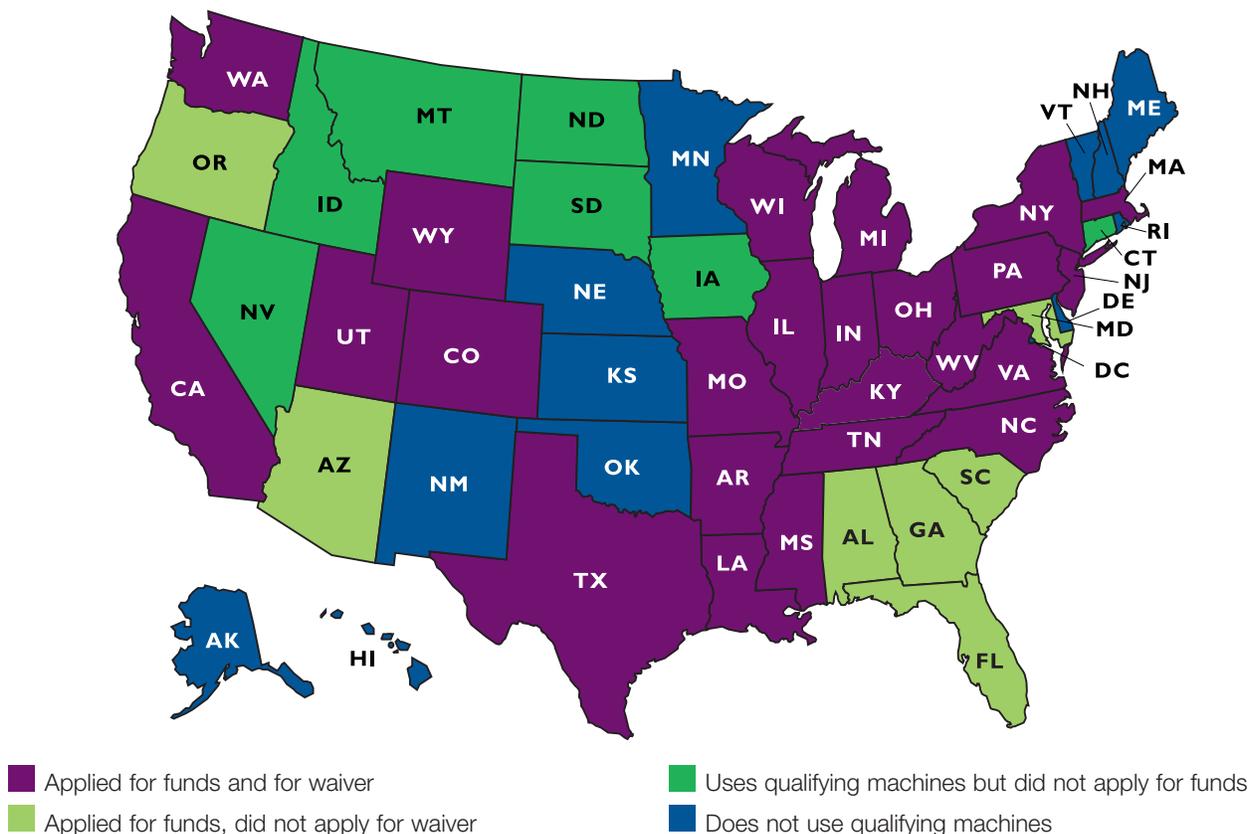
release of a Johns Hopkins University report concerning the machines' vulnerability to hacking, the choice of vendor has been challenged. The state did its own study of the machines and came to the conclusion that while some security concerns were legitimate, they could and would be fixed.

California mandated that all DRE machines in the state must have a voter-verified paper-trail by 2006. Several counties have recently switched to DREs, but by 2004 larger counties including San Diego will also be making the switch.<sup>70</sup>

Nevada recently decided to install touch-screen voting machines statewide. Like California, the state will mandate a voter-verified paper trail, but two years earlier. The Nevada Gaming Control Board, in a memo on Sequoia and Diebold voting machines, stated, "The Diebold electronic voting machine, operating on the software analyzed in the Johns Hopkins and the Science Applications International Corp. Risk Assessment Report, represents a legitimate threat to the integrity of the election process."<sup>71</sup>

States including Hawaii, New Mexico, Oklahoma, Delaware and Rhode Island used optical-scan and DRE machines in 2000.

## Punch Card and Lever Voting Machine Waiver

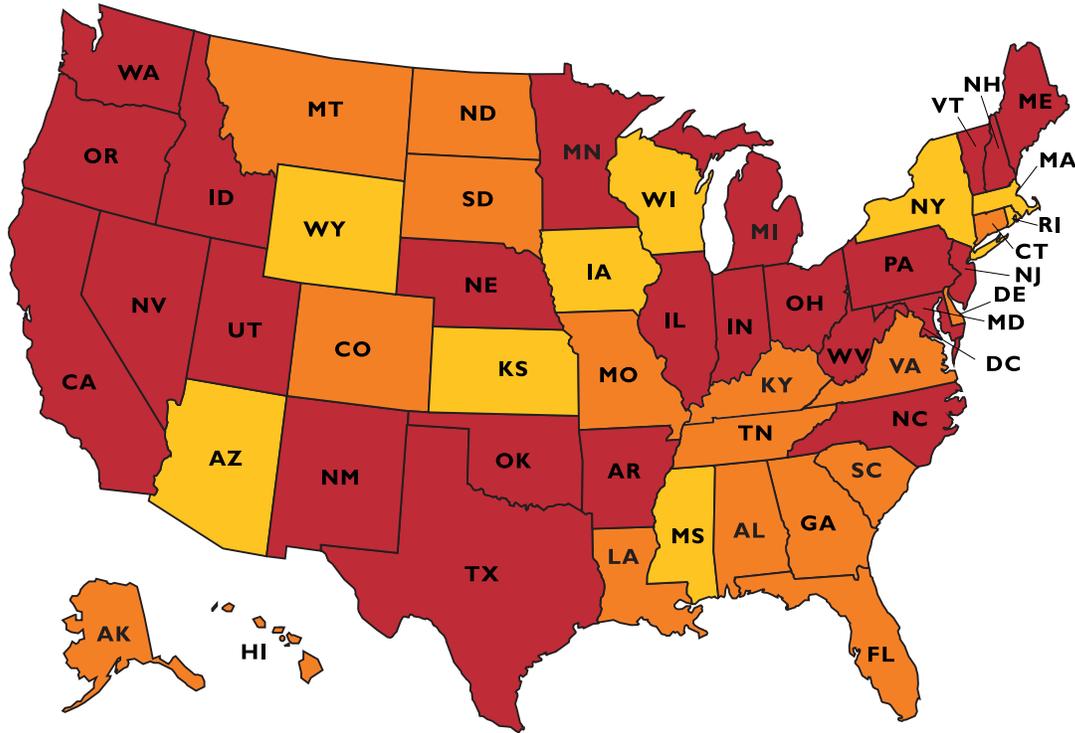


HAVA allows for states that are replacing punch-card and lever voting machines, and accepting federal money to do so, to have these new machines in place by the November 2004 election or apply for a waiver to delay implementation until 2006.

Of the 30 states that applied for federal funds to replace punch-card and/or lever voting machines, 24 applied for a waiver. Ohio opted for a waiver in late 2003 after a state study found security concerns. Secretary of State Kenneth Blackwell decided, “It’s more important to get it right than to get it first.”<sup>372</sup>

Chris Reynolds, senior policy advisor to the California secretary of state, said the state applied for the waiver because, “it is preferable to move with deliberation to ensure that counties buy the most cost-effective system that best meets the needs of their voters, and that there is adequate time for training.”

## Voter ID



- ID required for first-time voters who register by mail and don't include verification with registration form
- ID required for all voters
- ID legislation was vetoed, failed, or is still pending

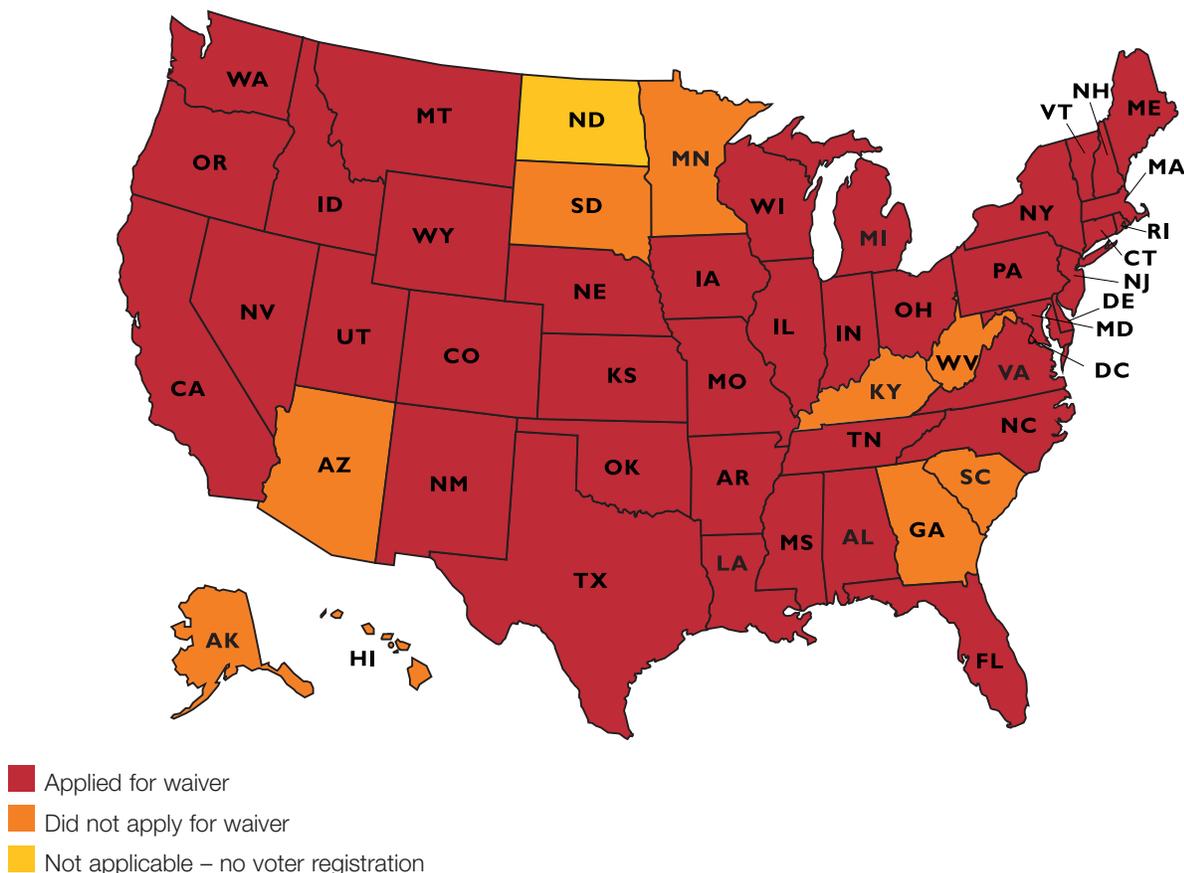
One of the most controversial issues in HAVA and in some state legislatures has been the requirement for voter identification. HAVA mandates that states require first-time voters who register by mail show one of a number of forms of ID when they vote at the polls if they did not include verification when registering.

Twenty-five states have complied. Seventeen states already have or since HAVA passed laws that require all voters to show ID at the polls. Six states have enacted universal voter ID laws in 2003: Alabama, Colorado, Montana, North Dakota, South Dakota, and Tennessee.

In several states however, efforts to pass voter ID bills were either vetoed or died in state legislatures. Mississippi had one of the most contentious debates over voter ID. A bill that died in the House fractured lawmakers along partisan lines, taking with it the states' entire HAVA compliance legislative package.

HAVA compliance bills with universal voter ID were vetoed by Democratic governors in Iowa, Arizona and Kansas.

## Voter Registration Database Waiver



HAVA also requires that states create a uniform, statewide voter registration database. States can also apply for a waiver delaying implementation until January 2006.

Forty-one states have applied for database waivers. Of those that did not, nearly or fully compliant databases were in place.

Several states are delaying their requests for proposals (RFPs) to build these databases because of the uncertainty of federal funding and the delay in the formation of the Election Assistance Commission (EAC).<sup>73</sup>

Mississippi state election director, Leslie Scott, wrote the state “has developed an RFP for a [database], but is delaying release of it until the remainder of 2003 federal appropriations is transferred to the state by the EAC, and until 2004 federal funding is finalized.”

Wisconsin election director Kevin Kennedy said his state would delay until 2006 because “the challenge of making voter registration applicable to all municipalities, establishing uniform administrative procedures for voter registration and converting 320 existing [municipalities is], a larger task than most states face.”



# State Survey Findings



## Alabama

CURRENT VOTING MACHINES:	Optical scan and DRE
VOTING MACHINE PLAN:	Uniform optical-scan system
PUNCH CARD/LEVER WAIVER:	No
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	10 days prior to election.



## Alaska

VOTING MACHINES:	Optical scan and paper
VOTING MACHINE PLAN:	Uniform optical-scan system
PUNCH CARD/LEVER WAIVER:	N/A
REGISTRATION DATABASE WAIVER:	No
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	30 days prior to election.



## Arizona

VOTING MACHINES:	Optical scan
VOTING MACHINE PLAN:	Uniform optical scan
PUNCH CARD/LEVER WAIVER:	No
REGISTRATION DATABASE WAIVER:	No
VOTER ID:	Bill requiring all voters to present ID was vetoed; not HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Partial ban – those convicted of 2nd felony cannot vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	29 days prior to election.



## Arkansas

VOTING MACHINES:	Optical scan, punch card, lever, DRE and paper
VOTING MACHINE PLAN:	Either uniform DRE or optical scan with one DRE per polling place
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	30 days prior to election.



## California

VOTING MACHINES:	Optical scan, punch card and DRE
VOTING MACHINE PLAN:	Undecided – all DREs must have paper trail by 2006
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	15 days prior to election.



## Colorado

VOTING MACHINES:	Optical scan, punch card and paper
VOTING MACHINE PLAN:	Undecided
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	29 days prior to election.



## Connecticut

VOTING MACHINES:	Lever and optical scan
VOTING MACHINE PLAN:	All DRE or retrofitted lever machines
PUNCH CARD/LEVER WAIVER:	N/A. Uses qualifying machines but did not apply for funds.
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	HAVA-compliant system in place.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	14 days prior to election.



## Delaware

VOTING MACHINES:	Uniform DRE
VOTING MACHINE PLAN:	No change
PUNCH CARD/LEVER WAIVER:	N/A
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Partial ban – some ex-felons can vote five years after sentence is completed.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	20 days prior to election.



## District Of Columbia

VOTING MACHINES:	Uniform optical scan. DRE (one per polling place)
VOTING MACHINE PLAN:	No change
PUNCH CARD/LEVER WAIVER:	N/A
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	30 days prior to election.



## Florida

VOTING MACHINES:	Optical scan, DRE
VOTING MACHINE PLAN:	No change
PUNCH CARD/LEVER WAIVER:	No
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons cannot vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	29 days prior to election.



## Georgia

VOTING MACHINES:	Uniform DRE
VOTING MACHINE PLAN:	No change
PUNCH CARD/LEVER WAIVER:	No
REGISTRATION DATABASE WAIVER:	No
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	5th Monday prior to election.



## Hawaii

VOTING MACHINES:	Uniform optical scan
VOTING MACHINE PLAN:	No change
PUNCH CARD/LEVER WAIVER:	N/A
REGISTRATION DATABASE WAIVER:	No
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	30 days prior to election.



## Idaho

VOTING MACHINES:	Optical scan, punch card and paper
VOTING MACHINE PLAN:	Statewide DRE or retrofit punch cards
PUNCH CARD/LEVER WAIVER:	N/A. Uses qualifying machines but did not apply for funds.
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	N/A – election day registration.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	25 days prior to election and election day registration.



## Illinois

VOTING MACHINES:	Optical scan and punch card
VOTING MACHINE PLAN:	Undecided
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	28 days prior to election.



## Indiana

VOTING MACHINES:	Optical scan, punch card, lever and DRE
VOTING MACHINE PLAN:	DREs and/or optical scan
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	29 days prior to election.



## Iowa

VOTING MACHINES:	Optical scan, lever and paper
VOTING MACHINE PLAN:	Undecided
PUNCH CARD/LEVER WAIVER:	N/A. Uses qualifying machines but did not apply for funds.
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Bill requiring ID for all voters vetoed.
PROVISIONAL VOTING:	HAVA legislation vetoed.
EX-FELON VOTING:	Ex-felons cannot vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	10 days before election.



## Kansas

VOTING MACHINES:	Optical scan, DRE and paper
VOTING MACHINE PLAN:	Voter education for centrally-counted optical scan and hand-counted paper ballots
PUNCH CARD/LEVER WAIVER:	N/A
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Bill requiring ID for all voters vetoed.
PROVISIONAL VOTING:	Legislation to be reintroduced in 2004.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	15 days prior to election.



## Kentucky

VOTING MACHINES:	Optical scan, DRE and lever
VOTING MACHINE PLAN:	Undecided
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	No
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons cannot vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	29 days prior to election.



## Louisiana

VOTING MACHINES:	Lever, DRE
VOTING MACHINE PLAN:	Uniform DRE
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	30 days prior to election.



## Maine

VOTING MACHINES:	Optical scan and paper
VOTING MACHINE PLAN:	No change
PUNCH CARD/LEVER WAIVER:	N/A
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	N/A – election-day registration.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	No
REGISTRATION DEADLINE:	10 days prior to election or election day registration.



## Maryland

VOTING MACHINES:	DRE and optical scan
VOTING MACHINE PLAN:	Uniform DRE
PUNCH CARD/LEVER WAIVER:	No
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Partial ban – those with a 2nd felony have a three-year waiting period.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	21 days prior to election.



## Massachusetts

VOTING MACHINES:	Optical scan, lever, and paper
VOTING MACHINE PLAN:	Local authority; punch cards decertified in 1998
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Legislation pending.
PROVISIONAL VOTING:	Legislation pending.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	20 days prior to election.



## Michigan

VOTING MACHINES:	Optical scan, punch card, lever, paper and DRE
VOTING MACHINE PLAN:	Uniform optical scan
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	30 days prior to election.



## Minnesota

VOTING MACHINES:	Optical scan and paper
VOTING MACHINE PLAN:	Uniform optical scan
PUNCH CARD/LEVER WAIVER:	N/A
REGISTRATION DATABASE WAIVER:	No
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	N/A - election-day registration
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	21 days prior to election and election-day registration.



## Mississippi

VOTING MACHINES:	Optical scan, punch card, lever and DRE
VOTING MACHINE PLAN:	Uniform DRE
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Bill requiring ID for all voters vetoed.
PROVISIONAL VOTING:	Legislation to be reintroduced in 2004.
EX-FELON VOTING:	Ex-felons cannot vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	30 days prior to election.



## Missouri

VOTING MACHINES:	Optical scan, punch card and paper
VOTING MACHINE PLAN:	Undecided
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	28 days prior to election.



## Montana

VOTING MACHINES:	Optical scan, punch card and paper
VOTING MACHINE PLAN:	Undecided
PUNCH CARD/LEVER WAIVER:	N/A. Uses qualifying machines but did not apply for funds.
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	30 days prior to election.



## Nebraska

VOTING MACHINES:	Optical scan and paper
VOTING MACHINE PLAN:	Undecided
PUNCH CARD/LEVER WAIVER:	N/A
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	3rd Friday before election. 2nd Friday before election if in registration is done in person.



## Nevada

VOTING MACHINES:	Optical scan, punch card and DRE
VOTING MACHINE PLAN:	Uniform DRE
PUNCH CARD/LEVER WAIVER:	N/A. Uses qualifying machines but did not apply for funds.
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Partial ban – only first-time, non-violent felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	3rd Tuesday prior to election.



## New Hampshire

VOTING MACHINES:	Optical scan and paper
VOTING MACHINE PLAN:	No change
PUNCH CARD/LEVER WAIVER:	N/A
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA compliant.
PROVISIONAL VOTING:	HAVA-compliant and election-day registration.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	10 days prior to election and election-day registration.



## New Jersey

VOTING MACHINES:	Lever and DRE
VOTING MACHINE PLAN:	Undecided
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	Legislation pending.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	29 days prior to election.



## New Mexico

VOTING MACHINES:	DRE and optical scan
VOTING MACHINE PLAN:	No change
PUNCH CARD/LEVER WAIVER:	N/A
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	28 days prior to election.



## New York

VOTING MACHINES:	Uniform lever machines
VOTING MACHINE PLAN:	Undecided
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Legislation pending.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	25 days prior to election.



## North Carolina

VOTING MACHINES:	Optical scan, punch card, lever, paper and DRE
VOTING MACHINE PLAN:	Undecided
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	25 days prior to election.



## North Dakota

VOTING MACHINES:	Optical scan and paper
VOTING MACHINE PLAN:	Optical scan and DRE
PUNCH CARD/LEVER WAIVER:	N/A. Uses qualifying machines but did not apply for funds.
REGISTRATION DATABASE WAIVER:	N/A - no voter registration.
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	N/A
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	N/A - No registration.



## Ohio

VOTING MACHINES:	Punch card, DRE, lever and optical scan
VOTING MACHINE PLAN:	DRE.
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	30 days prior to election.



## Oklahoma

VOTING MACHINES:	Uniform optical scan
VOTING MACHINE PLAN:	Undecided – will modify or replace to meet disability requirements
PUNCH CARD/LEVER WAIVER:	N/A
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	25 days prior to election.



## Oregon

VOTING MACHINES:	Optical scan
VOTING MACHINE PLAN:	Uniform optical scan
PUNCH CARD/LEVER WAIVER:	No
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Mail-in balloting.
REGISTRATION DEADLINE:	21 days prior to election.



## Pennsylvania

VOTING MACHINES:	Optical scan, punch card, lever, paper and DRE
VOTING MACHINE PLAN:	Undecided
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	30 days prior to election.



## Rhode Island

VOTING MACHINES:	Uniform optical scan
VOTING MACHINE PLAN:	No change
PUNCH CARD/LEVER WAIVER:	N/A
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Legislation pending.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	30 days prior to election.



## South Carolina

VOTING MACHINES:	Optical scan, punch card and DRE
VOTING MACHINE PLAN:	Uniform DRE
PUNCH CARD/LEVER WAIVER:	No
REGISTRATION DATABASE WAIVER:	No
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	No
REGISTRATION DEADLINE:	30 days prior to election.



## South Dakota

VOTING MACHINES:	Optical scan and paper
VOTING MACHINE PLAN:	Replace punch cards with optical scan
PUNCH CARD/LEVER WAIVER:	No
REGISTRATION DATABASE WAIVER:	No
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	No
REGISTRATION DEADLINE:	15 days prior to election.



## Tennessee

VOTING MACHINES:	Optical scan, DRE, lever and punch card
VOTING MACHINE PLAN:	Undecided
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Partial ban – those convicted prior to 1986 may not vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	30 days prior to election.



## Texas

VOTING MACHINES:	Optical scan, punch card, lever, DRE and paper
VOTING MACHINE PLAN:	DREs and/or optical scan
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	30 days prior to election.



## Utah

VOTING MACHINES:	Optical scan, punch card and paper
VOTING MACHINE PLAN:	Uniform DRE
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	20 days before election.



## Vermont

VOTING MACHINES:	Optical scan and paper
VOTING MACHINE PLAN:	Upgrade some optical scan machines
PUNCH CARD/LEVER WAIVER:	N/A
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	Noon on 2nd Monday prior to election.



## Virginia

VOTING MACHINES:	Optical scan, punch card, lever, paper and DRE
VOTING MACHINE PLAN:	DREs – localities can choose from list of six vendors
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Required for all voters.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Partial ban.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	29 days prior to election.



## Washington

VOTING MACHINES:	Optical scan, punch card and DRE
VOTING MACHINE PLAN:	Undecided
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Partial ban - those convicted prior to 1984 cannot vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	No
REGISTRATION DEADLINE:	30 days prior to election.



## West Virginia

VOTING MACHINES:	Optical scan, punch card, lever, DRE and paper
VOTING MACHINE PLAN:	Undecided
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	No
VOTER ID:	HAVA-compliant.
PROVISIONAL VOTING:	HAVA-compliant.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	Yes
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	20 days prior to election.



## Wisconsin

VOTING MACHINES:	Optical scan, paper and lever
VOTING MACHINE PLAN:	Undecided
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Bill requiring all voters to present ID vetoed.
PROVISIONAL VOTING:	N/A - election-day registration.
EX-FELON VOTING:	Ex-felons can vote.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	No
REGISTRATION DEADLINE:	13 days prior to election and election-day registration.



# WYOMING

VOTING MACHINES:	Optical scan, punch card, lever and DRE
VOTING MACHINE PLAN:	Undecided
PUNCH CARD/LEVER WAIVER:	Yes
REGISTRATION DATABASE WAIVER:	Yes
VOTER ID:	Legislation pending.
PROVISIONAL VOTING:	N/A – election-day registration.
EX-FELON VOTING:	Partial ban – non-violent, first-time felons can apply to restore their voting rights five years after completion of their sentence.
EXCUSE REQUIRED FOR ABSENTEE VOTING:	No
EARLY VOTING:	Yes
REGISTRATION DEADLINE:	30 days prior to election and election-day registration.

# Election Reform Legislation

Note: the following are bills concerning HAVA and other election administration issues. It is not intended to be an exhaustive list of election-related legislation.

## Alabama

### H.B. 104

*Kennedy*

Restores voting rights of persons convicted of specified crimes.

Vetoed by Governor, 1/16/03

### H.B. 193

*Carns*

Requires voters to present ID prior to casting a challenged or provisional ballot unless poll worker can make a positive identification of the voter.

Enacted, 6/16/03

### S.B. 214

*Smitherman*

Installs voting machines for voters with disabilities or alternative language needs.

Read second time in House, 3/14/03

## Alaska

### H.B. 266

*House Rules Committee by request of the Governor*

Establishes voter registration; training for election officials; preparation and provision of election materials, forms and supplies for polling places; voter identification; absentee voting and counting ballots.

Signed by Governor, Chapter 113 SLA 03, 6/16/03

## Arizona

### S.B. 1075

*Jarrett*

Establishes a HAVA fund to receive federal money.

Signed by Governor, Chapter 260, 6/11/03

## Arizona

### S.B. 1145

*Jarrett and Tully*

Meets requirements of HAVA: provisional and absentee ballots; DRE machines; statewide voter registration database; voter identification, and poll worker training.

Vetoed by Governor, 5/23/03

## Arkansas

### H.B. 1014

*King*

Allows uniformed and overseas citizens to participate in the Federal Voting Assistance Program's pilot project.

Signed by Governor, Act 749, 3/28/03

### H.B. 1017

*King*

Provides uniformed and overseas citizens with write-in absentee ballots.

Signed by Governor, Act 107, 2/14/03

### H.B. 1028

*Bledsoe*

Creates a program for high school students to serve as poll workers.

Signed by Governor, Act 242, 2/27/03

### H.B. 1084

*Clemons*

Requires county clerks to transmit state and federal election results to the secretary of state via Internet.

Signed by Governor, Act 131, 2/17/03

### H.B. 1112

*Agee*

Establishes requirements for early voting.

Signed by Governor, Act 269, 3/3/03

### H.B. 1129

*King*

Sets standards for assisted voting for people with disabilities.

Signed by Governor, 4/16/03

## Election Reform Legislation continued

### H.B. 1265

*King*

Sets requirements for absentee voting.

Signed by Governor, Act 273, 3/3/03

### H.B. 1487

*P. Bookout*

Creates a program for college students to serve as poll workers.

Signed by Governor, Act 1153, 4/9/03

### S.B. 270

*Faris*

Implements parts of HAVA.

Signed by Governor, Act 994, 4/2/03

### S.B. 271

*Faris*

Revises voter registration application to comply with HAVA.

Signed by Governor, Act 995, 4/2/03

### S.B. 745

*Faris*

Creates a HAVA election fund.

Died on House Calendar, 4/17/03

### S.B. 487

*Faris*

Establishes HAVA appropriation for the 2003-2005 biennium.

Signed by Governor, Act 1466, 4/21/03

### S.B. 494

*Faris*

Establishes HAVA appropriation.

Signed by Governor, Act 888, 4/2/03

## California

### A.B. 177

*Oropeza*

Requires all voters to be citizens of the United States and outlines other requirements to be considered a registered voter; establishes a voter bill of rights.

Signed by Governor, Chapter 425,

Approved 9/22/03

### A.B. 1544

*Simitian*

Permits a small city with a population of 100,000 or less, and an eligible entity, to conduct an election entirely by mail.

Signed by Governor, Chapter 401,

Approved 9/17/03

### S.B. 610

*Escutia*

Authorizes the appointment of no more than five students per precinct to serve under the direct supervision of a precinct board member who must be a voter of the state.

Signed by Governor, Chapter 530,

Approved 9/25/03

### S.B. 613

*Perata*

Amends election code to require the driver's license number, the identification number, the Social Security number and any unique identifier used for voter identification to be kept confidential.

Signed by Governor, Chapter 809,

Approved 10/11/03

## Colorado

### H.B. 2-1307

*Fairbank, Fitzgerald*

Revises process of voter registration and information sharing.

Signed by Governor, 6/7/02

### H.B. 3-1006

*Fairbank*

Establishes provisional voting and ballot requirements.

Signed by Governor, 4/17/03

### H.B. 3-1153

*Weddig*

Establishes absentee ballot requirements.

Signed by Governor, 4/17/03

### H.B. 3-1241

*Fairbank*

Verifies signatures on mail-in and absentee ballots.

Signed by Governor, 4/29/03

## Election Reform Legislation continued

### H.B. 3-1271

*Sinclair*

Provides absentee ballots for military personnel and citizens living overseas.

Signed by Governor, 4/22/03

### H.B. 3-1356

*Fairbank – Sandoval*

Implements parts of HAVA to create a fund for receiving federal money.

Signed by Governor, 4/22/03

### S.B. 3-102

*Arnold*

Requires voter to provide ID at polling place, with mail-in ballot and absentee ballot; verify signature.

Signed by Governor, 4/22/03

### S.B. 3-188

*Teck*

Eliminates presidential primary.

Signed by Governor, 3/5/03

## Connecticut

### H.B. 5158

*Government Administration and Elections Committee*

Encourages municipalities to electronically transmit election results to the secretary of state's office.

Signed into law 6/18/03

### H.B. 6370

*Mantilla*

Permits election-day voter registration.

Vetoed 7/9/03

### S.B. 88

*Government Administration and Elections Committee*

Authorizes secretary of state to conduct a demonstration project using electronic voting equipment, and prohibits the use of punch-card voting machines.

Signed by Governor, 4/29/03

## District of Columbia

### B15-81

*Patterson*

Regulates the election of delegates representing the District of Columbia to national political conventions, and for other purposes, changes the dates for holding elections to allow the District of Columbia to hold the first Presidential primary every four years.

Signed by Mayor, 4/15/03,

Resolution No. A15-065

## Florida

### H 29B

*Harrington, Zapata and Murzin*

Implements parts of HAVA: one accessible voting machine per precinct; statewide voter registration database; provisional ballots

Signed by Governor, 7/24/03

### H 1413

*Bedross-Mindingall*

Restores automatically the voting rights of felons following completion of sentence of incarceration and community supervision.

Died in Committee on Public Safety and Crime Prevention 5/02/03

## Georgia

### H.B. 427

*Powell*

Authorizes the secretary of state to develop, program and ballots for use by counties and municipalities using direct recording electronic (DRE) voting systems.

Senate Read Second Time 4/17/03

### S.B. 258

*Unterman*

Removes vote recorders as authorized voting systems and converts to direct recording electronic (DRE) voting systems; complies with the provisions of HAVA; allows students to serve as poll workers.

Signed by Governor, Act 209 6/02/03

## Election Reform Legislation continued

### S.B. 340

*Thomas*

Authorizes the use of DREs with a voter inspected, auditable paper trail and open source software.

*Senate read and referred, 3/27/03*

## Hawaii

### H.B. 1255

*Saiki*

Appropriates \$50,000 for the office of elections to meet the 5 percent fund-matching requirement of HAVA.

*Signed by Governor, Act 195, 6/19/03*

## Idaho

### H.B. 162

*State Affairs Committee*

Implements parts of HAVA: absentee ballots; voter registration ID; revises voter registration application; establishes public access to voter registration list; creates HAVA fund to receive federal money; creates a centralized voter registration database.

*Signed by Governor, Chapter 48 3/13/03*

## Illinois

### H.B. 29

*Lang*

Permits election-day registration for voters voting in their precinct of residence.

*Re-referred to Rules Committee 3/13/03*

### S.B. 428

*Walsh*

Creates website with downloadable registration forms – all forms require voter identification to include voters address; creates a computerized registration file; creates Help Illinois Vote Fund; authorizes use of DRE systems; separate write in ballot given to voters; institutes rules for provisional voting; punch-card guidelines – chad shall be removed by poll workers before counting, any voter who spoils his ballot may return it to election judges for a new ballot.

*Signed by Governor, Public Act 93-0574 8/21/03*

### S.B. 1803

*Jones Jr.*

Sets requirements for DREs.

*Re-referred to Rules Committee 5/2/03*

## Indiana

### S.B. 136

*Landske*

Establishes rules for voting systems; election division budget; training elections workers; voter registration; certification of election results; recounts and challenges; disabled voters and sample ballots.

*Signed by Governor 4/28/03, Effective as of 7/01/03*

### S.B. 318

*Hershman*

Authorizes a county to use electronic voting system for voting by absentee ballot in the office of the circuit court clerk.

*Signed by Governor 4/28/03, Effective 7/01/03*

### S.B. 356

*Landske*

Requires voters to show picture ID before voting.

*Referred to Elections and Civic Affairs 1/16/03*

## Election Reform Legislation continued

### **S.B. 477**

*Lawson, Simpson, Broden and Howard*  
Concerns polling place and voting machine accessibility.  
Signed by Governor 4/30/03, Effective 7/01/03

## **Iowa**

### **H.F. 178**

*Bertz*  
Restores the right of felons to vote when sentence is completed.  
In State Government Subcommittee 2/12/03

### **H.F. 614**

*Committee on State Government*  
Implements voter registration requirements of HAVA; creates a planning and implementation committee; modifies closing hours of polls; makes changes relating to absentee voting procedures, including request and delivery of absentee ballot applications, delivery of absentee ballots to the voter, and delivery of completed absentee ballots to the county commissioner of elections.  
Vetoed 6/30/03

## **Kansas**

### **H.B. 2288**

*Committee on Ethics and Elections*  
Implements parts of HAVA; provisional and absentee ballots; provide sample ballots for voters.  
Vetoed by Governor 4/18/03 Failed to override veto 5/2/03

### **S.B. 102**

*Committee on Elections and Local Government Committee*  
Allows voters to receive a provisional ballot if an advanced voting ballot is destroyed or lost.  
Signed by Governor 4/21/03

### **S.B. 138**

*Haley*  
Restores the right of felons to vote when sentence is completed.  
Referred to Elections and Local Government Committee 2/5/03

## **Kentucky**

### **H.B. 361**

*Arnold, Hoffman*  
Establishes HAVA-compliant provisional voting.  
Taken from committee, 3/25/03

### **H.B. 362**

*Arnold*  
Creates election reform fund for the purpose of carrying out reforms under HAVA.  
Recommitted to House Appropriations & Revenue, 3/24/03

### **S.B. 161**

*Sanders, Jr.*  
Requires the counting of absentee ballots to begin at 10 A.M. on election day,  
Signed by Governor, Chapter 184 3/31/03

## **Louisiana**

### **H.B. 591**

*Gallot*  
Allows a person convicted of a felony prior to adoption of the 1974 Constitution of Louisiana who has fully satisfied and completed his sentence to vote.  
Signed by Governor, 7/01/03

### **H.B. 1211**

*Bruneau*  
Revises voter registration application; issues information as necessary under HAVA; sets procedures for assisted and absentee voting.  
Signed by Governor, 7/03/03

### **H.B. 1283**

*Lancaster*  
Allows students who are seniors in high school and 17 years of age to serve as commissioners on election day.  
Signed by Governor, 6/18/03

### **H.B. 1358**

*Bruneau*  
Implements parts of HAVA: provisional voting; establishes a procedure for filing complaints.  
Signed by Governor, 6/18/03

## Election Reform Legislation continued

### H.B. 1594

*K. Carter*  
Allows the secretary of state to promulgate rules and standards for voter education; creates voter registration week.  
Signed by Governor, 6/10/03

### H.B. 1688

*Lafleur*  
Revises payments for commissioners who serve at the polls on election day.  
Signed by Governor, 7/02/03

## Maine

### LD 200

*Andrews*  
Revokes voting privileges of convicted persons in prison.  
Died 5/1/03

## Maryland

### H.B. 1061

*Ways and Means Committee*  
Establishes an election modernization fund.  
Passed, Chapter 197, 4/7/03

## Massachusetts

### H.B. 333

*Ruane*  
Requires voters to present ID before voting.  
Referred to Committee on Election Laws  
1/1/03

### H.B. 513

*Frost*  
Requires voters who registered by mail and are voting for the first time to present ID.  
Referred to Committee on Election Laws  
1/1/03

### H.B. 1855

*Owens-Hicks*  
Requires voting systems to be accessible to persons with disabilities.  
Referred to Committee on Election Laws  
1/1/03

### S.B. 343

*Creem*  
Requires voting systems to be made available for individuals with disabilities.  
Referred to Committee on Election Laws  
1/1/03

### S.B. 348

*Lees*  
Requires all voters to present ID before voting.  
Referred to Committee on Election Laws  
1/1/03

## Minnesota

### H.F. 16

*Rhodes*  
Establishes a HAVA account.  
Motion to return bill to author; motion prevailed 5/22/03

### H.F. 227

*Ellison*  
Restores eligibility to vote to certain convicted felons who have not completed their sentences.  
Referred to Governmental Operations and Veterans Affairs Policy 1/28/03

### H.F. 777

*Klinzing*  
Allows voting equipment grant funds to be used to purchase precinct-based optical-scan ballot tabulation equipment, including equipment for new precincts resulting from population increases, to replace existing voting equipment, or to provide enhanced training for municipal election clerks and election judges.  
Referred to Governmental Operations and Veterans Affairs Policy 3/10/03

### H.F. 1006

*Boudreau, Kielkucki*  
Requires the secretary of state to create a procedure to review complaints about administration of portions of HAVA.  
Passed 5/14/03 Chapters 5,200,201,204C

## Election Reform Legislation continued

### H.F. 1078

*Paymar*

Implements parts of HAVA: voter registration; identification requirements. Referred to Governmental Operations and Veterans Affairs Policy 3/20/03

### SF 8

*Scheid*

Implements parts of HAVA: establishes account to receive federal HAVA money. Passed 5/30/03

### SF 986

*Wiger*

Implements parts of HAVA: establishes administrative complaint procedures; creates centralized voter registration database; requires ID of first-time voters who registered by mail and are voting for the first time.

Withdrawn and re-referred to Rules and Administration, 4/16/03

## Mississippi

### S.B. 2821

*Robertson*

Implements parts of HAVA: establishes complaint procedure; fund for machine buyouts; voter ID; absentee ballots for overseas military and citizens.

Passed Senate 2/13/03, Passed House 3/6/03, Died in Conference Committee 4/3/03

## Missouri

### H.B. 511

*Deeken*

Changes various election laws to comply with HAVA.

Signed by Governor 7/11/03

### S.B. 321

*Days*

Requires that persons discharged from prison or parole be informed of the procedures to register to vote.

Signed by Governor, 5/30/03

### S.B. 569

*Yeckel*

Revises election laws to comply with HAVA.

Referred to Financial and Governmental Organization, Veterans' affairs and Elections committee 3/19/03

## Montana

### H.B. 87

*Jent*

Bans punch-card ballot voting systems.

Signed by Governor, 4/15/03

### H.B. 155

*Jent*

Revises voting system technology standards and counting process.

Signed by Governor, 4/21/03

### H.B. 201

*Jent*

Establishes the Montana Absent Uniformed Services and Overseas Elector Voting under HAVA.

Signed by Governor, 5/05/03

### H.B. 548

*Jent*

Creates account to implement HAVA.

Signed by Governor 4/03/03

## Nebraska

### L.B. 14

*Schimek*

Creates fund to receive federal money under HAVA.

Signed by Governor 2/20/03

### L.B. 357

*Schimek*

Implements parts of HAVA; centralized database, matches registration list with DMV list; revises registration application.

Signed by Governor 4/16/03, Portions of L.B. 605 amended into L.B. 357, 6/2/03

## Election Reform Legislation continued

### L.B. 358

*Schimek*

Implements parts of HAVA; provides free access system to allow persons who cast provisional ballots to check if vote was counted, and if not, why; allows for different types of voting equipment.

Signed by Governor 5/13/03, Portions of L.B. 153 amended into L.B. 358, 6/2/03

### L.B. 359

*Schimek*

Implements parts of HAVA; changes voter registration application to include verification of citizenship; requires voters to provide driver's license number or last four digits of Social Security number; ID for first time voters; provisional and absentee ballots.

Engrossed 2/10/03, Signed by Governor 4/16/03

### L.B. 548

*Aguilar*

Establishes that election workers shall not be subject to penalties from employers.

Signed by Governor 4/30/03

## Nevada

### A.B. 55

*Anderson*

Restores automatically the right of vote for certain ex-felons.

Signed by Governor, Chapter 447, 6/11/03

### A.B. 125

*Committee on Elections, Procedure, and Ethics*

Implements parts of HAVA; allows persons at least 16 years of age to serve as a trainee for the position of election board officer; provides accessible voting machines for disabled or elderly persons; provides sample ballots.

Signed by Governor Chapter 303 5/29/03

### S.B. 417

*Committee on Finance*

Creates election fund to receive money pursuant to HAVA.

Signed by Governor, Chapter 22, 4/25/03

### S.B. 453

*Committee on Government Affairs*

Implements parts of HAVA: including creation of a centralized voter registration database, and rules for provisional and absentee ballots.

Signed by the Governor, Chapter 382 6/09/03

## New Hampshire

### H.B. 305

*Brundige*

Increases time voters are allowed in voting booth.

Signed by Governor 4/23/03

### H.B. 319

*Buckley*

Implements parts of HAVA: creates computerized state registration database by 1/1/04.

Inexpedient to legislate 3/12/03

### H.B. 577-FN-A-L

*Flanagan*

Establishes fund to appropriate HAVA money; authorizes statewide voter registration and modify registration form.

Passed Senate Finance Committee 6/5/03

## New Jersey

### A 337

*O'Toole*

Requires registered voters to present photo ID when voting.

Referred to Assembly State Government Committee 1/8/02

### A 405

*Munoz, Kean, and Altamuro*

Establishes matching grant program to assist counties in upgrading election equipment; appropriates \$5 million.

Transferred to Assembly State Government Committee 1/31/02

## Election Reform Legislation continued

### A 415

*Kean and Merkt*

Permits persons aged 16 or 17 to be appointed to district boards of elections in certain circumstances.

Signed by Governor, Chapter 125, 12/13/02

### A 586

*Watson*

Requires use of electronic voting machines in elections.

Referred to Assembly State Government Committee 1/8/02

### A 3151

*Caraballo, Burzichelli and Greenstein*

Implements parts of HAVA; creates federal assistance fund; requires verification citizenship on registration application; bans lever and punch card machines; provisional and absentee ballots.

Passed by Assembly 12/15/03

### A 3434

*Ahearn*

Establishes centralized voter registration list; appropriates \$5.3 million.

Referred to Assembly State Government Committee 3/10/03

### A 3560

*Greenstein*

Conforms current State law to HAVA and appropriates \$4.35 million.

Combined with A3151 (ACS) 6/5/03

## New Mexico

### H.B. 383

*Sandoval*

Implements parts of HAVA: establishes complaint procedure; voter ID and registration; provisional and absentee voting; overseas voters; electronic voting systems; creates electronic voting system fund.

Signed by Governor, Chapter 356, 4/8/03

### H.B. 409

*Sandoval*

Revises rules for handling of absentee ballots.

Signed by Governor, Chapter 354, 4/8/03

### H.B. 702

*Cordova*

Eliminates certain restrictions on absent uniformed service voters and overseas voters.

Signed by Governor, Chapter 355, 4/8/03

### H.B. 985

*Park*

Regards inspection of precinct voter lists by poll watchers and the appointment of poll watchers.

Signed by Governor, Chapter 377, 4/8/03

### S.B. 540

*Duran*

Allows for absentee voting rather than early voting for any regular or special municipal election.

Signed by Governor, Chapter 244, 4/6/03

## New York

### A 5472

*Cahill*

Requires at least one voting machine per polling place to be accessible for voting to the blind, visually handicapped and mobility impaired.

Referred to Election Law 3/3/03

### A 8840

*Lentol*

Requires election inspectors to post in the polling place before the opening of the polls voter information, including sample ballots, certain instructions relating to voting, a voter's bill of rights and general information on federal and state laws.

Signed by Governor, Chap. 263, 7/29/03

### A 8841

*Benjamin*

Establishes and maintains a uniform, administrative complaint procedure for any person who believes that there is a violation of any provision of HAVA.

Referred to Rules 6/17/03

## Election Reform Legislation continued

### A 8842

*Destito*

Makes numerous changes relating to the process of voter registration; the use of voting machines by people who register through mail; establishes criteria that people must meet before he or she may vote on a voting machine at any election; makes additional requirements to be included on the statewide application form; creates a statewide computerized voter registration list; filing of registration records.

Referred to Rules 6/17/03

### A 8847

*Wright*

Enacts the Voting Systems Standards Act of 2003; includes electronic display within the definition of the ballot; implements a statewide uniform voting machine, and eliminates punch cards and all punch-card voting systems.

Referred to Rules 6/17/03

### S 5686

*Morahan*

Eliminates punch-card ballots and establishes HAVA implementation fund; establishes a voter complaint procedure; repeals certain provisions of the election law relating to punch-card ballots.

Referred to Election Law 6/20/03

### S 5687

*Morahan*

Appropriates \$3 million to HAVA implementation fund to facilitate establishment of a statewide voter registration database and election results reporting system.

Referred to Election Law 6/20/03

## North Carolina

### H.B. 100

*Allred*

Requires at the polls a means of identification for all voters; requires voters to sign before voting at polls and at early voting sites; brings North Carolina into compliance with HAVA.

Referred to Election Law and Campaign Finance Reform 2/26/03

### H.B. 548

*Michaux and Stam*

Appropriates funds to the state board of elections to comply with 5 percent match as required by HAVA.

Re-referred to House Appropriations, 3/20/03

### H.B. 549

*Michaux and Stam*

Establishes the election fund required by HAVA.

Signed by Governor 4/16/03

### H.B. 869

*Gorman, Blust*

Advances the date for reporting mailed absentee and one-stop votes by precinct from 2006 to 2004 for those counties capable of doing so.

Signed by Governor 6/12/03

### H.B. 1120

*Alexander, Insko*

Permits the appointment of certain high school students as student election assistants.

Signed by Governor 6/27/03

## North Dakota

### S.B. 2248

*Fischer*

Creates early voting precincts and provides absentee ballots for military and citizens living overseas.

Signed by Governor, 4/24/03

### S.B. 2394

*Krebsbach*

Creates a central voter file for the purpose of preventing and determining voter fraud; provisional voting.

Signed by Governor, 4/16/03

### S.B. 2409

*Stenehjem, O'Connell*

Creates an election fund and rules to establish a state-based voting grievance procedure and to certify and decertify electronic voting systems.

Signed by Governor, 4/16/03

## Oklahoma

### H.B. 1412

*Pettigrew*

Establishes as a felony voting in an old precinct after registering in new one. Voter fraud and penalties information shall be listed at polls. Sets standard for complaint procedures.

Signed by Governor, 5/30/03

### S.B. 192

*Morgan*

Directs federal reimbursements into the state's Special Cash Fund; creates revolving fund.

Signed by Governor 4/30/03

### S.B. 358

*Leftwich*

Absentee Ballot affidavits may not be signed by anyone related (within the third degree of consanguinity) to a candidate on the ballot; in-person absentee ballot signatures may be certified by the absentee voting board or the county election board secretary and another member of the absentee voting board; anyone covered by the Uniformed and Overseas Citizens absentee Voting Act of 1986 may receive, without registration, absentee ballots; double voters are guilty of a felony; sets minimum salary requirements for county election boards

Signed by Governor 5/30/03

## Oregon

### H.B. 2145

*Pre-session filed on behalf of Secretary of State Bill Bradbury*

Creates Elections Fund to deal with HAVA funding. Changes central database deadline from 2004 to 1/1/06; sets appropriations - approximately \$7.3 million total for HAVA expenditures.

Signed by Governor, 4/29/03

### H.B. 3173

*Patridge*

Requires first-time registrants to show valid photo ID, current utility bill, or other valid government document when voting; brings Oregon into compliance with HAVA.

In Rules and Public Affairs committee  
8/27/03

## Rhode Island

### S 114

*Irons*

Designates secretary of state as chief state election official.

Signed by Governor 4/24/03

### S 295

*Ciccone III*

Requires voters to use a photo ID to vote, including valid driver's license, state ID card and military ID.

Referred to Senate Judiciary committee  
2/06/03

### S 481

*DaPonte*

Directs the State Board of Elections to establish an administrative complaint procedure in accordance with HAVA; allows for provisional voting in accordance with HAVA; designates secretary of state as the single office responsible for providing information regarding voter procedures under section 702 of HAVA.

Effective without Governor's signature,  
7/15/03

### S 730

*Badeau*

Gives state board authority to promulgate rules to implement and enforce HAVA provisions.

Referred to Senate Judiciary Committee  
2/26/03

### S 734

*Badeau*

Adds citizenship, age and other questions in compliance with HAVA identification requirements.

Referred to Senate Judiciary Committee  
2/26/03

## Election Reform Legislation continued

### S 735

*Badeau*

Implements provisional voting and identification requirements of HAVA.

Referred to Senate Judiciary Committee  
2/26/03

### S 737

*Badeau*

Implements first-time voter mail-in registration requirements of HAVA.

Referred to Senate Judiciary Committee  
2/26/03

## South Dakota

### H.B. 1176

*McCaulley*

Requires voters to provide identification before voting or obtaining an absentee ballot.

Signed by Governor, 3/22/03

### S.B. 13

*Committee on Local Government*

Implements parts of HAVA: centralized voter registration database; revises registration application; ID for first time voters; complaint procedure, provisional ballots.

Signed by Governor, 3/5/03

## Tennessee

### S.B. 120

*Graves*

Creates mechanism for certain voters to vote absentee who will not be in-state during early voting nor on election day and who have no specific out-of-country or out-of-state location to which an absentee ballot may be sent.

Signed by Governor, Chapter 33, 4/23/03

## Texas

### H.B. 402

*Madden*

Establishes pilot program involving the use of an electronic voting system.

Signed by Governor, 6/20/03

### H.B. 1517

*Jones*

Publicizes a list of voters' rights.

Vetoed by Governor, 6/20/03

### H.B. 1549

*Denny*

Implements portions of HAVA; revises registration application; creates statewide voter registration database; provisional and absentee ballots.

Signed by Governor, 6/22/03

### H.B. 1695

*Goodman*

Sets training standards for election judges; changes poll hours, sets procedures for recounts and run-offs.

Signed by Governor, 6/22/03, Effective on 9/1/03

### H.B. 1697

*Denny*

Sets standards for the recount of elections in which direct recording electronic voting machines were used.

Signed by Governor 6/20/03, Effective on 9/1/2003

### H.B. 2085

*Campbell*

Requires employment of bilingual (Spanish and English) election clerks for elections in certain circumstances.

Signed by Governor 6/20/03, Effective on 9/1/03

### H.B. 2434

*Campbell*

Assigns voter registration numbers; revises registration application; voter ID; provisions for election offenses.

Referred to Elections 3/18/03

### S.B. 910

*Nelson*

Implements parts of HAVA; provisional voting, voter ID.

Referred to State Affairs 3/11/03

## Election Reform Legislation continued

### Utah

#### H.B. 103

*Pace*

Changes requirements for voter registration forms and processes.

Signed by Governor, 3/15/03

#### S.B. 55

*Eastman*

Sets standards for preparing, voting, counting and otherwise administering provisional ballots.

Signed by Governor, 3/15/03

#### S.B. 68

*Eastman*

Set requirements for voter ID voting procedures; disposition of absentee ballots.

Signed by Governor, 3/15/03

### Vermont

#### H 460

*House Committee on Local Government*

Implements parts of HAVA: restricts public access to voter registration list; revises voter registration application; establishes complaint procedure; prohibits lever machines; establishes procedures for absentee and provisional ballots.

Signed by Governor 6/7/03

### Virginia

#### H.B. 2198

*Jones*

Requires ID of provisional voters.

Signed by Governor, Chapter 984, 4/3/03

#### H.J. 635

*Moran*

Authorizes the General Assembly to provide by general law for the restoration of civil rights for persons convicted of nonviolent felonies who meet the conditions prescribed by law.

Signed by Governor, Chapter 958, 3/24/03

#### S.J. 350

*O'Brien*

Meets the requirements of HAVA to obtain funds available through the Act for improving the voter registration and election process, including the development of a state plan for use of funds to improve voter registration procedures and the conduct of elections.

Passed Senate and House 3/6/03

### Washington

#### H.B. 1161

*McDermott*

Creates an election account for HAVA funds.

Reintroduced in special session 6/4/03

#### H.B. 1222

*Dickerson*

Requires secretary of state to establish standards for voting technology so machines are accessible to persons with disabilities.

Signed by Governor 5/7/03

#### S.B. 5374

*Roach*

Creates an election account for HAVA money.

Signed by Governor 4/17/03

### West Virginia

#### H.B. 2843

*Mahan*

Implements parts of HAVA: establishes compliant standards.

Referred to the Judiciary Committee 2/3/03

#### S.B. 648

*Oliverio*

Provides written notice to registered voters if precinct is changed; instructions for provisional ballots; election worker training; absentee ballots.

Signed by Governor 4/8/03

## Election Reform Legislation continued

### Wisconsin

#### A.B. 111

*Stone*

Requires voters to provide ID in order to vote at a polling place or obtain an absentee ballot.

Assembly amendment offered by joint committee on Finance 3/12/03

#### A.B. 123

*Freese*

Creates an election administration fund with an appropriation.

Report Signed by Governor with partial veto (rule-making authority) 7/24/03

#### A.B. 600

*Committee on Campaigns and Elections*

Creates voter registration database; voter education; requires ID for some first-time voters; establishes electronic voting system standards and voter registration numbers.

Placed on calendar 11/5/03, by committee on Rules 10/30/03

### Wyoming

#### H.B. 172

*Ross and Meier*

Grants rulemaking authority to the secretary of state to comply with HAVA.

Signed by Governor, Chapter 183, 3/7/03

#### S.F. 65

*Goodenough*

Restores voting rights lost by convicted felons.

Signed by Governor, Chapter 132, 3/5/03

# Resources

## Government

### **Committee on House Administration, U.S. House of Representatives**

[www.house.gov/cha](http://www.house.gov/cha)

The Committee on House Administration's jurisdiction extends to election of the President, Vice President, Members, Senators, Delegates, or the Residents Commissioner, examining corrupt practices, contested elections, credentials and qualifications and Federal elections.

### **Committee on Rules and Administration, U.S. Senate**

[rules.senate.gov](http://rules.senate.gov)

The Committee on Rules and Administration is referred all proposed legislation, messages, petitions, memorials and other matters pertaining to federal elections generally, including the election of the President, Vice President and members of Congress.

### **Federal Election Commission**

[www.fec.gov](http://www.fec.gov)

The Federal Election Commission (FEC) is an independent regulatory agency charged with administering and enforcing the federal campaign finance law. The FEC has jurisdiction over the financing of campaigns for the U.S. House, the U.S. Senate, the Presidency and the Vice Presidency.

### **Federal Voting Assistance Program**

[www.fvap.gov/index.html](http://www.fvap.gov/index.html)

The Federal Voting Assistance Program was established to provide U.S. citizens worldwide with information and assistance to facilitate participation in the democratic process.

### **General Accounting Office**

[www.gao.gov](http://www.gao.gov)

The General Accounting Office (GAO) is the independent and nonpartisan research arm of Congress.

### **THOMAS: Library of Congress' Source for Federal Legislation**

[thomas.loc.gov](http://thomas.loc.gov)

THOMAS provides Internet access to federal legislation.

### **U.S. Department of Justice – Civil Rights Division, Voting Section Home Page**

[www.usdoj.gov/crt/voting/index.htm](http://www.usdoj.gov/crt/voting/index.htm)

The Voting Section conducts administrative review of voting practices and procedures and undertakes investigations and litigation throughout the United States and its territories.

### **U.S. Commission on Civil Rights**

[www.usccr.gov](http://www.usccr.gov)

The U.S. Commission on Civil Rights is an independent, bipartisan, fact-finding agency of the legislative branch established under the Civil Rights Act of 1957.

## Commissions and Task Forces

### **Caltech-M.I.T./Voting Technology Project**

[www.vote.caltech.edu](http://www.vote.caltech.edu)

The Caltech-M.I.T./Voting Technology Project was established by Caltech President David Baltimore and M.I.T. President Charles Vest to evaluate the current state of reliability and uniformity of U.S. voting systems, establishing uniform attributes and quantitative guidelines for performance and reliability of voting systems and proposing uniform guidelines and requirements for reliable voting systems.

## Resources continued

### **National Commission on Federal Election Reform**

[www.reformelections.org](http://www.reformelections.org)

The National Commission on Federal Election Reform, organized by the Miller Center of Public Affairs and the Century Foundation, recommended ways to improve the accuracy and fairness of federal elections. It was chaired by former Presidents Jimmy Carter and Gerald Ford.

### **Select Task Force on Election Reform in Florida, Collins Center**

[www.collinscenter.org/initiatives/initiatives\\_show.htm?doc\\_id=105009](http://www.collinscenter.org/initiatives/initiatives_show.htm?doc_id=105009)

This task force appointed by Florida Governor Jeb Bush issued a 78-page report that recommended 35 changes to improve Florida's election process in time for the 2001 Florida legislative session. Members in both parties of the Florida legislature introduced legislation that reflected many of the bipartisan task force's recommendations.

### **Brookings Institution's Study of Election Reform**

[www.brook.edu/dybdocroot/gs/projects/electionreform/ElectionReform.htm](http://www.brook.edu/dybdocroot/gs/projects/electionreform/ElectionReform.htm)

As a part of the Governmental Studies program, the Election Reform section provides resources including case law, legal and policy materials and legislative developments on election reform.

### **California Voter Foundation**

[www.calvoter.org/votingtechnology.html](http://www.calvoter.org/votingtechnology.html)

The California Voter Foundation is a nonprofit, nonpartisan organization that seeks to promote and apply the responsible use of technology to improve the democratic process in the United States.

### **Center for Voting and Democracy**

[www.fairvote.org](http://www.fairvote.org)

The Center for Voting and Democracy conducts research, analysis, education and advocates instant runoff voting and forms of proportional representation as alternatives to winner-take-all plurality elections.

### **Common Cause – Election Reform**

[www.commoncause.org/action/action.cfm?topicid=6](http://www.commoncause.org/action/action.cfm?topicid=6)

Common Cause teams with a large coalition of organizations to lobby for election reform at the state and federal levels.

### **Demos – Democracy Clearinghouse**

[www.demos-usa.org/demos/democracy\\_reform/](http://www.demos-usa.org/demos/democracy_reform/)

A one-stop resource for information on democracy issues in the United States and the activities of state-based pro-democracy movements. The site covers a range of issues from election-day registration to restoring voting rights to citizens with felony convictions to expanding democracy through state implementation of the Help America Vote Act.

## Organizations

### **American Association of People with Disabilities Vote Project**

[www.aapd-dc.org](http://www.aapd-dc.org)

The American Association of People with Disabilities' (AAPD) Vote Project focuses on polling place and voting system access for people with disabilities, encouraging disability service providers to comply with the provisions of the National Voter Registration Act and encouraging people with disabilities to run for office and to get involved in the political process.

## Resources continued

### **Election Center**

[www.electioncenter.org](http://www.electioncenter.org)

The Election Center is a professional organization of voter registrars, election supervisors, election directors, city clerks/city secretaries, county clerks, county recorders, state election directors and secretaries of state for each of the individual states, territories and the District of Columbia. An election reform task force report produced by the Center is available on its website.

### **ElectionReform.org**

[www.electionreform.org/ERMain](http://www.electionreform.org/ERMain)

ElectionReform.org's mission is to encourage effective changes to the current American election process. It encourages public awareness of election reform and advocates stronger public activism dealing with election reform issues.

### **Electronic Voting**

[www.notablessoftware.com/evote.html](http://www.notablessoftware.com/evote.html)

This website is dedicated to electronic voting – the pros and cons, questions answered and updates on electronic voting maintained by an advocate for voter-verified paper audit trails. There are other links, as well as testimonies from California and Florida.

### **Election Reform Information Network (ERIN)**

[erin.home.4t.com/home.html](http://erin.home.4t.com/home.html)

Advocating bi-partisan election reform, with the goal of improving the efficiency, equity and accuracy of election returns all across the United States.

### **International Association of Clerks, Recorders, Election Officials and Treasurers**

[www.iacreot.com](http://www.iacreot.com)

Founded in 1971, this group's members are governmental officials whose responsibilities fall into one of four areas – finance, land records, courts, and elections. In response to the 2000 Presidential Election in the United States, IACREOT formed a Resource and Review Commission of election experts who have participated in election reform matter.

### **Johns Hopkins University and Rice University Report on Electronic Voting**

[avirubin.com/vote.pdf](http://avirubin.com/vote.pdf)

This is a report on the security and integrity of the Diebold electronic voting machine.

### **League of Women Voters**

[www.lwv.org](http://www.lwv.org)

The League of Women Voters is a nonpartisan, locally-based voice on elections. Leagues across the country promote election reforms at the state and local levels.

### **NAACP**

[www.naacp.org](http://www.naacp.org)

The NAACP is the oldest civil rights organization in the country. The NAACP filed a number of law suits around the country in the aftermath of the 2000 election, most recently reaching a settlement with the state of Florida. It also produced election reform “report cards” for all 50 states. Both the settlement details and the report cards are available at the organization's website.

### **National Association of Counties**

[www.naco.org](http://www.naco.org)

The National Association of Counties' (NACo) membership totals more than 2,000 counties, representing over 80 percent of the nation's population. The organization produced and election reform task report, which is available at the website.

### **National Association of County Recorders, Election Officials, and Clerks**

[www.nacrc.org](http://www.nacrc.org)

The National Association of County Recorders, Elections Officials and Clerks is a professional organization of elected and appointed county administrative officials.

## Resources continued

### **National Association of Secretaries of State**

[www.nass.org](http://www.nass.org)

The National Association of Secretaries of State seeks to lead the debate on improving voter registration processes, increasing government services available over the internet and promoting election reform policies at the state and national levels.

### **National Association of State Election Directors**

[www.nased.org](http://www.nased.org)

Members of the National Association of State Election Directors (NASED) meet annually to share information, hear from pertinent speakers on the issues of the day, and to develop a network among those in the election community.

### **National Conference of State Legislatures**

[www.ncsl.org](http://www.ncsl.org)

The National Conference of State Legislatures (NCSL) promotes the views of state lawmakers from around the country. The website's election section provides the user with regular updates of election reform activity in the states.

### **Paralyzed Veterans of America**

[www.pva.org](http://www.pva.org)

The Paralyzed Veterans of America supports comprehensive election reform legislation that ensures accessibility, privacy and integrity for all registered voters, including voters with disabilities.

### **StateAction.org - Center for Policy Alternatives**

[www.cfpa.org/issues/governance/elections/index.cfm](http://www.cfpa.org/issues/governance/elections/index.cfm)

StateAction.org's Center for Policy Alternatives has a comprehensive website dealing with many issues, including voting reform. Model legislation is also available for review as well as articles pertaining to voting reform from past newsletters.

### **Stateline.org**

[www.stateline.org](http://www.stateline.org)

Stateline.org, which like electionline.org is supported by The Pew Charitable Trusts, was founded in order to help journalists, policymakers and engaged citizens become better informed about innovative public policies.

### **Usability Professionals' Association**

[www.upassoc.org/upa\\_projects/voting\\_and\\_usability/index.html](http://www.upassoc.org/upa_projects/voting_and_usability/index.html)

One major project that is being undertaken by the Usability Professionals' Association is that of creating and implementing usable ballots. The UPA promotes improved ballot design.

### **Verified Voting**

[www.verifiedvoting.org](http://www.verifiedvoting.org)

Verified Voting was formed in response to the growing concern over the integrity of the voting process with the following three goals in mind. First, inform the public of the problems with reliance on electronic voting systems without a paper trail. Second, propose feasible solutions to the problems at hand. Third, provide a list of possible actions for supporters to guarantee that their vote is counted in future elections.

### **Voter March**

[www.votermarch.org](http://www.votermarch.org)

The Voter March is a nationwide organization for voter rights and electoral reform with sixty chapters across the United States. Their mission includes enhancing Federal Election Commission capabilities, modify vote count methods, and improve voter education.

# Endnotes

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# Methodology

Information for this report was compiled between June 2003 and December 2003. For information on state legislation, state legislative Web sites were used as primary sources. Offices of clerks and lawmakers assisted in answering some questions when they arose.

For the state-by-state survey, election directors in 50 states and the District of Columbia were contacted with survey questions. Responses were received from 46 states and the District of Columbia. In the four states that did not respond, a combination of legislature Web sites, task force reports, Help America Vote Act compliance plans, news reports and *electionline.org* newsletter stories and reports were used to compile information.

State reports crafted in accordance with the Help America Vote Act were used extensively

to gather background information for all of the states and the District of Columbia.

Sources used in the text are indicated in endnotes. Numerous other sources were used for background research. Many of those resources are listed in the report. For information on litigation, Lexis/Nexis was used along with, in some cases, interviews with plaintiffs and/or defendants.

The opinions expressed by election officials, lawmakers or other interested parties do not reflect the views of non-partisan and non-advocacy *electionline.org* or the Election Reform Information Project. All questions concerning research methods should be directed to Sean Greene, research coordinator at 202-338-9860.



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[electionline.org](http://electionline.org), administered by the Election Reform Information Project, is the nation's only nonpartisan, non-advocacy website providing up-to-the-minute news and analysis on election reform.

After the November 2000 election brought the shortcomings of the American electoral system to the public's attention, The Pew Charitable Trusts made a grant to the University of Richmond to establish a clearinghouse for election reform information. Serving everyone with an interest in the issue—policymakers, officials, journalists, scholars and concerned citizens—[electionline.org](http://electionline.org) provides a centralized source of data and information in the face of decentralized reform efforts.

[electionline.org](http://electionline.org) hosts a forum for learning about, discussing and analyzing election reform issues. The Election Reform Information Project also commissions and conducts research on questions of interest to the election reform community and sponsors conferences where policymakers, journalists and other interested parties can gather to share ideas, successes and failures.